

State of Iowa

1974

IOWA
DEPARTMENTAL

RULES

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JANUARY

1974

SUPPLEMENT

Containing

The permanent rules of general application promulgated by
the state departments from July 1, 1973 to January 1, 1974



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NOTICE

The statutes provide that the Code Editor may publish cumulative, semi-annual supplements to the Iowa Departmental Rules. Inquiry should be made each six months of the Superintendent of Printing for distribution of these supplements.

PREFACE

This volume is published in compliance with section 14.6(5) of the Code. The rules of the various boards and departments are arranged in alphabetical order, using the names of the departments in general use.

Not all of the rules promulgated by the state departments have been included. The Act specifies "permanent" rules of "general application." Where rules have been omitted by the editor there is a notation indicating where such rules may be obtained.

THE EDITORS

January 1974

PUBLICATION OF DEPARTMENTAL RULES

Section 14.6 of the Code, subsection 5 as amended by 65 G.A., chapter 122, §2, requires the Code editor to:

"Prepare the manuscript copy, and cause to be printed by the state superintendent of printing in each year in which a Code is published, a volume which shall contain the permanent rules and regulations of general application, promulgated by each state board, commission, bureau, division or department, other than a court, having statewide jurisdiction and authority to make such rules. The Code editor may omit from said volume all rules and regulations applying to professional and regulatory examining and licensing provisions and any rules and regulations of limited application and temporary rules. The Code editor may make reference in the volume as to where said omitted rules and regulations may be procured.

"This volume shall be known as the Iowa Departmental Rules and any rule printed therein may be cited as I.D.R. . . . giving the year of publication and the page where the particular rule, by number, may be found.

"The volume of rules and regulations published by the Code editor shall be sold and distributed by the superintendent of printing in the same manner as Codes and session laws.

"The Code editor may provide cumulative, semiannual supplements for insertion in the latest published volume."

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AGRICULTURE DEPARTMENT

Pursuant to the authority of section 164.4 of the Code, rules appearing in 1973 IDR, chapter 1, 21 to 22 relating to bovine brucellosis are amended by adding new rules as follows:

[Filed September 25, 1973]

1.138(164) Fee schedule.

1.138(1) *Bleeding*. Five dollars per stop (herd), two dollars per head for the

first ten head and one dollar fifty cents per head for each one over ten.

1.138(2) *Tagging and branding reactors*. Seven dollars and fifty cents for the first reactor and two dollars fifty cents for each additional reactor.

[Effective September 25, 1973]

AGRICULTURE DEPARTMENT

(continued)

Pursuant to the authority of section 159.5(10) of the Code, the rules appearing in 1973 IDR, chapter 1, page 22 relating to livestock diseases are amended by adding a new rule as follows:

[Filed October 10, 1973]

1.139(163) Definitions.

1.139(1) *Bleeding*. Bleeding shall mean the taking of a blood sample in a vial or tube, to be submitted to a laboratory for testing and diagnosis of diseases.

1.139(2) *Injection*. Injection shall mean the injection of tuberculin into a

prescribed area of the animal as a diagnostic test for tuberculosis.

1.139(3) *Reading*. Reading shall mean the examination of the injection site to ascertain whether or not there has been a reaction. A reaction at the injection site is a positive diagnosis of tuberculosis.

1.139(4) *Stop*. Stop shall mean a personal visit at a particular farm for the expressed purpose of testing animals for tuberculosis or brucellosis, for reading animals for tuberculosis, or for tagging and branding animals diagnosed as having tuberculosis or brucellosis.

[Effective October 10, 1973]

AGRICULTURE DEPARTMENT

(continued)

Pursuant to the authority of section 163A.9 of the Code, rules appearing in 1973 IDR, chapter 1, page 22 relating to livestock diseases are amended by adding a new division as follows:

[Filed September 25, 1973]

ERADICATION OF SWINE BRUCELLOSIS

1.142 Reserved for future use.

1.143(163A) Fee schedule.

1.143(1) *Bleeding*. Five dollars per stop (herd), one dollar fifty cents for the first ten and one dollar twenty-five cents for all over ten.

1.143(2) *Tagging*. Five dollars per stop (herd) and one dollar a head.

1.144 Reserved for future use.

[Effective September 25, 1973]

AGRICULTURE DEPARTMENT

(continued)

Pursuant to the authority of section 159.5(10) of the Code, rules appearing in 1973 IDR, chapter 1, page 22 relating to livestock diseases are amended by adding a new division as follows:

[Filed October 16, 1973]

ERADICATION OF SWINE TUBERCULOSIS

1.145(159) Indemnity. Indemnity may be paid for losses incurred by slaughtering establishments in the event native Iowa swine purchased by the establishments for immediate slaughter are determined to have tuberculosis by the official meat inspector at the establishment, subject to laboratory confirmation at the discretion of the department by any laboratory procedure acceptable to the department. Indemnity will be paid by the county of origin of the swine provided that swine shall be identified to the farm of origin located in that county. If no identification can be established on swine no indemnity may be paid.

If the county bovine tuberculosis eradication funds are insufficient, the claim may be filed and may be paid in subsequent years.

Indemnity will be paid to the producer of swine only after proof of cleaning and disinfecting of premises has been established.

If a herd of swine is tested for tuberculosis at program expense authorization must be given by an official of the Iowa department of agriculture.

1.146(159) Fee schedule.

1.146(1) Injection. Five dollars per stop (herd) and sixty cents per head.

1.146(2) Reading. Five dollars per stop (herd) and forty cents per head.

1.146(3) Tagging. Five dollars per stop (herd) and one dollar per head.

[Effective October 16, 1973]

AGRICULTURE DEPARTMENT

(continued)

Pursuant to the authority of section 201.12 of the Code, rules appearing in 1973 IDR 39 to 41 (chapter 9A) relating to fertilizers are hereby amended as follows:

[Filed September 25, 1973]

ITEM 1. Amend the chapter head to read as follows: "Fertilizer and Agricultural Lime".

9A.7 to 9A.19 Reserved for future use.

ITEM 2. Add new rule as follows:

9A.20(201) Agricultural lime.

9A.20(1) Notification of production. The manufacturer or producer of agricultural lime, limestone or aglime shall notify the secretary of agriculture, Des Moines, Iowa, or the person appointed by the sec-

retary of agriculture to be his agent seven calendar days prior to the manufacture or production of agricultural lime, limestone, or aglime so that samples may be taken.

9A.20(2) Sample fee. The manufacturer or producer of agricultural lime, limestone, or aglime shall pay a fee of no more than ten dollars per sample collected. This fee will be adjusted by the secretary of agriculture on or before the first day of March of each and every year via a separate notice letter to each manufacturer or producer to reflect as accurately as possible the actual cost of sampling and testing expended by the Iowa department of agriculture and Iowa state university for each sample taken at the manufacturer's or producer's facilities.

[Effective September 25, 1973]

AGRICULTURE DEPARTMENT

(continued)

Pursuant to the authority of section 198.11 of the Code, rules appearing in 1973 IDR, chapter 11, 41 to 43 relating to com-

mercial feeds are amended by adding the new rules as follows:

[Filed September 25, 1973]

11.12(198) Records.

11.12(1) Each manufacturer, registrant, jobber, or agent shall forward a sworn report of commercial feed tonnage to the secretary of agriculture not later than 30 days after the end of each reporting period, setting forth the net tons of commercial feed distributed in Iowa during the preceding six months, and upon filing such statement shall pay the inspection fee as set forth under section 198.7 of the Code.

11.12(2) Sales of commercial feeds to manufacturers or exchanges between them are hereby exempted if the commercial feeds so sold or exchanged are used solely in the manufacture of feeds which are registered; provided that invoices for such sales or exchanges show the following: "For mixing in registered brands only", provided that feed ingredients if they are shipped out of state as received or as components of mixed feeds; provided that customer formula feeds if the inspection fee is paid on the commercial feeds which they contain; provided that persons or corporations who purchase commercial feeds on which the tonnage inspection fee has been paid or has been pledged to be paid.

11.12(3) Persons who have registered feeds must file a tonnage report even if

no tons were distributed in the reporting period.

11.12(4) Any person or dealer in Iowa buying from a trucker or other carrier who does not have an invoice, bill of sale, or delivery receipt showing that inspection fee has been paid, must report this tonnage at each reporting period and pay the inspection fee due.

11.12(5) A jobber, shipper, or manufacturer outside of Iowa who sells feeds f.o.b. his dock for delivery, distribution, or use in this state shall keep accurate record for reporting the tonnage and paying the inspection fees thereon.

11.13(198) First distributor.

11.13(1) Ingredient manufacturers or commercial feed manufacturers are the first distributor if he sells directly to a dealer.

11.13(2) If the manufacturer sells the commercial feed or ingredient to another manufacturer for further processing and who markets a registered feed, the first manufacturer is exempt from the payment of the fee.

[Effective September 25, 1973]

AGRICULTURE DEPARTMENT

(continued)

Pursuant to the authority of section 159.5 of the Code, rules relating to hotels, restaurants and food establishments appearing on 50 to 53, 1973 IDR, are amended by adding new rules as follows:

[Filed July 30, 1973]

15.10(170) Toilet facilities. Restaurants, cafeterias, cafes, lunch counters, taverns, cocktail lounges, and other food service establishments where seating facilities are furnished and food is consumed on the premises shall have toilet facilities on the premises available to the public. Toilet fixtures shall be of sanitary design and readily cleanable. Toilet facilities, including rooms and fixtures, shall be kept in a clean condition and in good repair. The doors of all toilet rooms shall be self-closing and have locks. Toilet tissue shall be provided. Easily cleanable receptacles shall be provided for waste materials, and such receptacles in the toilet rooms for

women shall be covered. Toilet rooms shall be well lighted and be vented to the outside air.

15.10(1) The toilet rooms shall have lavatories equipped with hot and cold or tempered running water, hand-cleansing soap or detergent, and approved sanitary towels or other approved hand-drying devices. Such facilities shall be kept clean and in good repair.

15.10(2) If extensive remodeling or the construction of new facilities is required by restaurants, cafeterias, cafes, lunch counters, taverns, cocktail lounges and other food service establishments to comply with these rules said establishment may, upon receiving a written permit from the department, have an extension of time to so comply. No permit issued shall grant an extension of time later than the first day of July 1975. All restaurants, cafeterias, cafes, lunch counters,

taverns, cocktail lounges and other food establishments constructed after July 1, 1973, shall provide separately designated toilet rooms for men and women.

These rules are intended to implement sections 170.16 and 170.17 of the Code.

[Effective July 30, 1973]

AGRICULTURE DEPARTMENT

(continued)

Pursuant to the authority of section 159.5 of the Code, rules appearing in 1973 IDR, 50 to 53, relating to hotels, restaurants and food establishments are amended by adding new rules as follows:

[Filed November 30, 1973]

15.11(170) Fair stands and other temporary food establishments.

15.11(1) Stands and surrounding area must be kept sanitary. All garbage cans and other waste receptacles must be kept tightly covered; and emptied, washed and disinfected daily or more often.

15.11(2) All persons working stands and other temporary food establishments shall be free from all contagious or communicable diseases, sores, or infected wounds.

15.11(3) All food handlers must keep themselves and their clothing clean. Hands must always be washed after going to toilet.

15.11(4) All persons working in stands and other temporary food establishments shall wear adequate hair restraints while preparing food (men—caps, women—nets).

15.11(5) The use of disposable eating utensils is strongly recommended in all cases. In cases where adequate utensil washing facilities are not available, disposable utensils shall be used. If utensils and eating utensils are washed and sanitized, the following procedure shall be followed: (a) wash with good detergent and hot water, (b) rinse in clean, clear, hot water, and (c) sanitize in water at 180° F., or by the use of an approved chemical.

15.11(6) Pesticides shall be used when necessary to control insects.

15.11(7) Potentially hazardous foods.

a. Potentially hazardous food shall mean any perishable food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, or other ingredients capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms.

b. All potentially hazardous foods to be served cold shall be stored at 45° F. or less, and all potentially hazardous foods to be served hot shall be stored at 140° F. or higher.

15.11(8) Ice shall be dispensed with a scoop or tongs, not with the hands.

15.11(9) Water level in soft drink boxes must be kept well below bottle cap area.

15.11(10) Milk shall be served in the original container or from a refrigerated milk dispenser.

15.11(11) Sugar, salt, pepper, pickle relish, catsup and mustard shall be served from individual packets or a container which can be closed after each "service".

15.11(12) Smoking is not permitted while preparing or serving food nor in food preparation areas.

15.11(13) Use sanitizer in water to wash counters and tables.

15.11(14) A copy of rule 15.11(170) shall be posted at fair stands and temporary food establishments at all times.

[Effective November 30, 1973]

AGRICULTURE DEPARTMENT

(continued)

Pursuant to the authority of section 189A.7(8) of the Code, rules appearing in 1973 IDR, 55 to 58 (Chapter 17) relating to meat and poultry inspection are hereby amended as follows:

[Filed July 30, 1973]

ITEM 1. Rescind 17.1(189A) and insert in lieu thereof the following:

17.1(189A) Part 301 of Title 9, Chapter III, of the code of Federal Regulations as revised January 1, 1973, is hereby adopted

in its entirety by reference and in addition thereto the following subsection shall be expanded to include:

1. Sec. 301.2(a) therein defining the term "Act" shall include the Iowa meat and poultry inspection Act, chapter 189A of the Code.

2. Sec. 301.2(b) therein defining the term "department" shall include the Iowa department of agriculture.

3. Sec. 301.2(c) therein defining the term "secretary" shall include the secretary of agriculture of the state of Iowa.

4. Sec. 301.2(e) therein defining the term "administrator" shall include the director of the Iowa meat and poultry inspection service or any officer or employee of the Iowa department of agriculture.

5. Sec. 301.2(t) therein defining the term "commerce" shall include intrastate commerce in the state of Iowa.

6. Sec. 301.2(u) therein defining the term "United States" shall include the state of Iowa.

ITEM 2. Rescind 17.2(189A) and insert in lieu thereof the following:

17.2(189A) Part 303, Part 306, Parts 308 through 320, Parts 323 through 326 and Part 329 of Title 9, Chapter III, of the code of Federal Regulations as revised January 1, 1973, are hereby adopted in their entirety by reference. Part 305 except section 305.2, Part 307 except section 307.6, Part 325 except sections 325.3 and 325.12 of Title 9, Chapter III, of the code of Federal Regulations as revised as of

January 1, 1973, are hereby adopted in their entirety by reference.

ITEM 3. Add a new rule as follows:

17.12(189A) Poultry. Part 381 of Title 9, Chapter III, of the code of Federal Regulations as revised January 1, 1973, is hereby adopted in its entirety with the following exceptions: sections 381.96, 381.97, 381.99, 381.101, 381.102, 381.104, 381.105, 381.106, 381.107, 381.128, 381.185, 381.186, 381.187, 381.220, 381.221, 381.222, 381.223, 381.224 and 381.225; and in addition thereto the following subsections shall be expanded to include:

1. Sec. 381.1(b)(2) therein defining the term "Act" shall include the Iowa meat and poultry inspection Act, chapter 189A of the Code.

2. Sec. 381.1(b)(3) therein defining the term "administrator" shall include the director of the Iowa meat and poultry inspection service or any officer or employee of the Iowa department of agriculture.

3. Sec. 381.1(b)(10) therein defining the term "commerce" shall include intrastate commerce in the state of Iowa.

4. Sec. 381.1(b)(13) therein defining the term "department" shall include the Iowa department of agriculture.

5. Sec. 381.1(b)(47) therein defining the term "secretary" shall include the secretary of agriculture of the state of Iowa.

6. Sec. 381.1(b)(53) therein defining the term "United States" shall include the state of Iowa.

[Effective July 30, 1973]

ARCHITECTURAL EXAMINERS

[Pursuant to the authority of section 118.5 of the Code the following rules are adopted.]

[Filed January 2, 1974]

CHAPTER 1

REGISTERED ARCHITECTS

1.1(118) In line 4, [3 probably intended] delete the word "Senior" and insert in lieu thereof the word "Oral".

1.2(118) This rule is hereby rescinded and the following adopted in lieu thereof:

1.2(118) Examination. The written examination for architectural registration shall consist of two parts. The two parts are: I Equivalency Examination and, II Professional Examination.

Individuals holding a professional degree from a school of architecture where the degree program has been accredited by the National Architectural Accrediting Board (NAAB) will be required to pass only the Professional Examination for registration. All other candidates shall pass the Equivalency Examination and the Professional Examination.

The Equivalency Examination shall be a 2-day, 20-hour examination given in three parts entitled: History and Theory; Design; Construction Theory and Practice.

The Professional Examination shall be a 2-day examination given in four, 4-hour sessions, covering the following descrip-

tive areas: (1) Environmental Analysis; (2) Building Programming; (3) Design and Technology; (4) Construction.

The candidate shall either pass or fail the total examination. Candidates will not retain credit from one examination to the next for parts passed in previous examination.

Those candidates currently in the process of passing the former 4-day, 36-hour, 7-part examination will be allowed to continue in this test until they either pass or until January 1, 1975, when the former test will be phased out.

The oral examination shall consist of three parts: (1) Examination J. Technical Training and Cultural Education. Value: 160 points. Passing: 120 points. An evaluation of the applicant's education and training in school, office, and in independent research and investigation. A review of applicant's participation in cultural activities, study of the humanities and liberal arts courses as well as travel; (2) Examination K. Record in Practice and Professional Relationships. Value: 160 points. Passing: 120 points. An evaluation of the applicant's record of activity in professional organizations, relations with clients, ethical standards, public and community service and published works; (3) Examination L. Exhibits and Oral Thesis. Value: 680 points. Passing: 510 points. Time: At least 30 minutes. A demonstra-

tion of candidate's professional competence, philosophy and procedure, based on three separate projects which he has executed, or which are in an advanced state of study, illustrated by such documents as program studies, schematic and design development drawings, contract documents, and photographs or models. For Examination L, the candidate is required to appear before the Examining Board with the required exhibits.

1.3(118) Delete lines 4, 5, 6 and 7 and insert the following in lieu thereof: "F-16 'Certification Standards' of Appendix 'A' to Circular of Information No. 1 issued by the National Council of Architectural Registration Boards, dated July 1973."

1.4(118) Delete all after the word "in" in line 5 and all of lines 6, 7 and 8 and insert the following in lieu thereof: "Appendix "A" to Circular of Information No. 1 "Table of Equivalents for Education, Training and Experience" Parts F-1 through F-15, and F-17 through F-19 issued by the National Council of Architectural Registration Boards, dated July 1973.

1.5(118) This rule is rescinded in its entirety.

1.6(118) Delete the words "personal audience" in line 7 and insert the word "test" in lieu thereof.

[Effective February 2, 1974]

BANKING DEPARTMENT

STATE BANK DIVISION

Pursuant to the authority of section 524.213 of the Code, rules filed with the secretary of state and effective July 10, 1973, relating to maximum interest on time and savings deposits are rescinded and the following adopted in lieu thereof.

[Filed November 14, 1973]

8.2(524) Maximum interest on time and savings deposit. The superintendent of banking hereby prescribes the following maximum rates of interest payable on time and savings deposits.

8.2(1) Time deposits of \$100,000 or more. There is no maximum rate of interest presently prescribed on any time deposit of \$100,000 or more.

8.2(2) Time deposits of less than \$100,000. The following schedule shall apply:

Maturity	Maximum percent
30 days or more but less than 90 days	5 %
90 days or more but less than 1 year	5½ %
1 year or more but less than 2½ years	6 %
2½ years or more	6½ %
4 years or more	7¼ % (certificates of \$1,000 or more)

8.2(3) Savings deposit. The maximum rate of interest is five percent per annum.

[Effective November 14, 1973]

BANKING DEPARTMENT

(continued)

STATE BANK DIVISION

Pursuant to the authority of section 524.213 of the Code, rules appearing in 1973 IDR, 83 and 84, relating to payment of time deposits before maturity are rescinded and the following adopted in lieu thereof:

[Filed July 27, 1973]

8.5(524) Payment of time deposits before maturity. Except as provided in 8.5(2) and 8.5(3), a state bank shall not pay a time deposit prior to the contractual term.

8.5(1) A state bank may make a loan to the customer upon the security of his time deposit, provided that the rate of interest on the loan is not less than two percent per year more than the rate of interest on the time deposit.

8.5(2) Where it is necessary to prevent great hardship to the customer, a state bank may pay before maturity a time deposit or the portion thereof necessary to meet such emergency. Before making such payment the customer shall sign an application describing fully the circumstances constituting the emergency which is deemed to justify the payment of the deposit before maturity, which application shall be approved by an officer of the bank who shall certify that, to the best of his knowledge and belief, the statements in the application are true. Such application shall be retained in the files

and made available to the examiners authorized to examine the state bank. Where a time deposit is paid before maturity the customer shall forfeit accrued and unpaid interest for a period of not less than three months on the amount withdrawn if an amount equal to the amount withdrawn has been on deposit three months or longer, and shall forfeit all accrued and unpaid interest on the amount withdrawn if an amount equal to the amount withdrawn has been on deposit less than three months. When a portion of a time certificate of deposit is paid before maturity, the certificate shall be canceled and a new certificate shall be issued for the unpaid portion of the deposit with the same terms, rate, date and maturity as the original deposit.

8.5(3) A state bank may pay before maturity a time deposit contract entered into or renegotiated on or after July 10, 1973, provided the customer shall forfeit 90 days' interest or all interest if the time deposit has been held less than 90 days by the customer, and the rate of interest paid on the time deposit shall not exceed the maximum rate of interest which a state bank may pay on a savings deposit, as provided in 8.2(4), for the period held less the 90-day forfeiture. If the customer has received periodic interest payments which exceed the authorized rate of interest the state bank is required to recover the overpayment of interest.

[Effective July 27, 1973]

CITY DEVELOPMENT BOARD

Pursuant to the authority of chapter 1088[§34], Acts of the Sixty-fourth General Assembly, the following rules are adopted.

[Filed August 16, 1973]

CHAPTER 1**OPERATIONS OF BOARD**

1.1(64GA, ch1088) Application of rules. These rules shall be applicable to all proceedings and transactions of the city development board, hereinafter called the board. These rules are subject to modification by the board, with approval of the departmental rules review committee pursuant to chapter 17A of the Code.

1.2(64GA, ch1088) Filing of petition. A petition for incorporation, discontinuance, or boundary adjustment may be filed with the board by a city council, a county board of supervisors, a regional planning authority, or ten percent of the voters of a city or territory, based upon the number of persons who voted for governor at the last preceding general election. Notice of the filing, including a copy of the petition, must be served upon the council of each city for which a discontinuance or boundary adjustment is proposed, the board of supervisors for each county which contains a portion of a city to be discontinued or territory to be incorporated, annexed, or severed, and any regional planning authority for the area involved.

1.3(64GA, ch1088) Initiation of petition. A petition initiated for incorporation, discontinuance or boundary adjustment shall be initiated pursuant to chapter 1088, Acts of the Sixty-fourth General Assembly hereinafter termed the statute. Where the petition is voter filed, the signatures of the voters must be attached to the petition. The petition must show a sufficient number of voter signatures to commence proceedings for incorporation, discontinuance or boundary adjustment as the case may be, and the method of computing the number of signatures required. Where a petition is commenced by a regional planning commission, an authorizing petition must accompany the petition.

1.4(64GA, ch1088) Drafting of petition. The body or bodies commencing a petition shall be known as the petitioner(s). The petition shall be in the following form: "We, the (City Council of _____), (County Board of Supervisors of _____), (Regional Planning Commission of _____), (Certain Voters of _____), do petition the City Development Board of the State of Iowa for an (incorporation), (discontinuance), (boundary change), more specifically described as (description of proposed action(s)), and involving land described as (legal description)." The initial statement shall be followed by applicable information as specified in the statute, including the following:

1.4(1) Council resolution. Until July 1, 1974, a copy of city council resolution of adoption of Section 10, Division II, and Part 3, Division III of the Statute.

1.4(2) Map. A map of the territory, city or cities involved, at a minimum scale of 1 inch equals 500 feet. The map must show all features which, in the judgment of the board, are pertinent to the proposed action.

1.4(3) Tax information. Assessed valuation, by parcel, of all platted or unplatted land, according to most recent city or county assessor's records. Such information and its currency shall be verified by the city or county assessor.

1.4(4) Property owners. Names of property owners within the area delineated by the legal description in the petition.

1.4(5) Density. Population density: persons per acre for annexation, persons per square mile for incorporation, discontinuance or consolidation.

1.4(6) Topography. Topographic information, which shall be in map form and consist of contour lines at ten foot intervals as may be taken from contour maps of the U.S. Geological Survey, or any other source acceptable to the board.

1.4(7) Plans. Plans for disposal of assets and assumption of liabilities must be included. Substance and format of such plans shall be subject to approval of the board.

1.4(8) Additional information. A description of all existing municipal services, plans for agreements with any existing or anticipated special service districts, and a statement, concerning annexation or incorporation, that none of the territory is within a city. In a case of incorporation or consolidation, the petition shall state the name of the proposed city.

1.5(64GA, ch1088) Costs. Any costs which are incurred in drafting the petition or in preparation of supporting documentation shall be borne by the petitioner. If any facts accompanying the petition are not contradicted by opposing parties at a hearing on the petition, it shall be evidence of such facts except that the board may from appropriate public records determine whether or not such are the facts, and may require the petitioners to prove such facts by competent evidence.

1.6(64GA, ch1088) Quorum. At least one more than half of the membership of the board or a committee shall constitute a quorum. A quorum shall be necessary for passage of any action.

1.7(64GA, ch1088) Dismissal of a petition. No petition shall be dismissed because incorrectly titled, or parties of facts thereto incorrectly designated, but opportunity shall be given in such cases to correct the error by amendment. A petition may be dismissed only in accord with section 36 of the statute.

1.8(64GA, ch1088) Amendment of a petition. A petition may be amended any time before the record has been closed after a public hearing is held pursuant to section 39 of the statute, upon resolution by the committee and notice to all parties to the proceeding, except that where the petition is voter initiated, it cannot be amended to include an area other than the one described by the petition. Any proposed amendments must be served upon all parties of record. When any party has legal counsel, service upon

counsel shall be deemed service upon the party.

1.9(64GA, ch1088) Proceedings on an original petition. An original plus eight copies of a petition must be filed with the board, together with all attachments. Prior to initiation of action where a petition has been filed, the board shall serve notice by certified mail of such filing, including a copy of the petition, to the chief elected official of each political subdivision and the chairman of the regional planning commission within or containing the area involved. The date of receipt of a petition by the board shall be the date of the first board meeting following actual receipt, as indicated by the date stamped, of the petition by the division of municipal affairs, office for planning and programming. Regular meetings shall be held on the third Monday of each month at 523 East Twelfth Street, Des Moines, Iowa.

1.10(64GA, ch1088) Proceedings initiated by board. The board may initiate its own proceedings or its own plan. Such proceedings or plan must conform to the requirements of a petition and must be filed and notice served in accordance with the statute. The board shall direct the appointment of a committee consisting of two or more board members and a local representative from each governmental subdivision with boundaries affected by the proposed action. Local representative committee appointments shall be made by resolution of the appropriate governing body. Such resolution shall state that the local representative is a qualified voter of the city or territory he represents. A copy of the resolution shall be submitted to the board.

1.11(64GA, ch1088) Public hearings. Public hearings shall be held on dates and at locations determined by the board, however, whenever possible, in or near the locale so affected. The board shall serve written notice, not later than ten calendar days prior to a hearing, upon the appropriate bodies specified in section 39 of the statute. The board shall, prior to serving notice, designate a suitable place to make the petition or plan available for public inspection. The board shall ensure that the petition or plan is available on or before the date of notice and publication. All notices and publications made pursuant to the statute shall comply with section 3 of the statute. All hearings and meetings of the board and

committees shall comply with chapter 28A (open meetings) of the Code.

1.12(64GA, ch1088) Conduct of public hearings. The petitioner(s) shall have the burden of proof and shall present their evidence first. Parties opposed to the petition shall then submit evidence. The committee chairman shall determine the order in which opposing parties shall submit evidence. Parties who are neither the petitioner nor opposing parties may appear at a public hearing and present evidence.

1.13(64GA, ch1088) Failure to appear. If a petitioner fails to appear at a proceeding, the hearing may be dismissed or postponed at the discretion of the committee, or the committee may approve the petition on the basis of verified proof and affidavits, if any, filed in the case, which shall be considered as having been offered in evidence at the hearing by the petitioner.

1.14(64GA, ch1088) Admission of evidence. The committee shall observe rules of privilege recognized by law. It may exclude incompetent, irrelevant, and immaterial evidence.

1.15(64GA, ch1088) Documentary evidence. Documentary evidence may be received in form of copies or excerpts, or by incorporation by reference. All evidence, including records and documents in possession of the committee, shall be made a part of the record. A transcript will be made only upon application by a party and paid for by that party.

1.16(64GA, ch1088) Public documents. The committee may take note of appropriate public documents and records of a general scientific or technical nature by notice to all parties involved, limiting the time within which such parties may object to the accuracy of the facts sought to be proved from such documents or records.

1.17(64GA, ch1088) Record of proceeding. The committee shall prepare an official record of all proceedings, including testimony and exhibits. Testimony shall be taken by mechanical recording device. A transcript shall be furnished upon application, at the expense of the applicant.

1.18(64GA, ch1088) Witnesses and subpoenas. Subpoenas requiring attendance of witnesses at any designated place of hearing within the state of Iowa may be issued by the board pursuant to state law.

Subpoenas for books, papers, or documents, unless direct by the board, will issue only upon application to the board in writing. Application to require parties to produce documentary evidence must specify the books, papers or documents required, and the facts to be proved by them. Witnesses who are subpoenaed are entitled to the same fees as are subpoenaed witnesses in the district court of Iowa, such fees to be paid by the party at whose insistence the testimony is to be given. Service of subpoenas shall be in like manner as provided by law for service of subpoenas in the district court of Iowa.

1.19(64GA, ch1088) Briefs. The committee shall allow five working days after a public hearing within which the parties may file briefs. A copy of such briefs must be given to opposing parties. All briefs for presentation to the committee must be filed with same, accompanied by written evidence of service upon opposing counsel or party or parties.

1.20(64GA, ch1088) Application for further hearing. Before a final decision is filed, any party thereto desiring a further hearing may file an application therefor with the committee. The application shall state the grounds for a further hearing; and if it is proposed to produce added testimony, such testimony shall be summarized. No further hearing will be granted where it is apparent the added evidence will be merely cumulative. Such application shall be transmitted by certified mail to all parties to the proceeding. An adverse party shall have ten working days from the date of transmittal of the application within which to answer thereto. No reply to such answer will be permitted. The committee may grant or deny such petition with or without hearing or, in its discretion, set a hearing on such application.

1.21(64GA, ch1088) Rehearing, amendment, vacation, reconsideration, reargument. Within ten working days from the date of receipt of final committee decision or order, any party may apply for a rehearing, or for an amendment or vacation of the findings of fact, decision or order, or for reconsideration or argument. The application shall set forth grounds upon which it is based, along with the claimed errors. If an application is for amendment of findings of fact, decision or order, the application shall contain the desired proposed amendments, and the reasons therefor shall be clearly stated. Such applica-

tion shall be transmitted by certified mail to all parties to the proceeding. An adverse party shall have ten working days from the date of transmittal of the application within which to answer thereto, and no reply will be permitted. The committee may grant or deny such application with or without a hearing on the application. Pending a decision, the committee may vacate and set aside such decision or order.

1.22(64GA, ch1088) Appeal. A city, or a resident or property owner in the territory or city involved may appeal a decision of the board or a committee, or the legality of an election, to district court. When an appeal is filed, the board must be so notified, and provided with a copy of the appeal. An appeal must be filed within 30 days of the filing of a decision or the second publication of notice of the result of an election. Appeal of an approval of a petition or plan does not stay the election. The court's review on appeal of a decision is limited to questions relating to jurisdiction, regularity of proceedings, and whether the decision appealed from is arbitrary, unreasonable, or without substantial supporting evidence. The court may reverse or remand a decision of the board or a committee, with appropriate directions.

1.23(64GA, ch1088) Amendment of effective date of order or decision. Petitions for amendment of orders or decisions which seek only a change in their effective date, or in the period of notice or other period of date thereby prescribed, must be made by petition filed and served in like manner as other petitions under this rule, except that, in case of unforeseen emergency satisfactorily shown by the applicant, which requires relief within three days of receipt of application, such relief may be sought informally, by telegram or otherwise, upon notice thereof to all parties to the proceeding.

1.24(64GA, ch1088) Election. Within 90 calendar days of the close of the final public hearing, if a petition or plan is approved, the board shall set a date within 90 calendar days for a special election on the proposal, and notify the county commissioner of elections by certified mail, who will hold the election pursuant to section 43 (as amended by 65 GA, ch 136) of the statute.

1.25(64GA, ch1088) Board supervision of proposal execution. The board shall proceed accordingly in the following cases:

1.25(1) Discontinuance. Meaning termination of a city; for a period of six calendar months, from the date of publication of notice, the board shall receive and approve, disapprove or amend written and documented claims pursuant to section 45 of the statute. Upon the close of the six-month period, the board shall determine the extent of any remaining indebtedness. Such determination shall be verified by a certified public accountant or by the state auditor. In case of remaining debt, the board shall direct the appropriate governing body to assess the amount of debt pursuant to section 45 of the statute.

1.25(2) Boundary adjustment. Meaning annexation, severance or consolidation;

at the discretion of the board, and upon request of the governing bodies involved, advisory assistance may be provided in implementation of a boundary adjustment.

1.26(64GA, ch1088) Data base. The board shall develop and maintain a statewide data base on development actions taken under the statute.

These rules are intended to implement chapter 1088, Acts of the Sixty-fourth General Assembly.

[Effective August 16, 1973]

CITY DEVELOPMENT BOARD

Pursuant to the authority of chapter 1088, Acts of the Sixty-fourth General Assembly, city development board rules that were filed on August 16, 1973, with the secretary of state are amended as follows:

[Filed September 12, 1973]

Rule 1.3, line 12 is amended by striking the words "petition must accompany the petition", and inserting in lieu thereof, the words "resolution must accompany the petition".

[Effective September 12, 1973]

COMPTROLLER

Pursuant to the authority of section 8.6(16) of the Code, rules appearing in 1973 IDR, 209 and 210, relating to auditing claims are amended as follows:

[Filed December 12, 1973]

ITEM 1. Rule 1.5(8), line 5, is amended

by striking "\$15" and inserting in lieu thereof "\$18".

ITEM 2. Rule 1.5(8), line 6, is amended by striking "\$15" and inserting in lieu thereof "\$18".

[Effective December 12, 1973]

CONSERVATION COMMISSION

Pursuant to the authority of section 107.24 of the Code, the following rule is hereby adopted.

[Filed September 12, 1973]

DIVISION OF FISH AND GAME

CHAPTER 13

CONSTRUCTION OF BASKET TRAPS

13.1(109) Basket traps. Basket traps,

used in taking fish, shall be constructed of wood or fiber glass.

This rule is intended to implement section 109.106 of the Code as amended by the Sixty-fifth General Assembly.

[Effective September 12, 1973]

CONSERVATION COMMISSION

(continued)

Pursuant to the authority of sections 107.24 and 106.3 of the Code, chapter 28, registration and numbering, appearing in 1973 IDR, page 214, is hereby amended as follows:

[Filed December 12, 1973]

DIVISION OF LANDS AND WATERS

28.1(106) is amended:

1. By inserting the word "current" before the word "registration" in line one.

2. By deleting the word "will", line two, and inserting the word "shall" in lieu thereof.

3. By inserting the following paragraph following line ten, "This rule shall apply to all registered vessels, including those being used by dealers in accordance with chapter 106 of the Code."

This rule is intended to implement section 106.5 of the Code.

[Effective December 12, 1973]

CONSERVATION COMMISSION

(continued)

Pursuant to the authority of sections 107.24 and 106.3, of the Code, chapter 32, reporting of boating accidents, appearing 1971 IDR, 204[1973 IDR, 221], is hereby amended as follows:

[Filed July 27, 1973]

DIVISION OF LANDS AND WATERS

32.1(106) is hereby rescinded and the following inserted in lieu thereof:

32.1(106) **Accident report.** In addition to provisions in 106.7(2) of the Code, a written report is required in the case of loss of consciousness, disability in excess of 24 hours and the disappearance of any person from on board a vessel under circumstances which suggest any possibility of death or injury.

32.2(106) is hereby amended by striking the word "triplicate" in line two and inserting the word "duplicate" in lieu thereof.

32.2(106) is hereby amended as follows:

12. Insert after the word "length" the words "width, depth, year built".

13. Insert after the word "addresses" the words "and telephone numbers".

32.3(106) is further amended by adding the following:

15. The date of birth, cause of death and swimming ability of any victim.

16. The date of birth of any injured person(s).

17. Manufacturer's hull identification number.

18. Whether the vessel was a rented craft.

19. The type, accessibility and use of personal flotation devices.

20. If fire extinguishers were used, the type and number used.

21. Signature of person making report.

This rule is intended to implement section 106.7 of the Code.

[Effective July 27, 1973]

CONSERVATION COMMISSION

(continued)

Pursuant to the authority of chapter 106, 107, and 111, of the Code, the following rule is hereby adopted.

[Filed October 1, 1973]

DIVISION OF LANDS AND WATERS

CHAPTER 33

DOCKS

33.1(111) **General.** The following conditions shall apply to all docks constructed under permit from the commission.

33.1(1) The duration of the permit issued pursuant to appropriate application shall not be more than ten years.

33.1(2) A dock permit shall not be construed to do more than give the permittee the right to construct a dock. The permit creates no interests, personal or real, in the real estate below the ordinary high-water line.

33.1(3) The number of dock permit shall be painted on the water end of the dock in block numbers of good propor-

tion, not less than 3 inches in height, and in a color contrasting to the background.

33.1(4) All docks must be removed from the waters of this state before December 15 of each year and not reconstructed until the following spring, except those exempted by special permit from the commission.

33.1(5) All new structures, if a floating facility, authorized by permit shall use flotation methods and devices of a type construed of low density, closed cell, rigid plastic foam; high impact polyethylene fiberglass material; wood timbers; or other inert materials to provide flotation.

33.1(6) The use of any iron or steel container not fabricated originally for flotation purposes, including barrels, tanks, and other containers originally constructed for the purpose of containing fluids, powders or similar products is prohibited for new structures or for replacement of flotation devices in existing structures unless filled with low density, closed cell, rigid plastic foam.

33.2(111) Application—content. The following information shall be furnished, required, and stated in the application for a dock permit.

33.2(1) Name and address of applicant.

33.2(2) Location of proposed dock.

33.2(3) Name of lake or river.

1. If lake, side or general location.
2. Legal description of lot.
3. If river, side of river, north, south, east, or west.
4. Section, township, range, and county.

33.2(4) Proposed dock use—commercial, public or private.

33.2(5) Name and address of owner of land adjacent to river, or riparian property owner on lake from which dock will be built.

33.2(6) Sketch of proposed dock with dimensions and location in relation to property line and adjoining docks.

33.2(7) Signature of applicant and riparian owner.

33.2(8) Inspection by and written comments of the area conservation commission officer.

33.3(111) Private docks—construction. The following specifications shall apply to all private docks extending from privately owned riparian property.

33.3(1) The total length of the dock shall not be greater than dimension "d" plus 50 feet, up to a maximum of 100 feet, where dimension "d" is the length of dock from the bank line to the point where the water is three feet deep. Permits for longer docks may be granted by the commission only upon submission by the applicant of clear proof of need therefor.

33.3(2) On "L" or "T" shaped docks, that portion of the "L" or "T" at right angles to the dock extending from shore shall not be greater than 16 feet in length. Permits for special purpose "L" or "T" docks may be granted by the commission only upon submission by the applicant of clear proof of need therefor.

33.3(3) No permit shall be issued for the construction of a dock within 50 feet of another dock except in the cases in which the applicant owns, in fee title, a

lot which, due to its width, makes it impossible to be 50 feet or more from a dock constructed by an adjacent riparian property owner which is covered by a valid dock permit issued by the conservation commission.

33.3(4) Except as provided in 33.3(6), the dock shall be constructed not less than 25 feet from the lot line on either side of the property. In cases where there is a conflict, the dock shall be constructed at or near the center of the lot.

33.3(5) The requirement that the dock shall be 25 feet from the property line may be waived if the applicant finds that shallow water or other adverse conditions make the dock site required in 33.3(5) unusable, and the applicant obtains the written approval of the adjacent property owner or lessee. In this case, the requirements that the dock be 50 feet from any other dock will apply.

33.3(6) All dock applications must be signed by the riparian property owner or legal lessee of the specific parcel of land from which the dock is to be built. Upon approval of the waters section, the permit shall be issued to the property owner or lessee.

33.3(7) If the applicant is not the recorded riparian property owner in fee title, he shall furnish with the application, satisfactory evidence that he holds a valid lease for the specific parcel of land from which the dock is to be built.

33.3(8) All docks must be at least 3 feet wide and constructed of sound strong material approved by the commission for use in that area.

33.4(111) Commercial and public docks. The following specification shall apply to all commercial and public docks.

33.4(1) All commercial and public docks shall be a minimum of 4 feet wide and constructed of sound strong material.

33.4(2) All docks extending off of public properties shall be considered public docks and shall be posted "PUBLIC DOCK" from the shore end in legible lettering.

33.4(3) All commercial and public docks shall be considered on an individual basis pertaining to length and shape.

This rule is intended to implement section 111.4 of the Code.

[Effective October 31, 1973]

ENVIRONMENTAL QUALITY DEPARTMENT

AIR QUALITY COMMISSION

Pursuant to the authority of sections 455B.5(4) and 455B.12(2) of the Code, rules of the Air Quality Commission of the Department of Environmental Quality appearing on 267 to 284 of the 1973 IDR are amended as follows:

[Filed December 11, 1973]

CHAPTER 1 DEFINITIONS

ITEM 1. Rescind subrule 1.2(8) and insert the following in lieu thereof:

(8) The American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania.

ITEM 2. Rescind the abbreviated words "Coh" in line 1 of subrule 1.2(14) and in the first line of the equation in subrule 1.2(14) and insert in lieu thereof the abbreviated words "COH".

ITEM 3. Insert after subrule 1.2(21) the following new subrule and renumber all subsequent subrules in chapter 1.

1.2(22) *Executive director.* The executive director of the department of environmental quality or his designee.

ITEM 4. Rescind subrule 1.2(35) and insert the following in lieu thereof:

(35) The degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

ITEM 5. Insert after subrule 1.2(39) the following new subrule and renumber all subsequent subrules.

1.2(40) *Privileged communication.* Information other than air pollutant emissions data the release of which would tend to affect adversely the competitive position of the owner or operator of the equipment.

These rules are intended to implement chapter 455B.12, subsections 2 and 4 of the Code.

[Effective December 11, 1973]

ENVIRONMENTAL QUALITY DEPARTMENT

(continued)

AIR QUALITY COMMISSION

Pursuant to the authority of sections 455B.5(4) and 455B.12(2) of the Code, rules of the Iowa Air Quality Commission of the Department of Environmental Quality appearing on 267 to 284 of the 1973 IDR are amended as follows.

[Filed December 11, 1973]

CHAPTER 2 COMPLIANCE

ITEM 1. Rescind subrule 2.1(2) and insert the following in lieu thereof.

(2) All existing equipment, as defined herein, shall be operated in conformance with applicable emission standards specified in chapter 4 of these rules or as otherwise specified herein; except that the performance standards specified in subrules 4.1(1) to 4.1(5) shall not apply to existing equipment.

ITEM 2. Rescind subrule 2.1(3) and insert the following in lieu thereof.

(3) The person responsible for equipment as defined herein shall provide information on fuel use, materials processed, air contaminants emitted, estimated rate of emissions, periods of emissions or other air pollution information to the executive director upon his written request for use in compiling and maintaining an emissions inventory for evaluation of the air pollution situation in the state and its various parts. The information requested shall be submitted on forms supplied by the department. All information in regard to both actual and allowable emissions shall be public records and any publication of such data shall be limited to actual and allowable air contaminant emissions.

ITEM 3. Following subrule 2.1(3) add the following new subrules.

2.1(4) *Confidentiality.* No information supplied to the executive director shall be considered confidential unless a request for determination of confidentiality is submitted with the aforementioned information. The person requesting confidential

treatment for information submitted to the department shall have the responsibility of demonstrating to the executive director that the information in question would disclose a trade secret or other privileged communication such as but not limited to production figures. The executive director shall provide written notification to any person whose request for confidentiality has been denied. Upon receipt of such notification, the person shall have 30 days to appeal this decision to the commission. Such appeal shall be filed with the executive director. If the commission denies a request for confidentiality, the information in question shall be held confidential for sufficient time to allow the petitioner to institute the necessary legal proceedings to sustain the confidentiality claim. Information submitted with a request for confidential treatment shall be treated as confidential until final determination on such request. Information on trade secrets or other privileged communication will be so designated when submitted by the state to the federal government in accordance with federal law or regulation and will then be subject to applicable federal regulations as to confidentiality. The provisions of this subrule shall not apply to air contaminant emissions data.

2.1(5) Public availability of data. Emission data obtained from owners or operators of stationary sources under the provisions of subrule 2.1(3) will be correlated with applicable emission limitations and other control measures. All such

emission data and correlations will be available during normal business hours at the quarters of the department. The executive director may designate one or more additional places where such data and correlations will be available for public inspection.

2.1(6) Maintenance of records. Each owner or operator of any stationary source, as defined herein, shall, upon notification from the executive director, maintain records of the nature and amounts of air contaminant emissions from such source and any other information as may be deemed necessary by the commission to determine whether such source is in compliance with the applicable emission limitations or other control measures.

a. The information recorded shall be summarized and reported monthly to the executive director on forms furnished by the department. The initial reporting period shall commence 60 days from the date the executive director issues notification of the record keeping requirements.

b. Information recorded by the owner or operator and copies of the summarizing reports submitted to the executive director shall be retained by the owner or operator for two years after the date on which the pertinent report is submitted.

These rules are intended to implement section 455B.12, subsections 2 and 4 of the Code.

[Effective December 11, 1973]

ENVIRONMENTAL QUALITY DEPARTMENT

(continued)

AIR QUALITY COMMISSION

Pursuant to the authority of sections 455B.5(4) and 455B.12(2) of the Code, rules of the Air Quality Commission of the Department of Environmental Quality appearing on 267 to 284 of the 1973 IDR are amended as follows:

[Filed December 11, 1973]

CHAPTER 3

CONTROLLING POLLUTION

ITEM 1. Delete the first sentence in paragraph 3.1(2) "a" and insert the following in lieu thereof.

a. Issuing of permit. A permit shall be issued when the executive director concludes that the plans and specifications represent equipment which reasonably can be expected to comply with the emission standards and should not prevent the attainment or maintenance of the ambient air quality standards specified in these rules.

ITEM 2. Rescind subparagraph 3.1(2) "a" (5) and insert the following subparagraph in lieu thereof.

(5) When portable equipment for which a permit has been issued is transferred from one location to another, the department shall be notified in writ-

ing at least 30 days prior to transferring to the new location. The owner or operator will be notified at least 10 days prior to the scheduled relocation if said relocation will cause disapproval of the existing permit.

ITEM 3. Strike, in paragraph 3.2(1)"a" the words "technical secretary" in line two and insert the words "executive director" in lieu thereof.

ITEM 4. Rescind paragraph 3.2(1)"b" and insert the following paragraph in lieu thereof.

b. Variance extension. The request for extension of a variance shall be accompanied by an emission reduction program as specified in 3.4(455B) of these rules.

ITEM 5. Rescind rule 3.3(455B) and reserve for future use.

ITEM 6. Rescind subrule 3.4(1) and insert the following in lieu thereof.

3.4(1) Content. An air contaminant emission reduction program submitted to the department pursuant to these rules shall include a schedule for the installation of pollution control devices or the replacement or alteration of specified facilities in such a way that emissions of air contaminants are reduced to comply with the emission standard specified in chapter 4 of these rules. The schedule must include, as a minimum, the following five increments of progress:

a. The date of submittal of the final control plan to the department of environmental quality.

b. The date by which contracts will be awarded for emission control systems or process modification or the date by which orders will be issued for the

purchase of component parts to accomplish emission control or process modifications.

c. The date of initiation of on-site construction or installation of emission control equipment or process change.

d. The date by which on-site construction or installation of emission control equipment or process modification is to be completed.

e. The date by which final compliance is to be achieved.

ITEM 7. Rescind subparagraph 3.4(2)"a"(1) and insert the following in lieu thereof.

(1) Upon approval of a program, a variance is granted for one year or until the final compliance date, whichever period is shorter. Emission reduction programs shall be reviewed annually by the commission and a variance extension granted for ongoing approved emission reduction programs which show satisfactory progress toward the elimination or prevention of air pollution. The commission may specify under what conditions and to what extent the variance or variance extension is granted.

ITEM 8. Following subparagraph 3.4(2)"a"(2) add the following new subparagraph.

(3) Failure to meet any increment of progress in the compliance schedule contained in an approved emission reduction program may result in the disapproval of the program and termination of the associated variance.

These rules are intended to implement chapter 455B.12, subsections 2 and 4 of the Code.

[Effective December 11, 1973]

ENVIRONMENTAL QUALITY DEPARTMENT

(continued)

AIR QUALITY COMMISSION

Pursuant to the authority of sections 455B.5(4) and 455B.12(2) of the Code, rules of the Air Quality Commission of the Department of Environmental Quality appearing on 267 to 284 of the 1973 IDR are amended as follows:

[Filed December 11, 1973]

CHAPTER 4

EMISSION STANDARDS FOR CONTAMINANTS

[The following amendments were previously filed on a temporary basis effective November 28, 1973.]

ITEM 1. Rescind rule 4.1(455B) and insert the following in lieu thereof:

4.1(455B) Emission standards. Performance standards for new or modified equipment as defined in 40 Code of Federal Regulations Part 60 (1972), shall be applicable as specified in this section. Compliance with emission standards specified elsewhere in this chapter shall be in accordance with chapter 2 of these rules. All standards in this chapter shall be considered as operation standards rather than design standards.

4.1(1) Fossil fuel-fired steam generators. For fossil fuel-fired steam generators of more than 250 million BTU per hour heat input, the provisions of 40 Code of Federal Regulations Part 60 (1972) shall apply.

4.1(2) Incinerators. For incinerators of more than 50 tons per day charging rate, the provisions of 40 Code of Federal Regulations Part 60 (1972) shall apply.

4.1(3) Portland cement plants. For portland cement plants the provisions of 40 Code of Federal Regulations Part 60 (1972) shall apply.

4.1(4) Nitric acid plants. For each nitric acid production unit the provisions of 40 Code of Federal Regulations Part 60 (1972) shall apply.

4.1(5) Sulfuric acid plants. For each sulfuric acid production unit the provisions of 40 Code of Federal Regulations Part 60 (1972) shall apply.

ITEM 2. Strike in paragraph 4.3(2) "g" the words "technical secretary" line 4 and insert the words "executive director" in lieu thereof.

ITEM 3. Strike in paragraph 4.3(2) "a" the words "Table II" line 3 and insert the words "Table I" in lieu thereof.

Further amend said rule in Table II "Allowable Rate of Emission Based on Process Weight Rate" by striking in line one of the title, the words "Table II" and inserting the words "Table I" in lieu thereof.

ITEM 4. Rescind paragraph 4.3(3) "a" and insert the following in lieu thereof.

a. Sulfur dioxide from use of fuels. After January 1, 1975, no person shall allow, cause or permit the emission of sulfur dioxide into the atmosphere in an amount greater than five pounds of sulfur dioxide, maximum two-hour average per million BTUs of heat input per hour from any solid fuel-burning installation

for any combination of fuels burned; nor the emission of sulfur dioxide into the atmosphere in an amount greater than 1.5 pounds of sulfur dioxide, maximum two-hour average, per million BTUs of heat input per hour from any liquid fuel-burning installation. An emission reduction program for meeting the emission standards of this paragraph shall be submitted on or before January 1, 1974, by the owner or operator of any solid or liquid fuel-burning source with heat input equal to or greater than 250 million BTUs per hour.

ITEM 5. Rescind paragraph 4.3(3) "b" and insert the following in lieu thereof.

b. Sulfur dioxide from sulfuric acid manufacture. After January 1, 1975, no person shall allow, cause or permit the emission of sulfur dioxide from an existing sulfuric acid manufacturing plant in excess of 30 pounds of sulfur dioxide, maximum two-hour average, per ton of product calculated as 100 percent sulfuric acid.

ITEM 6. Rescind paragraph 4.3(3) "c" and insert the following in lieu thereof.

c. Acid mist from sulfuric acid manufacture. After January 1, 1974, no person shall allow, cause or permit the emission of acid mist calculated as sulfuric acid from an existing sulfuric acid manufacturing plant in excess of 0.5 pounds, maximum two-hour average, per ton of product calculated as 100 percent sulfuric acid.

ITEM 7. Rescind subrule 4.3(4).

ITEM 8. Rescind subrule 4.4(1) and insert the following in lieu thereof.

4.4(1) General. The provisions of this rule shall not apply to those facilities for which performance standards are specified in 4.1(1) to 4.1(5) of these rules. The emission standards specified in this rule shall apply and those specified in 4.3(2), paragraph "a" and 4.3(2), paragraph "b", shall not apply to each process of the types listed in the following subrules, except as provided below.

Exception: Whenever the commission determines that a process complying with the emission standard prescribed in this section is causing or will cause air pollution in a specific area of the state, the specific emission standard may be suspended and compliance with the provisions of 4.3(455B) may be required in such instance.

ITEM 9. Strike in subrule 4.4(4), line 6, the words "Table II" and insert in lieu thereof the words "Table I"; and in line 4 of the second paragraph, strike the words "Table III" and insert in lieu thereof the words "Table II".

Further amend said rule in Table III "Allowable Emissions" from Existing Small Foundry Cupolas by striking in

line 1 of the title, the words "Table III" and insert the words "Table II" in lieu thereof.

These rules are intended to implement chapter 455B.12, subsections 2 and 4 of the Code.

[Effective December 11, 1973]

ENVIRONMENTAL QUALITY DEPARTMENT

(continued)

AIR QUALITY COMMISSION

Pursuant to the authority of sections 455B.5(4) and 455B.12(2) of the Code, rules of the Air Quality Commission of the Department of Environmental Quality appearing on 267 to 284 of the 1973 IDR are amended as follows.

[Filed December 11, 1973]

CHAPTER 5

EXCEPTIONS

ITEM 1. Strike in paragraph 5.1(3) "a" in line three, the words "technical secre-

tary" and insert the words "executive director" in lieu thereof.

ITEM 2. Strike in paragraph 5.1(3) "b" in lines 10 and 11 the words "technical secretary" and insert the words "executive director" in lieu thereof.

These rules are intended to implement chapter 455B.12, subsections 2 and 4 of the Code.

[Effective December 11, 1973]

ENVIRONMENTAL QUALITY DEPARTMENT

(continued)

AIR QUALITY COMMISSION

Pursuant to the authority of sections 455B.5(4) and 455B.12(2) of the Code, rules of the Air Quality Commission of the Department of Environmental Quality appearing on 267 to 284 of the IDR are amended as follows.

[Filed December 11, 1973]

CHAPTER 7

MEASUREMENT OF EMISSIONS

ITEM 1. Strike in the last line of subrule 7.1(1) the words "technical secretary"

and insert the words "executive director" in lieu thereof.

ITEM 2. Strike in line 8 of subrule 7.1(2) the words "technical secretary" and insert the words "executive director" in lieu thereof.

These rules are intended to implement chapter 455B.12, subsections 2 and 4 of the Code.

[Effective December 11, 1973]

ENVIRONMENTAL QUALITY DEPARTMENT

(continued)

AIR QUALITY COMMISSION

Pursuant to the authority of sections 455B.5(1) and 455B.12(2) of the Code, rules of the Air Quality Commission of the Department of Environmental Quality appearing on 267 to 284 of the IDR are amended as follows.

[Filed December 11, 1973]

CHAPTER 8

ITEM 1. Strike in subrule 8.2(1) in line five the words "its technical secretary or the commissioner" and insert the words "or the executive director" in lieu thereof.

ITEM 2. Strike in subrule 8.2(2) in lines three and four the words "its technical secretary or the commissioner" and

insert the words "or the executive director" in lieu thereof.

ITEM 3. Strike in paragraph 8.3(1) "a" in lines three and four of the second paragraph, the words "technical secretary" and insert the words "executive director" in lieu thereof.

ITEM 4. Strike in paragraph 8.3(1) "c" in line three the words "technical secre-

tary" and insert the words "executive director" in lieu thereof.

ITEM 5. Strike in paragraph 8.4(1) "d" in lines one and two the words "technical secretary" and insert the words "executive director" in lieu thereof.

These rules are intended to implement chapter 455B.12, subsections 2 and 4 of the Code.

[Effective December 11, 1973]

ENVIRONMENTAL QUALITY DEPARTMENT

(continued)

AIR QUALITY COMMISSION

Pursuant to the authority of sections 455B.5(4) and 455B.12(2) of the Code, rules of the Air Quality Commission of the Department of Environmental Quality appearing on 267 to 284 of the IDR are amended as follows:

[Filed December 11, 1973]

CHAPTER 9

CERTIFICATE OF ACCEPTANCE

ITEM 1. Strike in subrule 9.2(1) in line three the words "technical secretary" and insert the words "executive director" in lieu thereof.

ITEM 2. Strike in subrule 9.2(2) in line two the words "technical secretary" and insert the words "executive director" in lieu thereof.

ITEM 3. Strike in paragraph 9.2(2) "a" in line four, the words "technical secretary" and insert the words "executive director" in lieu thereof.

ITEM 4. Rescind the second paragraph of 9.3(4) "b".

These rules are intended to implement chapter 455B.12, subsections 2 and 4 of the Code.

[Effective December 11, 1973]

ENVIRONMENTAL QUALITY DEPARTMENT

(continued)

AIR QUALITY COMMISSION

Pursuant to the authority of sections 455B.5(4) and 455B.12(2) of the Code, rules of the Air Quality Commission of the Department of Environmental Quality appearing on 267 to 284 of the IDR are amended as follows.

[Filed December 11, 1973]

ITEM 1. Insert after chapter 9 the following new chapter and renumber all subsequent chapters.

CHAPTER 10

AMBIENT AIR QUALITY STANDARDS

10.1(455B) *State-wide standards.* The state of Iowa Ambient Air Quality Standards shall be the National Primary and Secondary Ambient Air Quality Standards as published in 40 Code of Federal Regulations Part 50 (1972) and as amended in the Federal Register, Vol. 38, No. 178—Friday, September 14, 1973.

These rules are intended to implement chapter 455B.12, subsections 2 and 4 of the Code.

[Effective December 11, 1973]

ENVIRONMENTAL QUALITY DEPARTMENT

(continued)

AIR QUALITY COMMISSION

Pursuant to the authority of sections 455B.5(4) and 455B.12(2) of the Code, rules of the Air Quality Commission of

the Department of Environmental Quality appearing on 267 to 284 of the 1973 IDR are amended as follows.

[Filed December 11, 1973]

ITEM 1. Insert the following new chapter after chapter 10 and renumber all subsequent chapters.

CHAPTER 11

QUALIFICATION IN VISUAL DETERMINATION OF THE OPACITY OF EMISSIONS

11.1(455B) Qualified observer.

11.1(1) *Qualifications.* To qualify as an observer in reading visible emissions, a candidate must complete a smokereading course conducted by the department, or an equivalent course. The smoke generator used to qualify the observers must be equipped with a calibrated smoke indicator or light transmission meter located on the source stack if the smoke generator is to determine the actual opacity of the emissions. In order to qualify, the candidate must meet or exceed the following requirements:

a. Have on record with the department a minimum of 250 readings of black plumes and 250 readings of white plumes, taken at approved smokereading courses.

b. Must consecutively assign opacity readings in five percent increments, to 25 black plumes and 25 white plumes, with an error not to exceed 15 percent on any one reading and an average error not to

exceed 7.5 percent. This requirement must be met every six months in order to remain qualified.

11.1(2) *Procedures.* For stationary sources, the qualified observer stands at a distance from the base of the stack necessary to obtain a clear view of the appropriate portion of the plume, with the sun to his back but not more than 45 degrees to either side. From a vantage point perpendicular to the plume, the observer studies the point of greatest opacity in the plume. All readings are to be recorded to the nearest five percent opacity. A minimum of 32 readings shall be recorded. For mobile sources, the qualified observer following a vehicle must avoid reading directly into the plume, if possible. The line of observation should intersect the smoke train at as wide an angle as possible. Error of reading smoke in this fashion should be compensated for and smoke should be read at its point of maximum density. The periods of time in which opacities exceed the prescribed standard should be totaled. All readings are to be recorded to the nearest five percent opacity.

These rules are intended to implement chapter 455B.12, subsections 2 and 4 of the Code.

[Effective December 11, 1973]

ENVIRONMENTAL QUALITY DEPARTMENT

(continued)

WATER QUALITY COMMISSION

Pursuant to the authority of section 455B.32(3) of the Code, the rules appearing in the 1973 IDR 267 to 301 [Iowa Water Pollution Control Commission rules appearing in the 1971 IDR 954 to 956] are amended by adding thereto the following chapter.

[Filed August 21, 1973]

CHAPTER 19

WASTE WATER CONSTRUCTION AND OPERATION PERMITS

19.1(455B) *Definitions.* In addition to the definitions in sections 455B.1 and 455B.30 of the Code, the following definitions shall apply to this chapter.

19.1(1) "*Application for construction permit*" means the engineering report, plans and specifications and other data deemed necessary by the department for the construction of a proposed waste water disposal system or part thereof.

19.1(2) "*Construction permit*" means a written approval of the executive director to construct a waste water disposal system or part thereof in accordance with the plans and specifications approved by the department.

19.1(3) "*Application for operation permit*" means an application for an operation permit from the executive director for the operation of a waste water disposal system or part thereof or the discharge of sewage, industrial waste or other waste submitted by the owner of said disposal system or discharge source.

19.1(4) "*Operation permit*" means a written permit by the executive director authorizing the operation of a waste water disposal system or part thereof or discharge source, and, if applicable, the discharge of wastes from said disposal system or part thereof or discharge source to waters of the state.

19.2(455B) Permit to construct.

19.2(1) No person shall construct, install or modify any waste water disposal system or part thereof or extension or addition thereto without a construction permit issued by the executive director. In the case of livestock and poultry operations, only those operations which would be required to obtain a permit as provided under 16.3(455B) [1.3(455B) of the Iowa water pollution control commission, 1971 IDR page 955] shall be required to comply with the provisions of this section.

19.2(2) Applications for a construction permit must be submitted to the executive director at least 120 days in advance of the date of start of construction.

19.2(3) The executive director shall act upon the application within 60 days of receipt of a complete application by either issuing a construction permit or denying the construction permit in writing unless a longer review period is required and the applicant is so notified in writing. Notwithstanding the 120 day requirement in 19.2(2) above, construction of the approved system may commence immediately after the issuance of a construction permit.

19.2(4) The construction permit shall expire if construction thereunder is not commenced within one year of the date of issuance thereof. The executive director may grant an extension of time to commence construction if he finds it is necessary or justified, upon showing of such necessity or justification.

19.2(5) The executive director may modify or revoke a construction permit for cause which shall include but not be limited to the following:

a. Failure to construct said waste water disposal system or part thereof in accordance with the approved plans and specifications.

b. Violation of any term or condition of the permit.

c. Obtaining a permit by misrepresentation of facts or failure to disclose fully all material facts.

d. Any change during construction that requires material changes in the approved plans and specifications.

19.2(6) A construction permit shall not be required for the following:

a. Storm sewers that transport only surface water runoff.

b. Any new disposal system or extension or addition to any existing disposal system that receives only domestic or sanitary sewage from a building, housing or occupied by 15 persons or less.

19.2(7) Review of plans and specifications shall be based on the criteria contained in the "Recommended Standards for Sewage Works" (Ten States Standards) as adopted by the Great Lakes-Upper Mississippi River Board of State Sanitary Engineers, design manuals published by the department, applicable federal guidelines and standards, standard textbooks, current technical literature and applicable safety standards.

19.3(455B) Permit to operate.

19.3(1) No person shall begin operation of any new waste water disposal system or part thereof without first obtaining an operation permit for such system from the executive director. In the case of livestock and poultry operations, only those operations which would be required to obtain a permit as provided under 16.3(455B) [1.3(455B) of the Iowa water pollution control commission, 1971 IDR page 955] shall be required to comply with the provisions of this section.

19.3(2) The owner of any disposal system or part thereof in existence before the effective date of these rules for which a permit has not previously been granted by the Iowa department of health or the Iowa department of environmental quality must make application for an operation permit no later than 180 days after the effective date of these rules. No such existing disposal system shall be operated without an operation permit one year after the effective date of these rules unless an extension has been granted by the executive director. If proper application has been made and the application is in process, the time requirement of one year for having a valid operation permit is automatically extended until the application has either been approved or disapproved by the executive director.

19.3(3) The owner of any disposal system or part thereof in existence before the effective date of these rules for which a permit has previously been granted by the Iowa department of health or the Iowa department of environmental quality shall submit such information as the executive director may require to determine the conformity of such system and its operation with the rules of the department by no

later than 60 days after the receipt of a request for such information from the executive director.

19.3(4) Applications for operation permits required under 19.3(1) and 19.3(2) must be made on forms provided by the department. The application for an operation permit under 19.3(1) shall be filed at least 180 days prior to the date operation is scheduled to begin unless a shorter period of time is approved by the executive director. The executive director shall issue operation permits for applications filed pursuant to 19.3(1) within 90 days of the receipt of a complete application unless a longer period of time is required and the applicant is so notified.

19.3(5) The executive director may require any person discharging wastes to a publicly or privately owned disposal system to submit information similar to that required in an application for an operation permit but no permit is required for such discharges.

19.3(6) Applications for a discharge permit submitted to the U.S. Army Corps of Engineers under the 1899 Refuse Act Permit Program prior to October 18, 1972, shall be considered an application for an operation permit required by these rules. However, the executive director may require these applicants to submit additional information necessary to assure compliance with these rules.

19.3(7) Operation permits may be granted for any period of time not to exceed five years. Applications for renewal of an operation permit must be submitted to the department 120 days in advance of the date the permit expires. Each permit to be renewed shall be subject to the provisions of all rules of the department in effect at the time of the renewal.

19.3(8) No operation permit shall be considered to allow the discharge of any radiological, chemical or biological warfare agent or high level radioactive waste.

19.3(9) When necessary to comply with present standards which must be met at a future date, an operation permit shall include a schedule for the alteration of the permitted facility to meet said standards. Such schedules shall not relieve the permittee of the duty to obtain a construction permit pursuant to 19.2(455B).

19.3(10) Operation permits shall contain such conditions as are deemed necessary by the executive director to assure compliance with all applicable rules of

the department or to prevent nuisance conditions resulting from improper waste disposal.

19.3(11) The executive director may modify, suspend or revoke in whole or in part any operation permit for cause. Cause for modification, suspension or revocation of a permit includes the following:

a. Violation of any term or condition of the permit.

b. Obtaining a permit by misrepresentation of fact or failure to disclose fully all material facts.

c. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

d. Failure to submit such records and information as the executive director shall require both generally and as a condition of the operation permit in order to assure compliance with the discharge conditions specified in the permit.

19.4(455B) Transfer of title. If title to any disposal system or part thereof for which a permit has been issued under 19.2(455B) or 19.3(455B) is transferred, the new owners shall be subject to all terms and conditions of said permit. Whenever title to a disposal system or part thereof is changed, the department shall be notified of such change within 30 days.

19.5(455B) Validity of rules. If any section, paragraph, sentence, clause, phrase or word of these rules, or any part thereof, be declared unconstitutional or invalid for any reason, the remainder of said rules shall not be affected thereby and shall remain in full force and effect.

19.6(455B) Confidential information. No information supplied under these rules shall be considered confidential unless a request for determination of confidentiality is submitted with the aforementioned information. The person requesting confidential treatment for information submitted to the department shall have the responsibility of demonstrating to the executive director that the information in question would disclose a trade secret, a process or other information which would tend to affect adversely the competitive position of the person. The executive director shall provide written notification to any person whose request for confidentiality has been denied. Upon receipt of

such notification, the persons shall have 30 days to appeal the decision to the commission. Such appeal shall be filed with the executive director. Information submitted with a request for confidential treatment shall be treated as confidential until a final determination is made. In the event that the commission upholds the executive director's decision for disallowing of confidentiality, such information shall be held confidential for sufficient

time to allow the petitioner to institute the necessary legal proceedings to sustain the confidentiality claim. Under no circumstances shall effluent quality data be granted confidential treatment.

These rules are intended to implement sections 455B.32, 455B.45, and 455B.46 of the Code.

[Effective August 21, 1973]

ENVIRONMENTAL QUALITY DEPARTMENT

(continued)

WATER QUALITY COMMISSION

Pursuant to the authority of sections 455B.62 and 455B.65 of the Code, Title III, chapter 21 of the Department of Environmental Quality rules appearing on 290 to 293 of the 1973 IDR is hereby rescinded and the following adopted in lieu thereof.

The system classifications, operator experience and education requirements, operation contracts, fee schedule, and procedures outlined for issuance, renewal and revocation of certificates set out by the executive director pursuant to the authority of sections 455B.51, 455B.52, 455B.57 to 455B.61 and 455B.63 of the Code are incorporated verbatim in these rules as 21.2(455B) to 21.10(455B).

CHAPTER 21

CERTIFICATION OF OPERATORS OF PUBLIC WATER SUPPLY SYSTEMS AND WASTE WATER TREATMENT PLANTS

21.1(455B) Definitions. In addition to the definitions in section 455B.50 of the Code, the following definitions shall apply to this chapter.

21.1(1) "Public water supply" means any water supply, either publicly or privately owned, serving a municipality, a benefited water district, or a rural water district.

21.1(2) "Plant" designates the facilities which treat the waste water, water, or distribute or store the treated water.

21.1(3) "Direct responsibility" means accountability for and performance of active daily on-site operation of a water supply system or a waste water treatment plant. In those facilities requiring shift operation, direct responsibility means accountability for the active daily on-site

technical and administrative supervision of the facility and the active daily on-site charge of an operating shift of a water supply system or waste water treatment plant.

For those facilities allowed to operate under contract, direct responsibility means accountability for active supervision of and responsibility for the operation of a water supply system or a waste water treatment plant.

21.1(4) "Population equivalent" for a water supply system means the calculated number of people required to use an equal number of gallons of water per day as used by the water supply system in question, assuming that a person uses 100 gallons of water per day. Daily water use by the system in question shall be equal to the average daily demand placed on that system during the most recent one-year period of record.

21.1(5) "Population equivalent" for a waste water treatment plant means the calculated number of people which would contribute the same biochemical oxygen demand (BOD) per day as the system in question, assuming that each person contributes 0.167 pounds of five-day, 20° C., BOD per day.

21.1(6) "Primary treatment" means a treatment process designed to remove from the sewage organic and inorganic settleable solids by the physical process of sedimentation.

21.1(7) "Trickling filter" means a treatment process where the settled sewage is passed over a media onto which are attached biological organisms capable of oxidizing the organic matter, normally followed by sedimentation.

21.1(8) "Activated sludge" refers to a biological sewage treatment process in

which a mixture of sewage and sludge floc, produced in a raw or settled sewage by the growth of zooglycal bacteria and other organisms, is agitated and aerated in the presence of a sufficient concentration of dissolved oxygen, followed by sedimentation.

21.1(9) "*Waste stabilization lagoon*" means an excavation designed and constructed to receive raw or pretreated sewage in which stabilization is accomplished by several natural self-purification phenomena.

21.1(10) "*Oxidation*" means a process changing soluble iron and manganese to an insoluble form by the addition of oxygen to the compound by means of chlorine or potassium permanganate additions or mechanical aeration.

21.1(11) "*Chlorination*" means the addition of a chlorine compound or chlorine gas to water to protect the bacterial quality of the water.

21.1(12) "*Stabilization*" means the addition of chemical compounds to water to maintain an ionic equilibrium whereby the water is not in a depository or corrosive state.

21.1(13) "*Aeration*" means the bringing about of intimate contact between air and water by spraying the water in the air, bubbling air through the water or by forcing the air into the water by pressure.

21.1(14) "*Fluoridation*" means the adjustment of the fluoride ion concentration to produce the optimum fluoride concentration in the water.

21.1(15) "*Ion exchange softening*" means the process of softening water by passing it through an ion exchange material, such as zeolite, which contains chemicals that are exchanged for the hardness causing elements.

21.1(16) "*Coagulation*" means the agglomeration of colloidal or finely divided suspended matter by the addition to the water of an appropriate chemical coagulant.

21.2(455B) General.

21.2(1) The census taken each decade, or a special census taken by the U.S. Bureau of Census, shall be used to determine the population served by a water supply system, or waste water treatment plant if the population equivalent data is not available.

21.2(2) A plant having a combination of treatment processes which are in different grades shall be classified according to that process which requires the higher numerical classification.

21.2(3) The executive director may increase a waste water treatment plant or water supply system classification above that indicated by population or population equivalent for those facilities which include unusually complex processes or which present unusual operation or maintenance conditions.

21.2(4) An operator who has direct responsibility and who is in charge of and performs active daily on-site operation of a water supply system or waste water treatment plant or who provides active daily on-site technical and administrative supervision of a facility requiring shift operation shall hold a certificate of equal or higher classification than the classification designated for that plant or system.

21.2(5) An operator who is in active daily on-site charge of an operating shift and under supervision of a superintendent or other person certified at the plant classification, shall be certified in a classification no less than two grades lower than the plant classification. Such shift operators shall meet the education and experience requirements designated for operators in direct responsibility in becoming certified in the required grade and classification. For voluntary certification at a higher grade than required, such shift operators shall meet the education and experience requirements designated for general operation.

21.2(6) An operator, currently certified may obtain a duplicate certificate upon payment of the same fee as required for renewal of a certificate.

21.3(455B) Classification of waste water treatment plants.

Grade	Treatment	Greater of Population or Population Equivalent
I	Primary Treatment Waste Stabilization Lagoons	5,000 or less
II	Trickling Filter Activated Sludge Primary Treatment	5,000 or less 2,000 or less 5,001 to 15,000
III	Trickling Filter Activated Sludge Primary Treatment	5,001 to 15,000 2,001 to 5,000 15,001 to 50,000

IV Trickling Filter	Greater than 15,000
Activated Sludge	Greater than 5,000
Primary Treatment	Greater than 50,000

21.4(455B) Classification of water treatment plants.

Grade Treatment	Greater of Population or Population Equivalent
I Iron or manganese removal; aeration; chlorination; fluoridation; stabilization; any other chemical addition; or any combination of these processes.	1,000 or less
II Zeolite softening. Surface water supply systems without coagulation or lime or lime-soda softening and sedimentation.	5,000 or less
Iron or manganese removal; aeration; chlorination; fluoridation; stabilization; any other chemical addition; or any combination of these processes.	1,001 to 15,000
III Coagulation or lime or lime-soda softening and sedimentation and filtration.	15,000 or less
Zeolite softening.	Greater than 5,000
Surface water supply systems without coagulation or lime or lime-soda softening and sedimentation.	Greater than 5,000
Iron or manganese removal aeration; chlorination; fluoridation; stabilization; any other chemical addition; or any combination of these processes.	Greater than 15,000
IV Coagulation or lime or lime-soda softening and sedimentation and filtration.	Greater than 15,000

21.5(455B) Classification of water distribution systems.

Grade	Municipal	Greater of Population or Population Equivalent Rural Water Districts
I	15,000 or less	500 or less
II	15,001 to 50,000	501 to 2,000
III	Greater than 50,000	Greater than 2,000

21.6(455B) Operator education and experience qualifications.

21.6(1) All applicants shall meet the following educational and experience requirements for the grade of certificate as shown below. Experience shall be in the same field as the type of certificate for which the applicant is applying except that partial credit may be given for experience in related work or allied trades.

Grade	Education	Direct Responsibility	Operation
I	10th Grade	1 year	or 1 year

Stipulations: The executive director may accept lesser education qualifications where there is a demonstrated ability to operate the facilities satisfactorily under limited supervision.

Grade	Education	Direct Responsibility	Operation
II	10th Grade	2 years	or 4 years
	High School	1 year	or 2 years
	College —	1 year	or 2 years
	more		

Stipulations: Minimum of one year of experience required without substitution as allowed in subrule 21.6(2).

Grade	Education	Direct Responsibility	Operation
III	High School	3 years	or 6 years
	1 year College	2 years	or 4 years
	2 years College	2 years	or 2 years
	Additional College	1 year	or 2 years

Stipulations: One half of required experience must be in a Grade II or higher classification. Minimum of two years of operation experience is required without substitution as allowed in subrule 21.6(2); except for a college graduate with a bachelor of science degree the minimum experience without substitution shall be one year.

Grade	Education	Direct Responsibility	Operation
IV	High School	5 years	or 10 years
	1 year College	4 years	or 8 years
	2 years College	3 years	or 6 years
	College Graduate	2 years	or 4 years

Stipulations: One half of required experience must be in a Grade III or higher plant classification. Minimum of four years of operation experience required without substitution as allowed in subrule 21.6(2); except for a college graduate with a bachelor of science degree the minimum operation experience without substitution as allowed in subrule 21.6(2) shall be two years.

21.6(2) The following substitutions for experience or education may be accepted by the executive director.

a. Substitution of experience for education or education for experience.

(1) One year of general operation for two years grade school or one year of high school or one-half year of college.

(2) One year of direct responsibility for two years of high school or one year of college.

b. Substitution of training courses for education or experience.

(1) The first successful completion of a basic training course acceptable to the executive director shall be given credit for general operation experience equivalent to approximately 100 times the number of training contact hours, or one year of general operation experience, or one half that amount for direct responsibility operating experience.

(2) Successful completion of a laboratory training course or an advanced training course acceptable to the executive director shall be given credit for general operation experience equivalent to approximately 50 times the number of training contact hours, or one-half year of general operation experience, or one half that amount for direct responsibility operating experience.

(3) For the second successful completion of a basic, laboratory, or advanced training course acceptable to the executive director, the executive director may allow credit not to exceed one half that stated in subparagraphs (1) and (2) above. No credit shall be allowed for further completions beyond the second time.

(4) Successful completion of extended full-time resident or on-the-job training courses acceptable to the executive director shall be given credit for general operation experience equivalent to twice the length of the course, or equal to the length of the course for direct responsibility operating experience.

(5) Successful completion of part-time, or nonresident correspondence or other training courses acceptable to the executive director shall be given credit for operating experience in accordance with a specific determination by the executive director in each case.

21.7(455B) Contracts.

21.7(1) A contract for operation of a treatment plant or distribution system between the responsible agency or municipality and an operator certified in the required grade and classification may be approved by the executive director. If the responsible agency or municipality contracts with a company or firm, the duly certified operator who will assume direct responsibility shall be named in the contract. The responsible agency or municipality shall provide a copy of the signed contract to the executive director which includes the name of the duly certified operator who will assume direct responsibility at such time as the operator assumes responsibility.

21.8(455B) Fees.

21.8(1) The fee for the initial certificate issued shall be five dollars and for each annual renewal three dollars.

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21.8(2) The initial fee shall accompany the application for certification following successful completion of an examination of the same grade and classification as indicated on the application for certification. Application for certification shall be on forms provided by the executive director and shall be received by the executive director within 30 days of notification of successful completion of the examination.

21.9(455B) Failure to renew.

21.9(1) An operator may not continue to operate a water supply system or waste water treatment plant after one year from the date of issuance of a certificate without renewal thereof. If an operator, whose certificate has expired, requests recertification in the same grade and classification as held at the time of expiration, a new certificate is required. Application for recertification shall be accompanied by the initial certification fee in addition to all delinquent renewal fees.

21.9(2) If a certificate holder fails to renew within a two-year period following expiration of the certificate, the certificate will be automatically revoked.

21.10(455B) Revocation of certificates.

21.10(1) Upon automatic revocation of a certificate due to nonpayment of renewal fees, reapplication for certification may be allowed at any time following revocation and within 30 days of notification of successful completion of an examination of the same grade and classification as indicated on the application for certification.

21.10(2) Upon revocation of a certificate in accordance with the authority provided in chapter 455B.59 of the Code, reapplication for certification may be allowed after two years from the date of revocation. Any such applicant must successfully complete an examination in the same manner as a new applicant.

21.11(455B) Examinations.

21.11(1) Applications for examination shall be on forms provided by the commission. Completed application forms

shall be filed with the commission for its review at least 30 days prior to examination. The application must be completed and signed by the applicant.

21.11(2) Upon notification of successful completion of an examination, application for certification and the required fee shall be submitted to the executive director within 30 days of such notification.

21.11(3) Upon failure of an examination, the applicant may be re-examined after 90 days have elapsed from the date of the first examination. Upon failure of the second examination, the applicant may take the examination a third time after 180 days have elapsed from the date of the second examination. Upon failing the examination three times, a period of one year shall be required between each re-examination.

21.11(4) Failure to successfully complete the examination within one year from the date of application shall invalidate the application.

21.12(455B) Interstate endorsement.

21.12(1) For applicants who have been certified under other state mandatory certification programs, the equivalency of which has been previously reviewed and accepted by the commission, certification in an appropriate classification, without examination, will be recommended to the executive director.

21.12(2) For applicants who have been certified under voluntary certification programs in other states, certification in an appropriate class will be considered. The applicants must have successfully completed an examination generally equivalent to the Iowa examination and must meet the education and experience qualifications established by the executive director. The commission may at its discretion require the applicant to successfully complete the Iowa examination.

These rules are intended to implement sections 455B.50 to 455B.64 of the Code.

[Effective December 17, 1973]

HEALTH DEPARTMENT

Pursuant to the authority of sections 135.11 and 135.40 of the Code, the rule appearing in 1973 IDR, 334 and 335, relating to the reporting of maternal deaths is amended as follows:

[Filed October 15, 1973]

ITEM 1. Rule 5.1(135) is amended by striking all of said rule and inserting in lieu thereof the following:

"Reporting of maternal deaths. All maternal deaths shall be reported to the division of maternal and child health of

the state department of health within 48 hours by the attending physician. A maternal death is any death occurring while a woman is pregnant or of a woman within six months of delivery. This includes but is not limited to deaths resulting from abortions, ectopic pregnancies and all

deaths during pregnancy, childbirth, puerperium or deaths from complications of childbirth."

This rule is intended to implement section 135.40 of the Code.

[Effective October 15, 1973]

HEALTH DEPARTMENT

(continued)

Pursuant to the authority of 135C.14 of the Code, the rules appearing in 1973 IDR, 389 to 437, relating to health care facilities are amended as follows:

[Filed September 12, 1973]

ITEM 1. Subrule 56.1(3) is amended by striking all of said subrule and inserting after subrule 56.1(17) the following:

"'Nonambulatory' means a person who without the aid of another is not physically or mentally capable of walking including the ascent and descent of stairs."

ITEM 2. Subrule 56.11(1) is amended by adding thereto the following:

"If a health care facility has difficulty in establishing the required care review committee, it should notify the state department of health of the same."

ITEM 3. Subrule 56.13(1), paragraph "a", is amended by adding thereto the following:

"If suitable area for outdoor activities is not available for a health care facility licensed before May 23, 1972, an alternate plan to achieve the same may be submitted to the state department of health for approval."

ITEM 4. Subrule 56.13(1), paragraph "b", subparagraph three, is amended by striking from lines five through eight the words "Usable floor space shall not include space needed for door swings, irregularities in the rooms such as alcoves and offsets or wardrobes being used as a substitute for closet space." and inserting in lieu thereof the words "Usable floor space may include irregularities in the rooms such as alcoves and offsets with approval of the state department of health. Usable floor space shall not include space needed for door swings or wardrobes being used as a substitute for closet space."

ITEM 5. Subrule 56.13(3), paragraph "e", is amended by striking from line

three of paragraph "e" the words "January 1, 1975" and inserting in lieu thereof the words "December 31, 1975".

ITEM 6. Subrule 56.13(3), paragraph "f", is amended by striking paragraph "f" and inserting in lieu thereof the following:

"f. Nonambulatory residents and patients.

(1) All nonambulatory residents or patients newly admitted to a health care facility shall be housed on the street level floor.

(2) After December 31, 1975, no nonambulatory residents or patients shall be housed at other than the street level floor in a health care facility. However, before December 31, 1975, nonambulatory residents or patients shall be placed on the street level floor whenever beds are available.

(3) Any resident or patient who becomes temporarily nonambulatory shall not be forced to move from his room because of this rule.

(4) These provisions in paragraph "f" relating to nonambulatory residents or patients are not applicable if the health care facility has a suitably sized elevator commensurate with the resident's or patient's condition. Elevators shall be installed and maintained in accordance with the American Standard Safety Code for elevators, dumbwaiters and escalators."

ITEM 7. Subrule 56.13(3), paragraph "n", is amended by striking from line two the words "in any one dimension" and inserting in lieu thereof the words "in any major dimension".

ITEM 8. Subrule 56.13(4) is amended by striking all of said subrule and inserting in lieu thereof the following:

"56.13(4) Dining and living rooms.

a. Requirements for dining and living rooms.

(1) These rooms shall not be used as a bedroom. These rooms shall be easily enterable by residents or patients in wheelchairs. They shall be available for use by residents at appropriate times to provide periods of social and diversional individual and group activities.

(2) Dining rooms shall be furnished with dining tables and chairs. These rooms and furnishing shall be kept clean and sanitary.

(3) Living rooms shall be suitably provided with parlor furniture, television and radio receivers in good working order, recreational material, such as games, puzzles and cards, and reading material such as current newspapers and magazines. Furnishings and equipment of the room should be such as to allow group activities.

b. All adult foster homes, boarding homes, and custodial homes shall provide both a living room and a dining room. A combination living room and dining room may be permitted if the space requirements of a multipurpose room as provided in paragraph "h" of this rule are met.

c. Those nursing homes licensed before October 30, 1957, are required to provide a living room.

d. All custodial homes, basic, intermediate, and skilled nursing homes and extended care facilities constructed and initially licensed after October 30, 1957, shall provide a living room and a dining room conforming with the space requirements listed in paragraphs "f" and "g" of this rule. A combination living room and dining room may be permitted if the space requirements of a multipurpose

room as provided in paragraph "h" of this rule are met.

e. After December 31, 1975, every health care facility regardless of when initially licensed or constructed shall have either separate dining and living rooms or a multipurpose room for dining and diversional use. These rooms shall conform to the space requirements listed in paragraphs "f", "g" and "h" of this rule.

f. When space is provided to be used only for dining, the area shall total at least 15 square feet per licensed bed.

g. When space is provided to be used only for activities and recreational purposes, the area shall be at least 15 feet per licensed bed. At least 50 percent of the required area must be in one room.

h. When space is provided for multipurpose dining and activities and recreational purposes, the area shall total at least 30 square feet per licensed bed for the first 100 beds and 27 square feet per licensed bed for all beds in excess of 100. An open area of sufficient size shall be provided to permit group activities such as religious meetings or presentation of demonstrations or entertainment.

i. The afore-described area requirements may be met and satisfied by the use of one room or by the use of two or more rooms situated on different floors in the health care facility."

ITEM 9. Subrule 59.15(4), paragraph "a", is amended by striking paragraph "a" which reads "Provide accommodation for the seating of at least 50 percent of all residents at any one time."

These rules are intended to implement section 135C.14 of the Code.

[Effective September 12, 1973]

HEALTH DEPARTMENT

(continued)

Pursuant to the authority of sections 135.11 and 135.47 of the Code, the rules appearing in 1973 IDR, 457 and 458, relating to the renal disease program are amended as follows:

[Filed October 10, 1973]

ITEM 1. Subrule 113.1(2) is amended by adding after the word "federal" in line nine the words "or state".

ITEM 2. Subrule 113.1(3) is amended by striking all of said subrule and inserting in lieu thereof the following:

"The renal disease advisory committee shall evaluate the patient's financial needs resulting from renal disease which are not met by all other financial resources available to the patient. Financial assistance may be given for a percentage of unmet costs as determined by the renal disease advisory committee and the state department of health."

These rules are intended to implement section 135.47 of the Code.

[Effective October 10, 1973]

HIGHER EDUCATION FACILITIES COMMISSION

Pursuant to authority of sections 261.6 and 261.15 of the Code, and chapter 101, section 2, subsection 6 "b", Acts of the Sixty-fifth General Assembly, the rules which appear in 1973 IDR, 485 to 487, are rescinded and the following adopted in lieu thereof.

[Filed October 15, 1973]

CHAPTER 1

FEDERAL GRANTS FOR UNDERGRADUATE FACILITIES

1.1(261) The construction and equipment grants programs.

1.1(1) The "state plan for the higher education facilities Act of 1963" adopted by the higher education facilities commission on September 23, 1964, and as amended from time to time by the commission, constitutes the basis for carrying out its functions under title I of the higher education facilities Act of 1963 (public law 88-204), as amended, and applicable federal regulations.

1.1(2) Under part "A", title VI (public law 89-329), as amended, the commission administers a state plan to assist colleges and universities in obtaining federal grants for equipment and materials to improve undergraduate instruction. The commission assigns priorities, recommends grants and provides for hearings to applicants for funds.

1.1(3) Applicants for construction grants under title I and instruction equipment grants under part "A", title VI may obtain state plans and application instructions from the Higher Education Facilities Commission Office, 201 Jewett Building, Des Moines.

CHAPTER 2

SCHOLARSHIP PROGRAM

2.1(261) A state-supported and administered scholarship program.

2.1(1) *Advisory council.* An advisory council selected from officers of Iowa secondary schools, public community colleges and vocational-technical schools, private colleges and universities, and state-supported universities, shall be established by the commission. Members are appointed to serve two-year terms with the exception of the elected presidents of the Iowa personnel and guidance association, the Iowa association of

college admissions counselors, and the Iowa association of student financial aid administrators, who serve only for their one year in office. The committee shall make recommendations for procedures involved in all student aid programs administered by the commission.

2.1(2) *Application requirements.* All high school seniors who rank in the upper 15 percent of their class and who take a standard national test during the period specified by the commission will be considered as applicants.

2.1(3) *Eligibility for honorary scholarship.* An applicant for a state scholarship must meet the following initial requirements:

a. Be a resident of Iowa.

(1) The legal residence of a minor student shall be that of his parent(s) or guardian.

(2) Independent students must furnish evidence of Iowa residency, i.e., state income tax return or voter's registration certificate.

b. Complete requirements for admission to college before the end of the summer preceding entrance into college.

c. Release his test scores and rank in class to the commission.

2.1(4) *Eligibility for monetary scholarship.* Having qualified academically, an applicant competing for a monetary award must meet the following additional requirements:

a. Plan to enroll as a freshman student at a participating college, university or other institution in Iowa.

b. File a statement of family financial circumstances on forms designated by the commission for the purpose of assessing need for financial assistance.

2.1(5) *Criteria for awards.*

a. Academic potential for an applicant is determined by two factors, percentile rank in high school class and scores on a standard national test, combined in a six to four weighting ratio, respectively.

b. Financial need, defined as the difference between the applicant's resources and his anticipated expenses at the Iowa college of his choice, is evalu-

ated on the basis of the confidential statement of family resources.

(1) An applicant's resources include the estimated amount of his parents contribution toward college costs if he is a dependent, a minimum of \$300 in self-help from a female applicant and \$400 from a male applicant and a portion of his personal assets, if any, prorated over his remaining years of undergraduate education.

(2) College expenses include tuition and mandatory fees, room and board and a uniform allowance for other college-related expenses.

2.1(6) Honorary and monetary awards.

a. Honorary state scholarships are awarded to those applicants who qualify academically but do not meet the requirements for monetary awards, i.e., financial need and enrollment at an eligible Iowa institution, or who qualify fully but cannot be granted monetary awards owing to insufficient appropriated funds.

b. Monetary state scholarships are awarded to applicants who qualify both academically and financially, insofar as the appropriated funds permit.

(1) Monetary awards range from one hundred to six hundred and ten dollars, not to exceed tuition and mandatory fees at the institution selected by the recipient.

(2) Awards are prorated on a quarterly or semester basis and are paid directly to the institution after certification that the recipient is in attendance.

(3) If a recipient is dismissed or withdraws from college before completion of the term, his award or portion thereof shall be refunded to the state of Iowa in conformity with the institution's accepted policy on refunds.

(4) Upon the request of the recipient, a scholarship may be transferred from one participating institution to another before the beginning of any college term. The amount of the scholarship may be changed, if expenses differ significantly from those at the original college choice.

(5) A recipient may request a leave of absence for a maximum of one calendar year if illness, financial circumstances or other reasons beyond his control prevent his enrollment or force his withdrawal from college.

2.1(7) Acceptance forms. A monetary scholarship recipient is required to complete an acceptance form, reporting financial aids anticipated from other sources and agreeing to the terms of the award.

2.1(8) Eligible institutions. The following categories of Iowa institutions for post high school education are eligible to participate in the state of Iowa scholarship program:

a. Institutions holding accreditation by the North Central Association of Colleges and Secondary Schools.

b. State-supported area community colleges and vocational-technical schools accredited by the state department of public instruction.

c. Schools of professional nursing accredited by the state board of nursing.

d. Institutions which, in the absence of one of the above accreditations, can present satisfactory evidence that they have been in operation at least two full academic years and have been granted the status of candidate for membership in the North Central Association of Colleges and Secondary Schools.

2.1(9) Renewal of state scholarship.

a. A state scholarship recipient may receive renewal of his award, to the extent that funds are available, provided that he is in satisfactory standing with his college and continues to demonstrate need for financial assistance.

b. Renewal applications will be sent to the student's home address in the spring and must be filed by the date indicated thereon.

c. Renewal awards will be re-evaluated annually on the basis of changes in college costs or financial circumstances of the student.

CHAPTER 3

IOWA MEDICAL TUITION LOAN PLAN

3.1(261) Tuition loans for Iowa resident students who agree to become general practitioners (family doctors) and practice in Iowa.

3.1(1) Eligibility requirements. Student must have been a legal resident of Iowa for at least six months before date of application, such residency to be determined either by legal domicile of parent or guardian or by certification of applicant's voting registration in the state and filing of Iowa state income tax return by applicant or his spouse.

3.1(2) Application form. Student must file with the higher education facilities commission an application for each academic year in which he requests a loan. Application must bear the signature of his college dean, certifying that the student has been accepted for enrollment or is enrolled in good standing.

3.1(3) Loan contract. A separate loan contract with the executive director of the higher education facilities commission shall be negotiated for each academic year in which tuition is borrowed under this plan. The contract, which must be signed and notarized, will affirm the following conditions:

a. The borrower plans to practice general medicine in Iowa for at least five years after completion of his training, such training to include one year of internship either within or outside the state.

b. The full amount of the loan, less any canceled portion thereof, plus interest at nine percent per annum dating from issuance of the loan shall become due and payable according to the terms of the contract if the borrower discontinues medical training, enters a specialized field of medicine or establishes practice outside the state.

c. The borrower will notify the commission within 30 days of any change of address or intent to terminate his agreement.

d. If the borrower enters military service after completion of his medical training, the first two years of such service shall be applied toward cancellation of the debt.

e. Repayment shall be made in not more than ten equal semiannual installments, beginning within one month after termination of the agreement.

3.1(4) Family practice residency. A borrower who enters a "family practice residency" at an Iowa hospital shall be granted a maximum of two years exemption before entering general practice in Iowa and receive loan cancellation benefits for these two years. A borrower who enters "family practice residency" outside the state shall be granted a maximum of two years deferral on fulfillment of his loan contract.

3.1(5) Payment of tuition under loan plan. Payment shall be prorated by semester or quarter and made directly to the institution after certification that the

student is in attendance and in good academic standing.

CHAPTER 4

IOWA TUITION GRANT PROGRAM

4.1(261) Tuition grants, based upon financial need, to full-time resident students attending accredited private institutions of higher education in Iowa.

4.1(1) Financial need. The need of tuition grant applicants for financial aid shall be evaluated annually on the basis of a confidential financial statement filed on forms designated by the commission.

4.1(2) Tuition and mandatory fees. Tuition and mandatory fees shall be defined as those college costs paid annually by all students enrolled on a full-time basis. These costs shall be reported annually to the commission.

4.1(3) Iowa residency. The criteria used by the state board of regents to determine residency are hereby adopted for this program, with the exception that the independent applicant must be domiciled, or if he is dependent, his parents must be domiciled, in the state at the time he applies for the grant.

4.1(4) Disclaimer of dependency. An applicant who claims financial independence from his parents shall be required to file with the commission an affidavit (disclaimer of dependency) signed by his parent or guardian, stating that the applicant has received no parental support of any kind for the past 12 months, will not be claimed as a dependent on the tax return for the calendar year during which the grant is awarded and was not so claimed during the two preceding calendar years.

4.1(5) Priority for grants. Applicants are ranked in order of the estimated amount which their parents reasonably can be expected to contribute toward college expenses and awards are granted from lowest to highest parental contribution, insofar as funds permit.

CHAPTER 5

IOWA VOCATIONAL-TECHNICAL TUITION GRANT PROGRAM

5.1(65GA, ch101) Vocational-technical tuition grants, based upon financial need, to Iowa residents enrolled as full-time students in a vocational-technical program at an area school in the state.

5.1(1) *Financial need.* The financial need of vocational-technical tuition grant applicants shall be evaluated annually on the basis of a confidential financial statement filed on forms designated by the commission.

5.1(2) *Iowa residency.* The criteria used by each area school to determine residency are hereby adopted for this program.

5.1(3) *Priority for grants.* Applicants are ranked in order of the estimated amount of the student's family contribution toward college expenses and awards are granted from lowest to highest family contribution, insofar as funds will permit.

[Effective October 15, 1973]

HIGHWAY COMMISSION

Pursuant to the authority of chapters 306B and 306C of the Code, the rules appearing in 1971 IDR, 497 to 502 [1973 IDR, 514 to 517], relating to outdoor advertising are amended and superseded in their entirety and the following rules are adopted in lieu thereof.

[Filed September 27, 1973]

CHAPTER 5 OUTDOOR ADVERTISING

5.1(306B, 306C) *Definitions.* The following terms when used in these rules shall have the following meanings:

5.1(1) "*Commission*", "*interstate highway*", "*bonus interstate highways*", "*primary highways*", "*freeway primary highway*", "*main traveled way*", "*advertising device*", "*structure*", "*erect*", "*maintain*", "*reconstruction*", "*visible*", "*adjacent area*", "*right of way*", "*information center*", "*rest area*", "*commercial or industrial zone*", "*commercial or industrial activities*" and "*unzoned commercial or industrial area*", shall have the same meanings as set forth in section 10 of chapter 306C of the Code.

5.1(2) "*Bonus Act*" means the provisions of chapter 306B of the Code.

5.1(3) "*Billboard control Act*" means the provisions of chapter 306C, sections 10 to 21, of the Code.

5.1(4) "*Abandoned sign*" means an advertising device for which an owner is required to make application for a permit and pay an advertising permit fee, but for which no timely application has been made, or no fee paid.

5.1(5) "*Specific information panel*" means a panel, rectangular in shape, located in the same manner as other official traffic signs and consisting of:

a. The words, "*gas*", "*food*", or "*lodging*", and directional information; and

b. Space for one or more individual business signs to be mounted on the panel.

5.1(6) "*Business sign*" or "*logo sign*" means a separately attached sign mounted on the specific information panel to show the brand or name (trademark) or both, of the motorist services available on the crossroad at or near the interchange.

5.1(7) "*Directional and other official signs and notices*" includes only official signs and notices, public utility signs, service club and religious notices, public service signs, directional signs, and municipal recognition signs.

5.1(8) "*Official signs and notices*" means signs and notices erected and maintained by public officers and public agencies within their territorial or zoning jurisdictions and pursuant to and in accordance with direction or authorization contained in federal, state, or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local government agencies or nonprofit historical societies may be considered official signs.

5.1(9) "*Public utility signs*" means warning signs, informational signs, notices, or markers which are customarily erected and maintained by publicly or privately owned utilities, as essential to their operations.

5.1(10) "*Service club and religious notices*" means signs and notices, whose erection is authorized by law relating to meetings of nonprofit service clubs or charitable associations, or religious services.

5.1(11) "*Directional signs*" means signs containing directional information about public places owned or operated by federal, state, or local governments or their agencies; public or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; areas of natural scenic beauty or naturally suited for outdoor recreation.

"*Official directional signs*", refers only to those directional signs that are erected by public officers or agencies and required or authorized by law.

"*Private directional signs*" refers only to those directional signs other than official directional signs which are located off the right of way of any highway.

5.1(12) "*Municipal recognition signs*" means official signs and notices erected and maintained by any city or town within its respective territorial or zoning jurisdiction, which signs or notices may identify, direct, or specify the location of its municipal boundaries, public services or attractions of a scenic, historical, cultural, scientific, educational, or recreational nature which are located therein.

5.1(13) "*Entrance roadway*" means any public road or turning roadway, including acceleration lanes, by which traffic may enter the main traveled way of an interstate highway or freeway primary highway from the general road system, irrespective of whether traffic may also leave the main traveled way by such road or turning roadway.

5.1(14) "*Exit roadway*" means any public road or turning roadway, including deceleration lanes, by which traffic may leave the main traveled way of an interstate highway or primary freeway highway to reach the general road system, irrespective of whether traffic may also enter the main traveled way by such road or turning roadway.

5.1(15) "*Nonconforming sign*" means a sign which was lawfully erected but fails to comply with the criteria of the bonus Act or billboard control Act.

5.1(16) "*On premise sign*" means advertising devices concerning the sale or lease of the property upon which they are located and advertising devices concerning activities conducted on the property upon which they are located. The property upon which the advertising device is located cannot have any inconsistent use, size, shape, or ownership from

the property where the activities advertised are located. The following will not be considered to be on premise signs:

a. Signs not located on the same property as the advertised activity or the same property advertised for lease or sale.

b. General advertising which does not have the purpose of identifying the establishment, products, or services available on the property.

c. Signs which are located upon any land which cannot be reasonably used as an integral part of the advertised activity.

d. Signs which are separated by a roadway, highway, obstruction, other activity, vacant, undeveloped, or unused land which serves no purpose or use related to the advertising activity, from the regularly used buildings and other structures, parking areas, storage and processing areas which are essential and customary to the conduct of business.

e. Signs located on land used or devoted to any purpose unrelated to the advertised activity.

f. Signs located upon narrow strips of land or in any configuration which is such that it cannot be put to any reasonable use related to the advertised activity except for signing purposes.

g. Signs located upon land held by, or subject to easements, leases, or other interests other than the property where the advertised activity is located.

h. Signs advertising a brand or trade name and the product or service advertised which is not a principal or major product or service of the establishment.

i. Signs advertising products or services not sold or otherwise provided for on the property.

5.1(17) "*Scenic area*" means any area of particular scenic beauty or historical significance as determined by the federal, state, county, or local officials having jurisdiction thereof, and includes interests in land which have been acquired for the restoration, preservation, and enhancement of scenic beauty.

5.1(18) "*Parkland*" means any public land which is designated or used as a public park, recreation area, wildlife or waterfowl refuge or historic site.

5.1(19) "*Obsolete*" means the display of advertising copy pertaining to activities which are no longer in use.

5.2(306B, 306C) **General provisions.** These rules pertain to all advertising devices which are visible from the main traveled way of any interstate, freeway primary, or primary highway, except advertising devices located within incorporated areas beyond 660 feet from the right of way.

5.2(1) *Manual of uniform traffic control devices (321.252)*. In addition to the provisions of these rules, specifications of the manual of uniform traffic control devices adopted by the commission pursuant to section 321.252 of the Code shall apply to all devices regulated thereunder.

5.2(2) *Unauthorized signs, signals, or markings (321.259)*. In addition to the provisions of these rules, any sign, signal, marking or device prohibited by section 321.259 of the Code is a public nuisance and shall be removed by the commission if it is within its jurisdiction.

5.2(3) *Obstruction of the highway or railway (319.10, 657.2(7))*. In addition to these rules, any advertising device, any other provision to the contrary notwithstanding, which obstructs the view of any portion of a public highway, public street, avenue, boulevard, alley, street, railroad, or railway tract as to render dangerous the use of a public highway in violation of sections 319.10 and 657.2(7) of the Code, is a public nuisance and shall be enforced accordingly.

5.2(4) *Advertising devices within the right of way (319.12)*. In addition to these rules, any advertising device placed or erected within the right of way of any primary, freeway primary, or interstate highway, except signs or devices authorized by law or approved by the commission, in violation of section 319.12 of the Code shall be removed and the costs assessed against the owner of the sign or device as provided by section 319.13 of the Code.

5.3(306B, 306C) **General criteria.** The commission shall control the erection and maintenance of advertising devices, subject to the provisions of these rules, in accord with the following criteria:

5.3(1) *Prohibition.* Advertising devices shall not be erected, maintained or illuminated which do not comply with all applicable state or local laws, rules,

regulations or ordinances, which may be more strict than the following:

a. No sign shall attempt, or appear to attempt to direct the movement of traffic.

b. No sign shall interfere with, imitate or resemble any official signs, signal or device.

c. No directional sign or sign subject to the more restrictive controls of the bonus Act shall move or have any animated or moving parts.

d. No sign shall be erected or maintained upon trees, painted or drawn upon rocks or other natural features.

e. No sign shall include any flashing, intermittent or moving light or lights except those signs giving public service information such as time, date, temperature, weather and news. Any variation or addition to the stated service information shall be subject to approval by the commission.

f. No lighting shall be used in any way in connection with any sign unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled way of any highway, or is of such low intensity or brilliance as to not cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.

g. No directional sign or sign subject to the more restrictive controls of the bonus Act shall be obsolete.

h. Signs shall be maintained in good repair so as to be legible.

i. Signs shall be securely affixed to a substantial structure.

j. No directional sign or sign subject to the more restrictive controls of the bonus Act shall advertise activities which are illegal under federal or state laws in effect at the location of those activities or at the location of the sign.

5.3(2) *Measurement of distance.* Distance from the edge of a right of way shall be measured horizontally along a line normal or perpendicular to the centerline of the highway.

5.3(3) *Measurement of area.* The area of an advertising device shall be measured by the smallest square, rectangle, triangle, circle or combination thereof which will encompass the entire

display area including cutouts, extensions, border and trim, but excluding base, apron, support, or other structural members.

5.4(306B, 306C) Interstate special provisions. In addition to the general provisions of rule 5.3 of these rules the following provisions apply to advertising devices located within the adjacent area of any interstate highway except subrules 5.4(1), 5.4(2), 5.4(3), 5.4(4), and 5.4(5) of these rules shall not apply to advertising devices located within areas exempt from control under the bonus Act section 306B.2(5).

5.4(1) Interstate on premise signs (restricted). Within the adjacent area of any interstate highway not more than one on premise sign, visible to traffic proceeding in any one direction on any one interstate highway, advertising activities conducted upon the real property where the sign is located, may be erected or maintained more than 50 feet from the advertised activity. Such on premise signs more than said 50 feet shall be subject to the permit provisions of rule 5.6 of these rules.

5.4(2) Interstate on premise signs (for sale or lease). Within the adjacent area of any interstate highway, not more than one on premise sign advertising the sale or lease of the same property upon which the sign is located may be permitted in such a manner as to be visible to traffic proceeding in any one direction on any one interstate highway.

5.4(3) Interstate on premise size limitation. No on premise sign within the adjacent area of any interstate may be permitted to exceed 20 feet in length, width, or height, or to exceed 150 square feet in area, except those advertising activities conducted within 50 feet of such sign, located upon the same real property where the sign is located.

5.4(4) Interstate on premise signs (unrestricted). Within the adjacent area of any interstate highway, on premise signs advertising activities conducted within 50 feet of such sign, located upon the same real property where the sign is located are not subject to regulations as to number of signs, size, or spacing, however, for the purpose of determining the 50 foot distance the limits of the advertised activity shall be determined as follows:

a. When the advertised activity is a business, commercial or industrial land use, the distance shall be measured from the regularly used buildings, parking lots, storage or processing areas or other structures which are essential and customary to the conduct of the business.

b. When the advertised activity is a noncommercial or nonindustrial land use such as a residence, farm, or orchard, the distance shall be measured from the major structures or areas used in furtherance of the advertised activities.

5.4(5) Interstate signs which advertise activities being conducted within twelve air miles. All other advertising devices (except on premise advertising devices and official devices specifically permitted by these rules), located within the adjacent area and outside of the right of way of any interstate highway shall not be allowed unless they advertise activities conducted within 12 air miles of the place where the sign is located, and comply with the following provisions of this section in addition to the general provisions of rule 5.3 of these rules.

NOTE: The more restrictive provisions of section 306C.11, paragraph 5, of the Code, in regard to signs, displays, and devices giving specific information of interest to the traveling public, supersedes and restricts the previous provisions of section 306B.2, paragraph 4, of the Code, which existed as an exception to the 12-mile limit. Chapter 306C eliminates these signs, displays and devices giving specific information of interest to the traveling public except as to "logo" signs erected within the right of way under the provisions of subrule 5.7(2) of these rules.

a. No advertising device shall be erected or maintained without a current permit being issued and fee being paid.

b. No advertising device may be permitted to exceed 20 feet in length, width, or height, or 150 square feet in area.

c. Advertising devices shall be permitted only within zoned or unzoned commercial or industrial areas, and shall be consistent with the following:

(1) In advance of an intersection of the main traveled way of an interstate highway and an exit roadway, such signs visible to interstate traffic approaching the intersection may not be permitted to exceed the following number:

Distance from Intersection	Number of Advertising Devices
0-2 miles	0
2-5 miles	6
More than 5 miles	1 per mile

The specified distance shall be measured to the nearest point of the intersection of the traveled way of the exit roadway and the main traveled way of the interstate highway. The nearest point of intersection shall be the beginning of the exit ramp widening.

(2) No advertising device, visible to interstate traffic which is approaching or has passed an entrance roadway may be erected or maintained within 1,000 feet beyond the furthest point of intersection between the traveled way of such entrance roadway and the main traveled way of any interstate highway. The furthest point of intersection shall be the ending of the entrance ramp widening.

(3) No advertising devices may be permitted within 250 feet of a rest area. The measurement shall be from the nearest pavement widening for the purpose of acceleration or deceleration of traffic to or from the main traveled way, to the advertising device.

(4) No advertising device may be closer to another advertising device than 1,000 feet, and not more than two shall be permitted in any one mile. For purposes of this measurement it shall be made without reference to any on premise sign or signs.

(5) Not more than one advertising device advertising activities being conducted as a single enterprise or giving information about a single place may be permitted to be erected or maintained in such manner as to be visible to traffic moving in any one direction on any one interstate highway.

5.4(6) Interstate advertising devices not previously subject to control. Advertising devices which are visible from any interstate highway, but which are located beyond the adjacent area of any interstate highway in unincorporated areas, and advertising devices which are located in commercial or industrial zones traversed by segments of the interstate system within the boundaries of incorporated municipalities as such boundaries existed September 21, 1959, where the use of property adjacent to the interstate system is subject to municipal regulation and control, or other areas where the land on September 21, 1959, was clearly established by law for industrial or commercial purposes, shall be subject to the provisions of rule 5.5 of these rules and regulations.

5.5(306C) Special provisions interstate highways not previously controlled by chapter 306B, freeway primary and primary highways. Subject to the more strict provisions of rule 5.4 of these rules pertaining to advertising devices within the adjacent area of previously controlled segments of interstate highways, no advertising devices which are visible from any interstate, freeway primary, or primary highway shall be erected or maintained except on premise advertising devices, and except official directional or other traffic control devices, which do not comply with the provisions of this section in addition to the general provisions of rule 5.3 of these rules.

5.5(1) Advertising devices lawfully in existence prior to July 1, 1972, located in zoned and unzoned commercial or industrial areas. Within zoned and unzoned commercial or industrial areas, advertising devices lawfully in existence prior to July 1, 1972, not in violation of chapter 306B, of the Code, or any other statute, rule, or ordinance for which timely application for a permit has been made, and fees have been paid in accordance with rule 5.6 of these rules, may remain in existence, not in conformity with these rules pertaining to subsequently erected devices.

5.5(2) Advertising devices lawfully in existence prior to July 1, 1972, beyond 660 feet from the right of way. Advertising devices lawfully in existence prior to July 1, 1972, beyond the adjacent area of any interstate, freeway primary, or primary highway, for which timely application for a permit has been made, and fees have been paid in accordance with rule 5.6 of these rules, may remain in existence, not in conformity with these rules pertaining to subsequently erected devices.

5.5(3) Abandoned signs. Abandoned signs which do not comply with these rules shall be removed by the commission without compensation regardless of when erected.

5.5(4) Advertising devices lawfully in existence prior to July 1, 1972, within adjacent areas neither zoned nor unzoned commercial or industrial. Advertising devices lawfully in existence prior to July 1, 1972, located within the adjacent area of any primary, freeway primary, or interstate highway, which is not a zoned or unzoned commercial or industrial area for which device timely application

for a permit has been made, and fees paid in accordance with rule 5.6 of these rules may remain in existence not in conformity with these rules pertaining to subsequently erected signs, by provisional permit to be issued by the commission until the advertising device is acquired by the commission.

5.5(5) Advertising devices erected after July 1, 1972. After July 1, 1972, no advertising device visible from any interstate, freeway primary, or primary highway shall be erected or maintained within the adjacent area in incorporated areas or within or beyond the adjacent area in unincorporated areas, which does not comply with the following:

a. No advertising device shall be erected or maintained without a current permit from the commission.

b. No advertising device shall be erected or maintained outside of zoned or unzoned commercial or industrial areas.

c. Within the corporate limits of a municipality, no advertising device which is visible from any freeway primary highway; no advertising device which is located in commercial or industrial zones traversed by segments of the interstate system within the boundaries of incorporated municipalities as such boundaries existed on September 21, 1959, where the use of the property adjacent to the interstate system is subject to municipal regulation or control, shall be erected or maintained:

(1) Within 250 feet of another advertising device facing in the same direction.

(2) Within 250 feet of an interchange or rest area. Measurements shall be taken from the nearest pavement widening constructed for the purpose of acceleration or deceleration of traffic to or from the main traveled way, to the advertising device.

d. Outside the corporate limits of a municipality, no advertising device which is visible from any freeway primary highway; no advertising device which is visible from any interstate highway and within the adjacent area in commercial or industrial zones traversed by segments of the interstate system where the land use as of September 21, 1959, was clearly established by Iowa law as industrial or commercial; no advertising device which is visible from any

interstate highway beyond the adjacent area shall be erected or maintained:

(1) Within 500 feet of another advertising device facing in the same direction.

(2) Within the adjacent area, within 250 feet of an interchange or rest area. Measurements shall be taken from the nearest pavement widening constructed for the purpose of acceleration or deceleration of traffic to or from the main traveled way, to the advertising device.

e. Within the corporate limits of a municipality, no advertising device which is visible from any nonfreeway primary highway shall be erected or maintained:

(1) Within 100 feet of another advertising device facing the same direction.

(2) Within the triangular area formed by a line connecting two points each 50 feet back from the point where the right of way lines of the main traveled way and an intersecting street meet or would meet if extended, except if a building is located within the triangular area, a wall advertising device may be attached to the building provided it does not protrude more than 12 inches.

f. Outside the corporate limits of a municipality, no advertising device which is visible from any nonfreeway primary highway shall be erected or maintained:

(1) Within 300 feet of another advertising device facing in the same direction.

(2) Within the triangular area formed by a line connecting two points each 100 feet back from the point where the right of way lines of the main traveled way and an intersecting roadway meet, or would meet if extended, except if a building is located within the triangular area, a wall advertising device may be attached to the building provided it does not protrude more than 12 inches.

g. The distance and spacing requirements of "c"(1), "d"(1), "e"(1), and "f"(1), above, shall not apply to advertising devices which are separated by a building in such a manner that only one advertising device located with the minimum spacing distance is visible from a highway at any one time.

h. The minimum distance between two advertising devices facing the same

direction shall apply without regard to the side of the highway on which the advertising devices may be located and shall be measured along the centerline of the highway between points directly opposite the advertising devices.

i. In a rural area adjacent to an incorporated area, the first rural sign placement shall be no closer than the rural spacing requirement measured along the centerline of the highway between the point where the corporation line intersects the centerline and a point directly opposite the advertising device.

j. In those areas where the adjacent area on one side of the highway is incorporated and on the opposite side of the highway it is not, the spacing on both sides of the highway shall be regulated by the rural, or unincorporated area spacing requirements.

k. Directional and other official signs and notices and on premise advertising devices shall not be taken into consideration in determining compliance with spacing requirements.

l. No single face advertising device shall be erected or maintained which exceeds 1,200 square feet in area.

m. No back-to-back, V-type, side-by-side, or double deck advertising device shall be erected or maintained which exceeds a maximum of two advertising faces which are visible to traffic proceedings in any one direction on any one interstate, freeway primary or primary highway. The combined area of the two advertising faces shall not exceed a maximum of 750 square feet. The permitted multiple face advertising devices shall be on a common structure. No other type of multiple face advertising device shall be allowed except those described herein.

5.6(306C) Outdoor advertising permits and fees required. The owner of every advertising device visible from the main traveled way of any interstate, freeway primary or primary highway, regulated by the more restrictive provisions of section 5.4 (except subsections (2) and (4) of these rules and section 5.5 of these rules, is required to have made application for a permit to the commission on or before July 31, 1972, if the device was in existence on July 1, 1972; or if the advertising device is erected after July 1, 1972, the owner is required to first obtain such permit from the commission prior to the erection of the advertising

device. Any advertising device which is lawfully erected which later becomes subject to the provisions of these rules due to an event such as establishment of a new highway or change in the designation of a highway, the owner of the advertising device so affected shall make application to the commission for an advertising permit within 30 days of such event. In the case of advertising devices lawfully in existence in areas adjacent to any highway made an interstate, freeway primary, or primary highway after July 1, 1972, the owner of the advertising device is required to make application for a permit and pay the required fee within 30 days after the highway acquired said designation. Upon such timely application for a permit and payment of the required fee, advertising devices lawfully erected which become nonconforming due to such event after July 1, 1972, shall be eligible for such permits as if the devices were erected prior to July 1, 1972.

5.6(1) Form of application. Applications for outdoor advertising permits shall be upon the form provided by the commission, and shall contain the information required to be made thereupon, together with the required fee. Separate applications and fees are required for each face of an advertising device, except in the case of a single panel advertising device with identical messages appearing upon reverse sides of the panel, which does not exceed 16 square feet in area and is not more than 4 feet in length or height, which may be included in a single application and fee.

5.6(2) Fee required. The initial application fee is \$5.00 per face, and the annual renewal fee is \$3.00 per face, with the exception noted in rule 5.6(1), above. The initial fee shall be submitted at the time of making the application for the permit. Annual renewal fees shall be paid yearly thereafter. Advertising permit fees are not allocable for such yearly period. The fee shall not be refundable in full or proportionally unless the initial application is denied or withdrawn prior to approval, in which event, it shall be refunded in full. Approved applications shall state clearly the expiration date on or before which the annual renewal fee must be paid. Failure to make payment of the annual renewal fee prior to the expiration of an annual permit shall subject the advertising device to immediate removal by the commission as an abandoned sign.

5.6(3) Permits to be issued. Upon timely application for a permit containing all of the required information in due form and properly executed, together with the required fee being paid, the commission shall issue a permit to be affixed to the advertising device, if it will not violate any provision of law or rule or regulation promulgated hereunder.

a. Advertising devices lawfully in existence prior to July 1, 1972, for which timely application for a permit, together with the required fees have been timely paid, which are located within the adjacent area of any highway, which is not a zoned or unzoned commercial or industrial area, shall be issued a provisional permit, and annual renewals thereof, upon timely payment of the required fees, until such time as the commission acquires such advertising devices as provided for by rule 5.7 [5.8 probably intended] of these rules.

b. All other advertising devices lawfully in existence prior to July 1, 1972, for which timely application for a permit, together with the required fees have been timely paid, which do not violate any provision of law or these rules, shall be issued an advertising permit, and annual renewals thereof upon timely payment of the required fees.

5.6(4) Amended application required for reconstruction or modification. No advertising device subject to the permit provisions of these rules shall be reconstructed or substantially modified without first receiving the approval of the commission.

a. Application for reconstruction or modification of such advertising devices shall be by way of amendment to the application originally required to be made to the commission, and shall specify the pre-existing advertising device affected, and the permit number if any has been issued.

b. Any addition to or any substantial change in the dimensions, lighting, structure, or advertising face, in any manner except as incidental to the customary maintenance of an advertising device, (such as change of advertising message, to the extent it does not violate any provision of these rules) shall constitute modification.

c. Such amended application for reconstruction or modification shall be subject to the same criteria as would be applicable to advertising devices erected

after the effective date of the billboard control Act.

d. No additional permit fee shall be required for such amended application, and no new permit shall be issued for said reconstructed or modified advertising device, except as originally required, if said reconstruction or modification will not violate the provisions of these rules.

e. Should any such modification or reconstruction occur after denial of approval or without the required approval of the commission and in violation of these rules, said advertising device shall be subject to removal in the manner specified under section 5.8(2) or 5.8(3) of these rules as applicable, and any permit issued for said advertising device shall be subject to revocation, and any fee paid shall be forfeited.

5.6(5) Display of permits. The commission shall issue metal permit plates to applicants receiving advertising permits, provisional or otherwise. The applicant shall securely attach the plate to the advertising face or trim, of the respective advertising face of the advertising device for which it was issued, or the support structure immediately below the proper advertising face. The plate shall be located on the bottom corner nearest the main traveled way, except permit numbers shall not be obscured when viewed from the main traveled way. If the bottom location does not permit visible display, the number may be located on another prominent area of the device.

5.6(6) Replacement of permit plates. Plates which become lost, damaged or destroyed shall be replaced by the owner making application to the commission together with a one dollar fee to be paid for the replacement plate to be issued and displayed in the same manner.

5.7(306C) Outdoor advertising permits and fees not required. The following rules pertain to advertising devices which are exempt from the permit provisions of rule 5.6 of these rules, except on premise signs.

5.7(1) Directional signs. No private or official directional signs as defined in subrule 5.1(11) of these rules may be erected or maintained which are visible from any interstate, freeway primary, or primary highway, which do not comply with the general criteria of rule 5.3 of these rules, in addition to the following:

a. Privately owned activities or attractions eligible for directional signing must be nationally or regionally known, and of outstanding interest to the traveling public.

b. Within the adjacent area of any interstate highway, except those areas exempted from control under the bonus Act section 306B.2(5), no private directional signs shall be allowed unless they comply with the more restrictive provisions of subrule 5.4(5) of these rules.

c. The message on directional signs shall be limited to the identification of the attraction or activity and directional information useful to the traveler in locating the attraction, such as mileage, route numbers, or exit numbers. Descriptive words or phrases, and pictorial or photographic representations of the activity or its environs are prohibited.

d. No directional sign may be located in rest areas, parklands or scenic areas, or within the adjacent area within 2,000 feet of a rest area, parkland, or scenic area.

e. No directional sign may be located within the adjacent area within 2,000 feet of an interchange along any interstate or freeway primary highway (measured along the interstate or freeway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way).

f. No two directional signs, private or public, facing the same direction of travel shall be spaced less than one mile apart.

g. Not more than three directional signs, public or private, pertaining to the same activity and facing the same direction of travel may be erected along a single route approaching the activity.

h. Directional signs visible from any interstate highway shall be within 75 air miles of the activity. Directional signs visible from any freeway primary or primary highway shall be within 50 air miles of the activity.

i. No directional sign shall exceed the following size limitations:

- feet
- (1) Maximum area—150 square feet
 - (2) Maximum height—20 feet
 - (3) Maximum length—20 feet

5.7(2)(306C) Official signs within right of way of interstate and freeway primary highways giving specific information to the traveling public, (logo signing). The commission shall control the erection and maintenance of official signs giving specific information of interest to the traveling public in accord with the following criteria. (See Appendix Figures 1-10):

a. The commission shall erect specific information panels within the right of way of interstate and freeway primary highways at rural interchanges. Specific information panels shall not be installed within suburban or urban areas, except on circumferential, bypass, or beltway-type routes where existing development is not urban in character.

b. A separate mainline specific information panel shall be provided on the interchange approach for each qualified type of motorist service. Where a qualified type of motorist service is not available at an interchange, the specific information panel may not be erected.

c. The mainline specific information panel shall be erected between the previous interchange and before the first advance exit guide sign for the approaching interchange; providing no panel shall be closer than 1,500 feet to any major guide sign, with at least an 800 foot spacing between the information panels. In the direction of traffic, the successive panels shall be those for "LODGING", "FOOD", "GAS", in that order. (See Appendix Figures 1, 3, and 7). If the spacing limitations prohibit the erection of specific information panels for all of the three types of services, preference shall be given to available "GAS", "FOOD", or "LODGING", services in that order. No specific information panels shall be erected where minimum spacing limitations cannot be met.

d. On a single exit interchange where the advertised activity or the on premise signing of a service installation identified by a business sign on the mainline specific information panel is not visible from the ramp terminal, a ramp specific information panel for the qualified type of motorist service shall be erected. (See Appendix Figure 7). When the advertised activity or on premise signing is visible from the ramp terminal, no ramp specific information panel shall be erected. (See Appendix Figure 3).

e. The ramp specific information panel shall be erected in advance of the ramp terminal signing as detailed on the signing plans for the interchange. In the direction of traffic, the successive panels shall be those for "LODGING", "FOOD", "GAS", in that order. (See Appendix Figure 7). Official warning, regulatory, and guide sign installation shall have preference over installation of specific information panels and when ramp spacing limitations prohibit the erection of specific information panels for all three types of services, preference shall be given to the available "GAS", "FOOD", or "LODGING" services, in that order.

f. Specific information panels may not be erected at an interchange at which an exit from the interstate or freeway primary highway is provided, but at which no entrance ramp exists at the interchange or at another reasonably convenient location that would permit a motorist to proceed in the desired direction of travel without undue indirection or use of poor connection roads.

g. In addition to the specific information panels, a sign carrying the legend "GAS, FOOD, LODGING, PHONE, HOSPITAL, CAMPING", as applicable shall be erected in accordance with the *Manual of Uniform Traffic Control Devices* adopted by the commission.

h. Business signs may be permitted upon mainline specific information panels provided said signs comply with the following criteria:

(1) The individual business installation whose name, symbol, or trademark appears on a business sign, shall have given written assurance of its conformity with all applicable laws concerning the provision of public accommodations without regard to race, religion, color, or national origin and shall not be in continuing breach of that assurance.

(2) The maximum distance that the "GAS", "FOOD", or "LODGING" services can be located from the exit shall not exceed one mile for "GAS" and three miles for "FOOD" and "LODGING", in either direction. Said distance shall be measured from the earliest possible point of entry from the exit ramp to the intersecting crossroad, in the direction of the service location.

(3) "GAS" and associated services to qualify for erection of a business sign on a panel shall include—

(i) Appropriate licensing as required by law.

(ii) Vehicle services such as fuel, oil, and water

(iii) Rest room facilities and drinking water

(iv) Year-around operation at least sixteen continuous hours per day, seven days a week

(v) Telephone

(4) "FOOD" to qualify for erection of a business sign on a panel shall include—

(i) Appropriate licensing as required by law

(ii) Year-around operation at least sixteen continuous hours per day to serve three meals a day, seven days a week

(iii) Telephone

(5) "LODGING" to qualify for erection of a business sign on a panel shall include—

(i) Appropriate licensing as required by law

(ii) Adequate sleeping accommodations consisting of a minimum of ten units each, including bathroom and sleeping room

(iii) Telephone

(6) Erection or maintenance of any of the following advertising devices which serve the same business shall disqualify any such advertiser from obtaining a business sign upon any specific information panel.

(i) Any nonconforming or illegal advertising device

(ii) Other advertising devices except on premise signs located within the adjacent area of and visible from any interstate or freeway primary highway

(iii) Other advertising devices except on premise signs located beyond the adjacent area along and visible from any interstate or freeway primary highway in unincorporated areas.

(7) When the advertised activity or on premise signing of the service installation are not visible from the ramp terminal and a ramp specific information panel is erected, application shall be made for space on the ramp specific information panel in addition to application for space on the mainline specific information panel.

i. For single-exit interchanges, the maximum size of the mainline specific information panel shall be 12 feet wide and 8 feet high (see Appendix Figure 4), the minimum size shall be 12 feet wide and 5 feet high (see Appendix Figure 5). The directional legend "NEXT RIGHT" shall be displayed on the panel.

j. For single-exit interchanges, the size of the ramp specific information panel shall be as detailed on the signing plans for the interchange. (See Appendix Figures 8 and 9). Directional arrows shall be displayed on the panel to indicate the direction of the appropriate service.

k. For double-exit interchanges where a type of motorist service is to be signed for only one exit, one 12-foot wide and 5-foot high mainline specific information panel shall be used. Where the same type of motorist services are to be signed for each exit, the mainline specific information panel shall consist of two 12-foot wide and 5-foot high sections and shall display the appropriate business signs and directional information for each exit. The top section shall display the business signs for the first exit with the directional legend "NEXT RIGHT". The lower section shall display the business signs for the second exit with the directional legend "SECOND RIGHT". (See Appendix Figure 2).

l. On double-exit interchanges, ramp specific information panels shall not be erected.

m. The mainline specific information panel shall be a blue panel with a white reflectorized border and with white reflectorized words "GAS", "FOOD", or "LODGING" and exit directional legend in 10-inch capital letters.

n. The ramp specific information panel shall be a blue panel with a white reflectorized border and with white reflectorized words "GAS", "FOOD", or "LODGING" in 8-inch capital letters.

o. The "GAS", mainline specific information panel shall be limited to a maximum of six individual business signs with a maximum of three signs per horizontal row and the "FOOD" or "LODGING" mainline specific information panel shall be limited to a maximum of four individual business signs with a maximum of two signs per horizontal row.

p. The "GAS", ramp specific information panel shall be limited to a maximum of six individual business signs with a maximum of five signs per hori-

zontal row and the "FOOD" or "LODGING" ramp specific information panel shall be limited to a maximum of four individual business signs with a maximum of three signs per horizontal row.

q. Business sign installation order upon specific information panels shall be in the order of travel distance measured from the earliest possible point of entry from the exit ramp to the intersecting crossroad, in the direction of the service location.

r. On mainline specific information panels for either a double-exit interchange or for a single-exit interchange where a minimum size specific information panel is used, business sign installation shall be in a single horizontal row from left to right with respect to travel distance. (See Appendix Figures 1, 3, and 7).

s. On maximum size mainline specific information panels for a single-exit interchange, business sign installation shall be in a single horizontal row from left to right with respect to travel distance when the number of business signs displayed is more than one half or less of the maximum allowed. When the number of business signs displayed is more than one half of the maximum allowed, installation shall be nearest service, top left, next nearest service, lower left and continuing top row, lower row to the right. (See Appendix Figures 3 and 7).

t. On ramp specific information panels, business sign installation shall be in a single horizontal, top row for service installations in the "left" direction and in a single horizontal, bottom row for service installations in the "right" direction. Installation order shall be from left to right with respect to travel distance. (See Appendix Figure 7).

u. Individual businesses requesting placement of a business sign upon a mainline specific information panel shall submit an application form, provided by the commission, containing the necessary information, with remittance in a form other than cash in the amount of \$25 for each mainline and each ramp business sign. The \$25 remittance shall not be refundable either in full or proportionately unless the initial sign application is denied. An annual renewal fee of \$25 for each business sign will be due 30 days in advance of July 1 each year. Failure to submit renewal fees by this date shall be cause for removal and disposal of the business sign by the commission.

v. Upon approval of the application, the applicant shall furnish a business sign to the commission which meets commission specifications for placement on specific information panels. The business sign shall be a blue sign with a white border and white legend, except that colors consistent with customary use should be used with nationally, regionally, or locally known symbols or trademarks. Reflectorization may be used on business signs only when the service is available 24 hours per day, 7 days a week.

w. On mainline business signs the principal legend shall be at least six-inch letters whether capital or lowercase, except when the symbol or trademark is used alone for the business sign, any legend thereon shall be proportional to the size customarily used on said symbol or trademark. The "GAS" mainline business sign shall be contained with a 36-inch wide and 24-inch high rectangular panel. The "FOOD" or "LODGING" mainline business sign shall be contained within a 54-inch wide and 24-inch high rectangular panel. (See Appendix Figure 6).

x. On ramp business signs the principal legend shall be at least 4-inch letters whether capital or lowercase, except when the symbol or trademark is used alone for the business sign, any legend thereon shall be proportional to the size customarily used on said symbol or trademark. The "GAS" business sign shall be contained within a 24-inch wide and 16-inch high rectangular panel. The "FOOD" or "LODGING" ramp business sign shall be contained within a 36-inch wide and 16-inch high rectangular panel. (See Appendix Figure 10).

y. The commission shall perform all required installation, maintenance, and removal and replacement of all business signs upon specific information panels within the right of way.

z. No business sign shall be displayed which would mislead or misinform the traveling public, or which is unsightly, badly faded, or in a substantial state of dilapidation. The commission shall remove, replace, or mask any such business signs as appropriate. Ordinary initial installation and maintenance services shall be performed by the commission at such necessary times upon payment of the annual renewal fee, and removal shall be performed upon failure to pay any fee or for violation of any provision of these

rules and the business sign shall be disposed of.

aa. At such other times the commission may perform additional requested services in connection with changes of the business sign, upon payment of a \$25 service charge, and any new or renovated business sign required for such purpose shall be provided by the applicant.

bb. The commission shall not be responsible for damages to business signs caused by acts of vandalism or natural causes requiring repair or replacement of business panels. Applicants in such event shall provide a new or renovated business panel together with payment of a \$25 service charge to the commission to replace such damaged business panels.

5.7(3) Official signs and notices. Official signs and notices shall be consistent with the specifications of the *Manual of Uniform Traffic Control Devices* adopted by the commission as to all devices regulated thereunder, all other such devices shall be consistent with and subject to the direction or authorization contained in applicable state law, local ordinance or administrative authority. Historical markers shall be subject to the approval of the commission if erected within the right of way of any interstate, freeway primary or primary highway.

5.7(4) Public utility signs. Public utility signs shall be erected no larger than required to adequately convey the necessary message, and only at such places as are required to adequately mark the location of the utility, and subject to the approval of the commission if located within the right of way of any highway under its jurisdiction.

5.7(5) Service club and religious notices. Service club and religious notices shall not be placed within the right of way of any interstate, freeway primary, or primary highway. Such notices shall not be placed within the adjacent area of any interstate highway unless located in zoned and unzoned commercial or industrial areas, subject to the size, spacing and lighting requirements of subrule 5.4(5) of these rules. Outside of the right of way of any freeway primary or primary highway and outside the adjacent area of any interstate highway, such notices are allowed provided they do not exceed 8 square feet in area, and do not consist of more than the name of the

nonprofit service club, charitable association or church or religious group, an emblem, the location of, and hours of meetings or services of the same. Such notices shall comply with the general criteria of rule 5.3 of these rules. Erection and maintenance of such notices shall be subject to review by the commission to ascertain compliance with these rules. Such notices may be grouped upon a common panel or municipal recognition sign.

5.7(6) Municipal recognition signs. Municipal recognition signs shall not be placed upon the right of way of any interstate, freeway primary, or primary highway. Municipal recognition signs shall not be placed within the adjacent area of any interstate highway unless located in zoned and unzoned commercial or industrial areas, subject to the size, spacing and lighting requirements of subrule 5.4(5) of these rules. Outside of the right of way of any freeway primary or primary highway and outside the adjacent area of any interstate highway, municipal recognition signs are allowed so long as they do not contain any message in the nature of advertising, and do not violate the general criteria of rule 5.3 of these rules. Erection and maintenance of such municipal recognition signs shall be subject to review by the commission, to ascertain compliance with these rules.

5.8(306B, 306C) Acquisition and removal procedures. The commission shall cause to be removed every advertising device illegally erected or maintained, and every abandoned advertising device which violate the provision of these rules and regulations. The commission shall acquire by purchase, gift, or condemnation, and shall pay "just compensation" upon the removal of any advertising device for which a provisional permit has been issued.

5.8(1) Advertising devices lawfully in existence within 660 feet of the right of way not in zoned and unzoned commercial or industrial areas. Before July 1, 1978, the commission shall acquire or require to be removed all advertising devices which became nonconforming upon July 1, 1972, for which provisional permits were issued. Any advertising device lawfully erected which becomes nonconforming after that date, for which a provisional permit has been issued, shall be acquired or required to be removed within five years after the device became non-

conforming. Provided, if the advertising device is eligible for federal participation in payment of "just compensation", the advertising device shall not be acquired or be required to be removed unless the commission has received notification from the federal government that such federal share to be paid is immediately available to contribute to the cost of acquisition or removal.

a. Acquisition or removal of advertising devices for which "just compensation" shall be paid, shall be initiated by the commission by mailing or delivering to the owner of the advertising device and the owner of the land upon which it is located, written notice of intention to revoke the provisional permit issued for such devices to be removed. Said notice shall offer to buy the advertising device in accord with advertising device appraisal and acquisition procedures approved by the commission, insofar as possible. If said offer to buy is not accepted by the owner of the sign and owner of the land upon which it is located, the provisional permit shall be revoked and condemnation proceedings shall be instituted as provided for in chapter 472 of the Code.

b. In the event of condemnation the commission will take possession of the advertising device condemned as soon as the award has been deposited with the sheriff.

5.8(2) Removal of illegal and abandoned advertising devices under billboard control Act. Any advertising device erected or maintained after July 1, 1972, in violation of the billboard control Act is a public nuisance and may be removed by the commission upon 30 days' notice, by certified mail, to the owner of the advertising device and to the owner of the land on which the advertising device is located.

a. The notice shall require the owner of the advertising device to remove the advertising device if it is prohibited, or to cause it to conform to the provisions of these rules if it is not.

b. If the advertising device has not been removed or made to conform with the provisions of these rules, the commission shall enter upon the land and remove the advertising device, aided by injunction to abate the nuisance and to insure peaceful entry, if necessary.

c. Costs of removal, including fees and costs or expenses as may arise out of any action brought by the commission to insure peaceful entry and removal shall be assessed against the owner of the advertising device. Should the owner of the advertising device fail to promptly pay such fees, costs, or expenses, the commission shall proceed to advertise and sell the advertising device for purposes of collecting the same.

d. Any balance from the total receipts of the sale after deducting all fees, costs, and expenses, including those of the sale shall be paid to the owner of the advertising device; however, if in the opinion of the commission the proceeds of the sale will not be sufficient to justify the expense involved, the advertising device may be used, scrapped, dismantled, or otherwise destroyed or disposed of by the commission as it sees fit.

e. No compensation shall be paid to the owner of any advertising device which is illegally erected or maintained except as may result pursuant to sale as provided for in paragraph "d", above.

5.8(3) Removal of illegal advertising devices under bonus Act. Any advertising device erected or maintained in violation of the more strict provisions of chapter 306B of the Code is a public nuisance and may be removed by the commission upon 30 days' notice, by certified mail, to the owner of the device and to the owner of the land on which the advertising device is located.

a. The notice shall require the owner of the advertising device to remove the advertising device if it is prohibited, or to cause it to conform to the provisions of these rules if it is not.

b. If the landowner or owner of the device fails to act within 30 days as required in the notice, the state highway commission may file a petition in the district court of the county where such advertising device is located to abate the nuisance.

c. If the court finds a violation exists as alleged in the petition, the court shall enter an order in abatement against the person or persons erecting and maintaining such advertising device and against the person or persons owning the land on which it is located.

d. If the landowner or owner of the sign fails to act within the time required in the order of abatement the commission may give 30 days' notice to the landowner or owner of the sign and at the end of 30 days the commission may enter upon the land and remove the sign.

e. The commission may be aided by injunction to abate the nuisance and to insure peaceful entry.

f. Such entry after notice, shall not be deemed a trespass and the commission may be aided by injunction to abate the nuisance and to insure peaceful entry.

g. The cost of removal, including any fees and costs or expenses as may arise out of any action brought by the commission to insure peaceful entry and removal, shall be assessed against the owner of the sign.

h. Should the owner of the sign fail to promptly pay such fees, costs or expenses, the commission shall proceed to advertise and sell the sign for purposes of collecting the same.

i. Any balance from the total receipts of the sale after deducting the fees, costs and expenses, including those of the sale, shall be paid to the owner of the sign; however, if in the opinion of the commission, the proceeds of the sale will not be sufficient to justify the expense involved, the sign may be used, scrapped, dismantled, or otherwise destroyed or disposed of by the commission as it sees fit.

5.8(4) Misdemeanor. Whoever erected or maintains an advertising device in violation of chapter 306B of the Code or in violation of these rules and regulations pertaining to the more strict provisions applicable thereto shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$25 nor more than \$100.

5.8(5) Removal from right of way. Advertising devices erected upon the right of way of any public highway or upon other property owned by the state of Iowa shall be subject to removal without notice, and the costs thereof shall be assessed as provided for in section 319.13.

[Effective September 27, 1973]

FIGURE I - TYPICAL SIGNING FOR DOUBLE EXIT INTERCHANGE

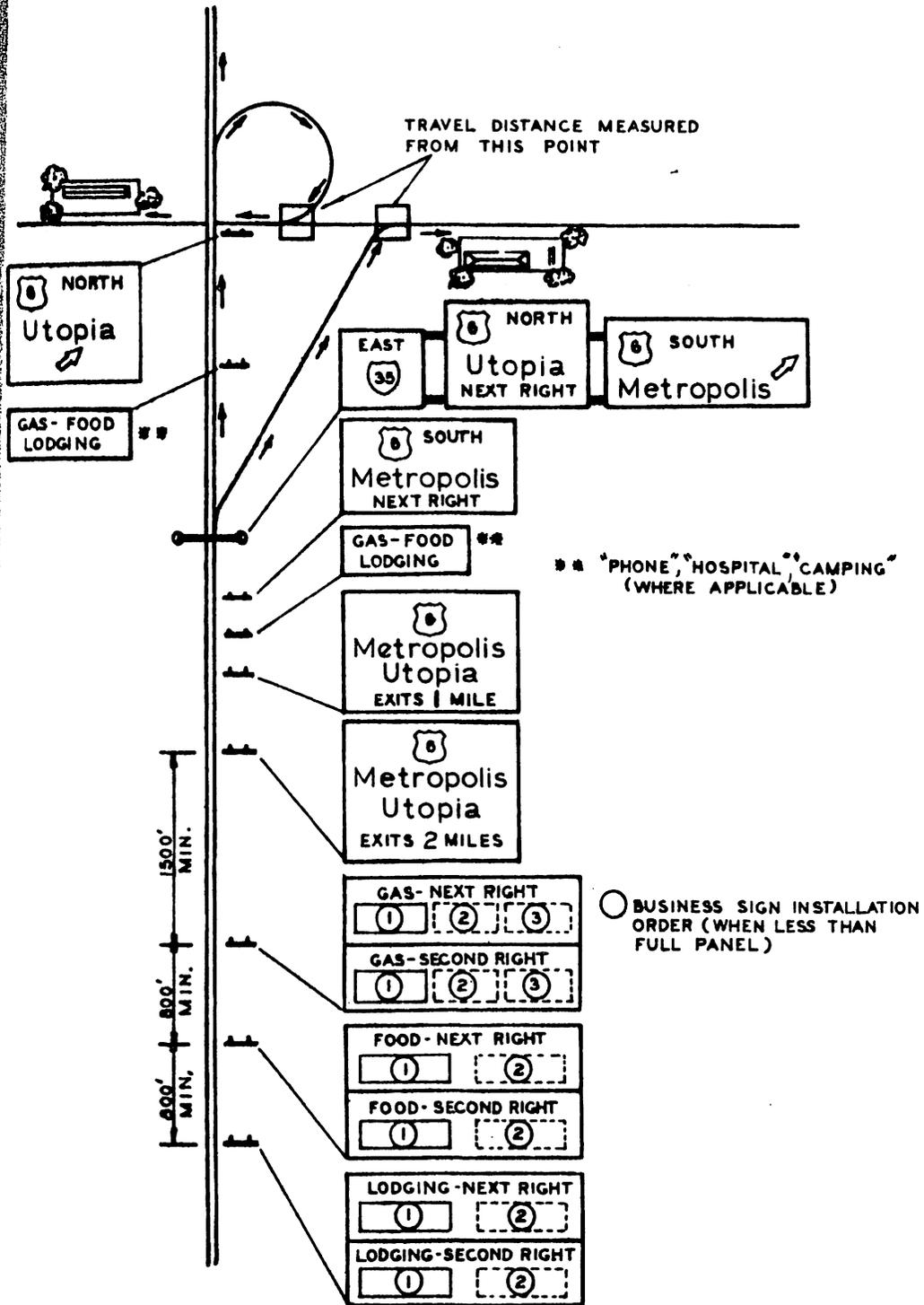


FIGURE 2 - MAINLINE SPECIFIC INFORMATION PANEL FOR DOUBLE EXIT INTERCHANGE

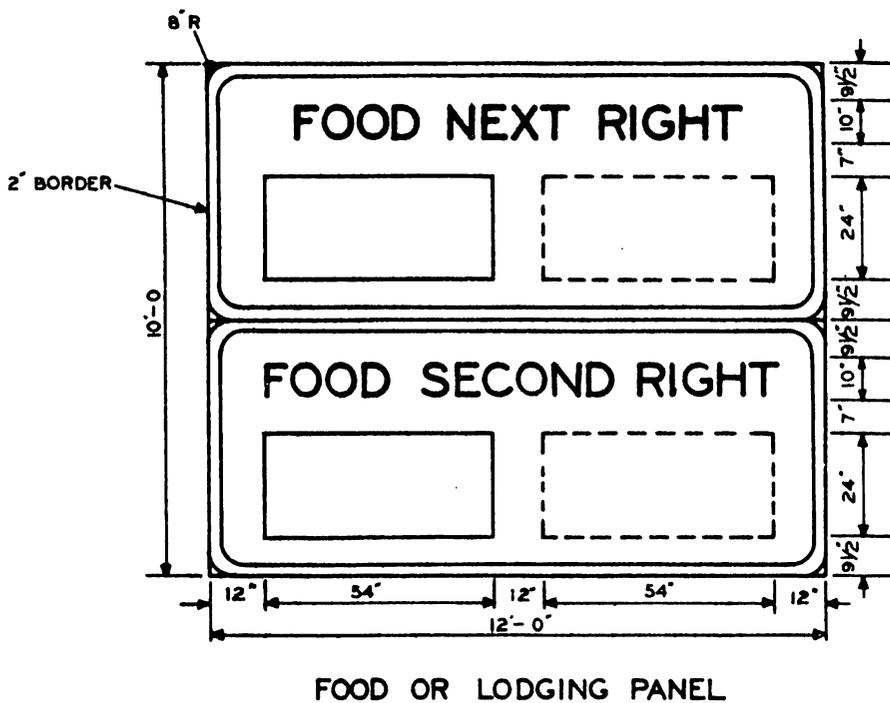
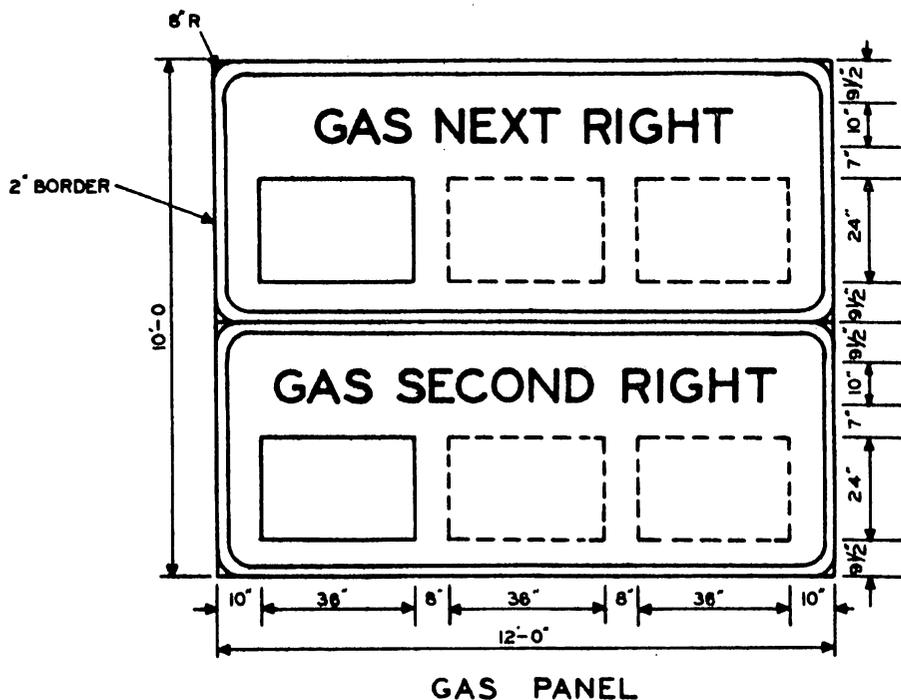


FIGURE 3 - TYPICAL SIGNING FOR SINGLE EXIT INTERCHANGE WHERE THE SERVICES ARE VISIBLE FROM THE RAMP TERMINAL

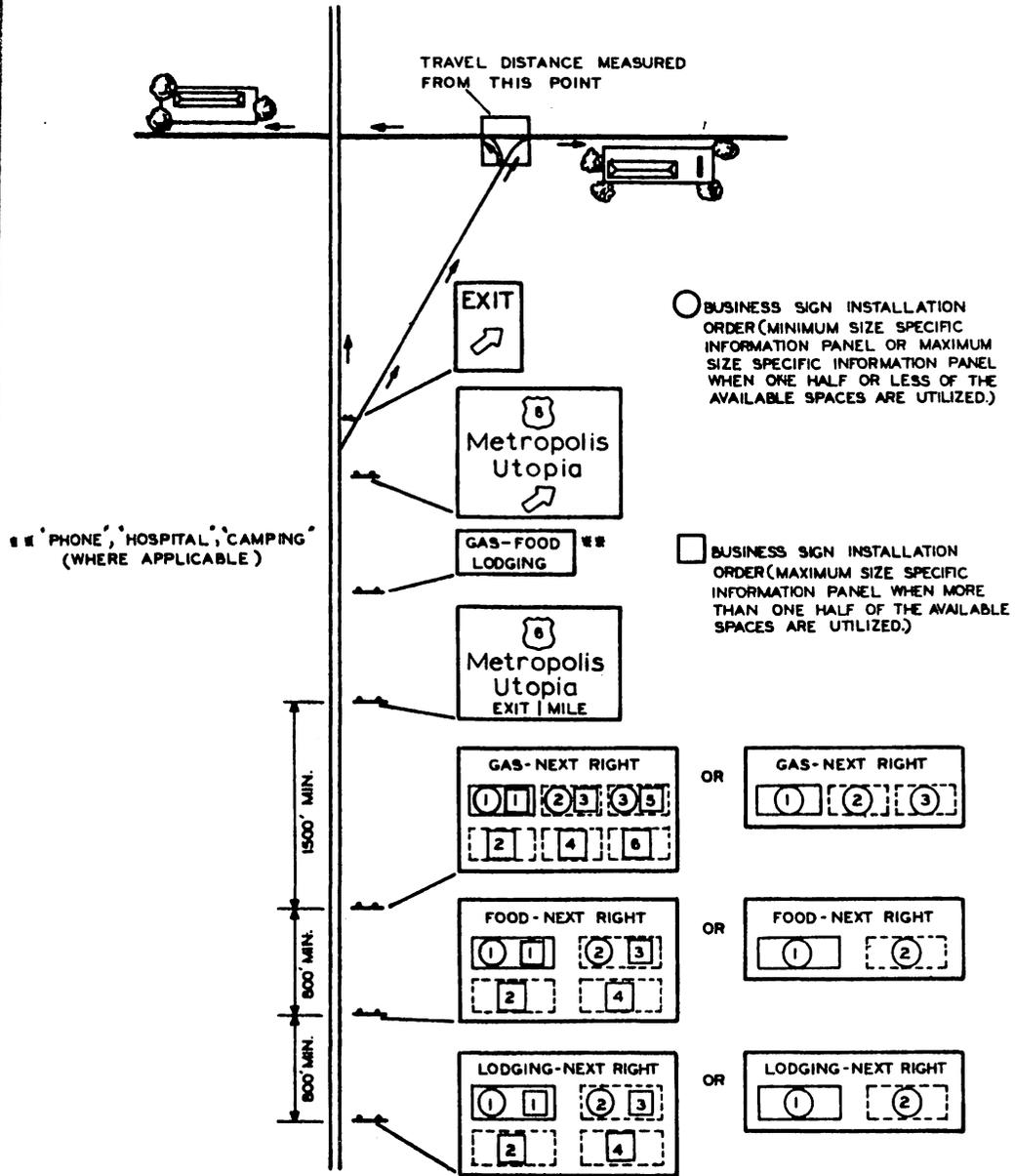
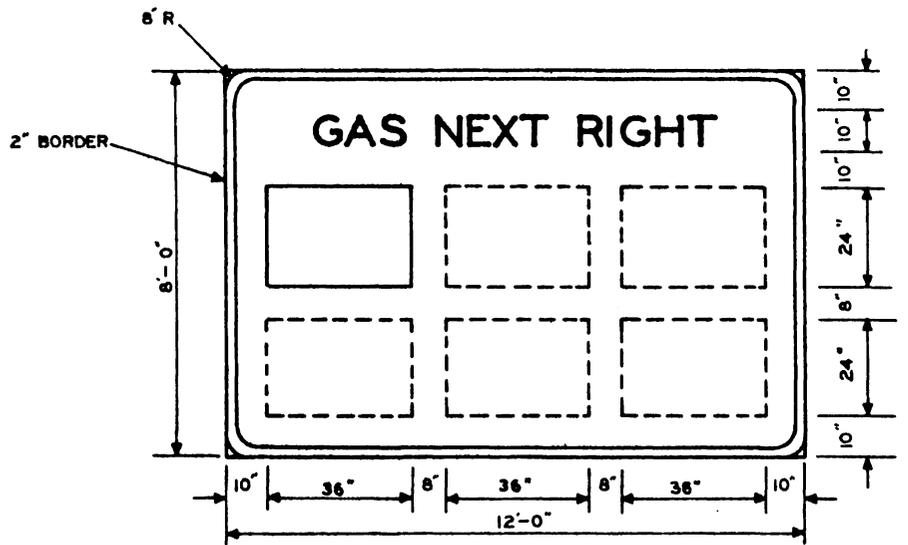
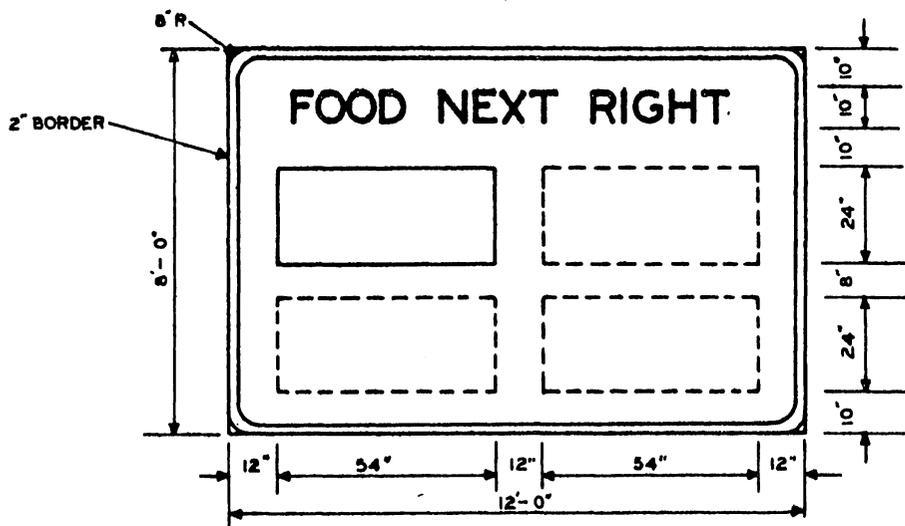


FIGURE 4 - MAXIMUM SIZE MAINLINE SPECIFIC INFORMATION PANEL FOR SINGLE EXIT INTERCHANGE



GAS PANEL



FOOD OR LODGING PANEL

FIGURE 5 - MINIMUM SIZE MAINLINE SPECIFIC INFORMATION PANEL FOR SINGLE EXIT INTERCHANGE

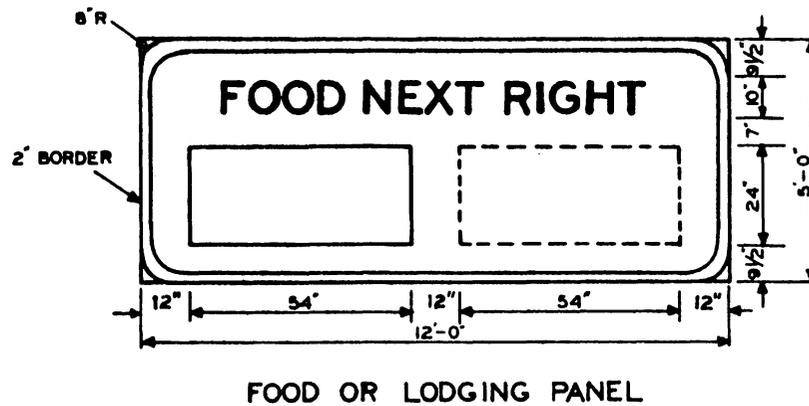
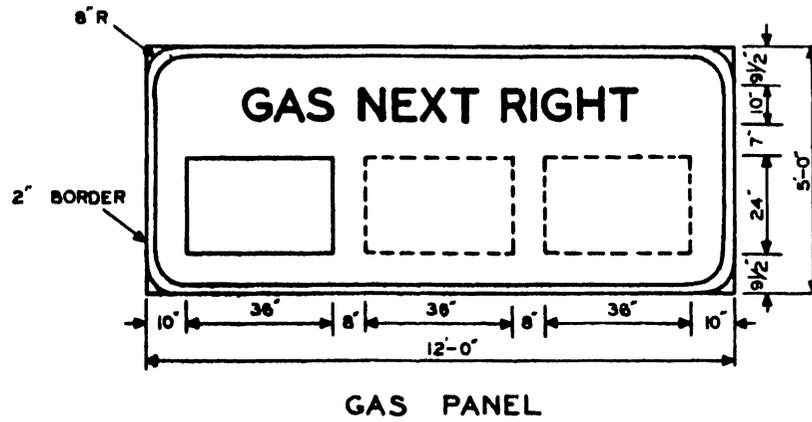
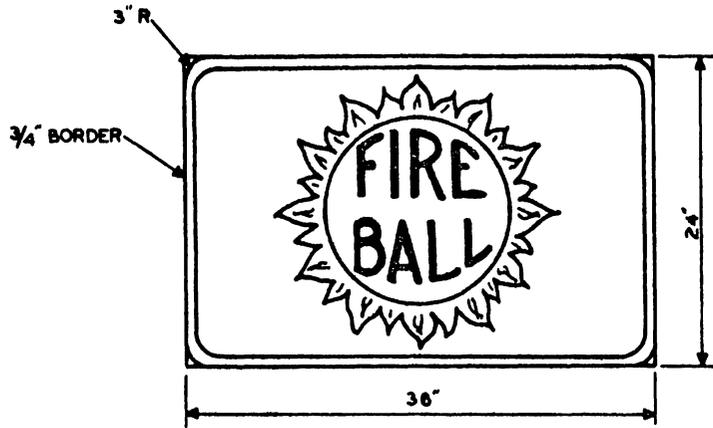
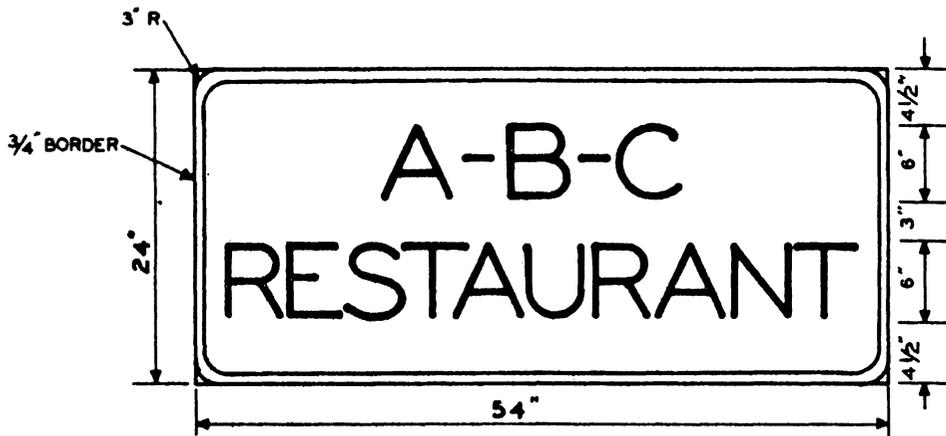


FIGURE 6 - MAINLINE BUSINESS SIGNS



GAS SIGN



FOOD OR LODGING SIGN

FIGURE 7 - TYPICAL SIGNING FOR SINGLE EXIT INTERCHANGE WHERE THE SERVICES ARE NOT VISIBLE FROM THE RAMP TERMINAL

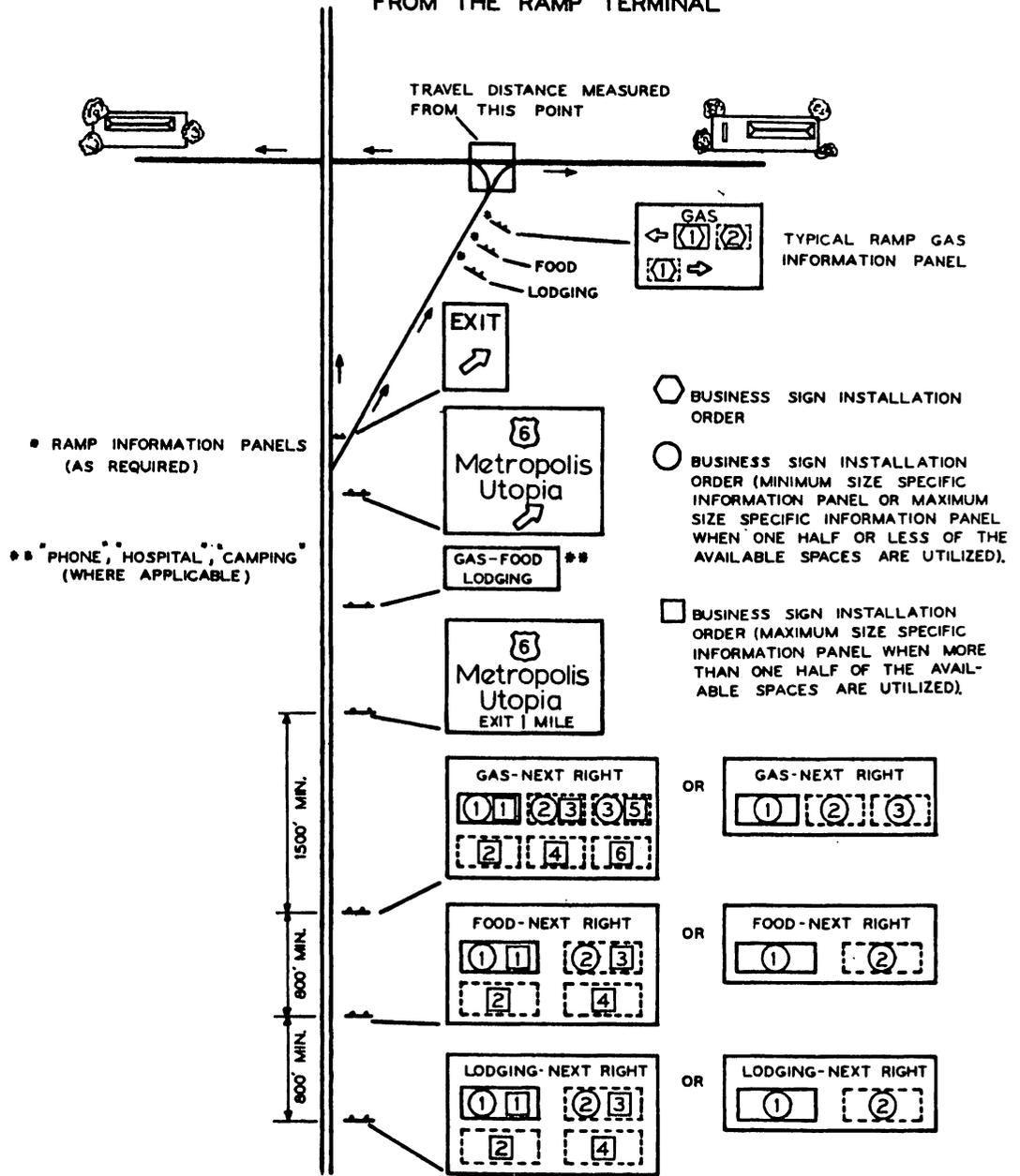
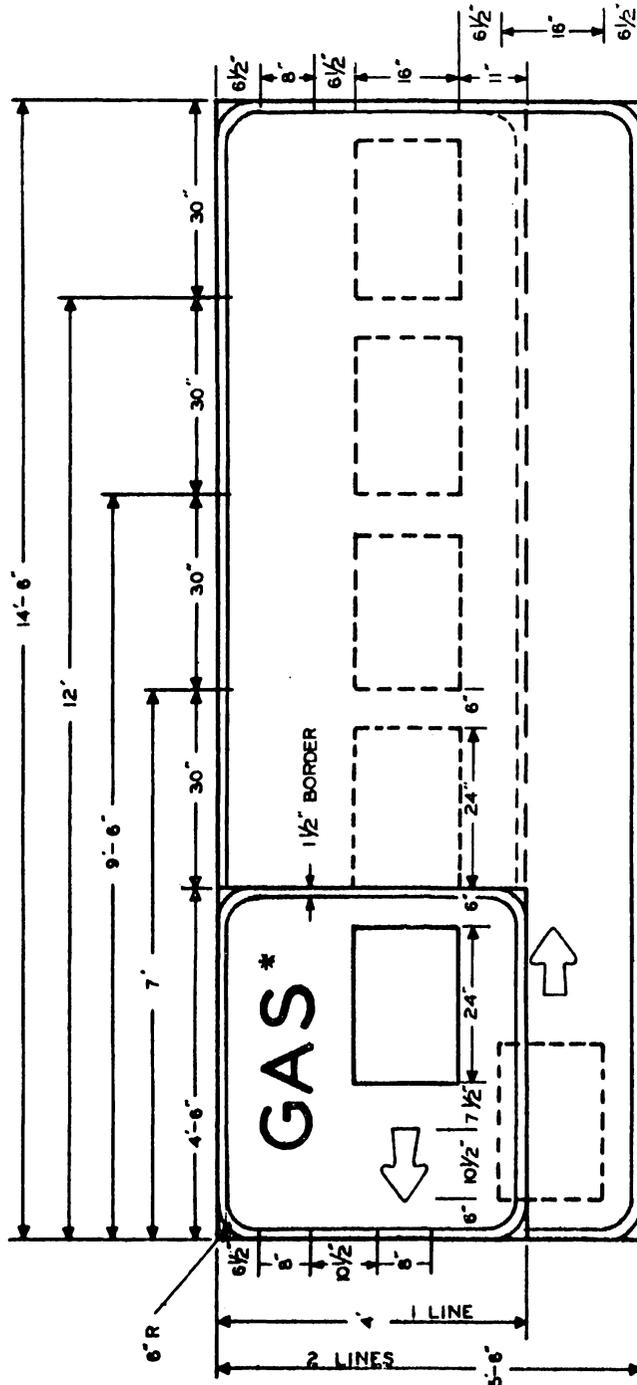
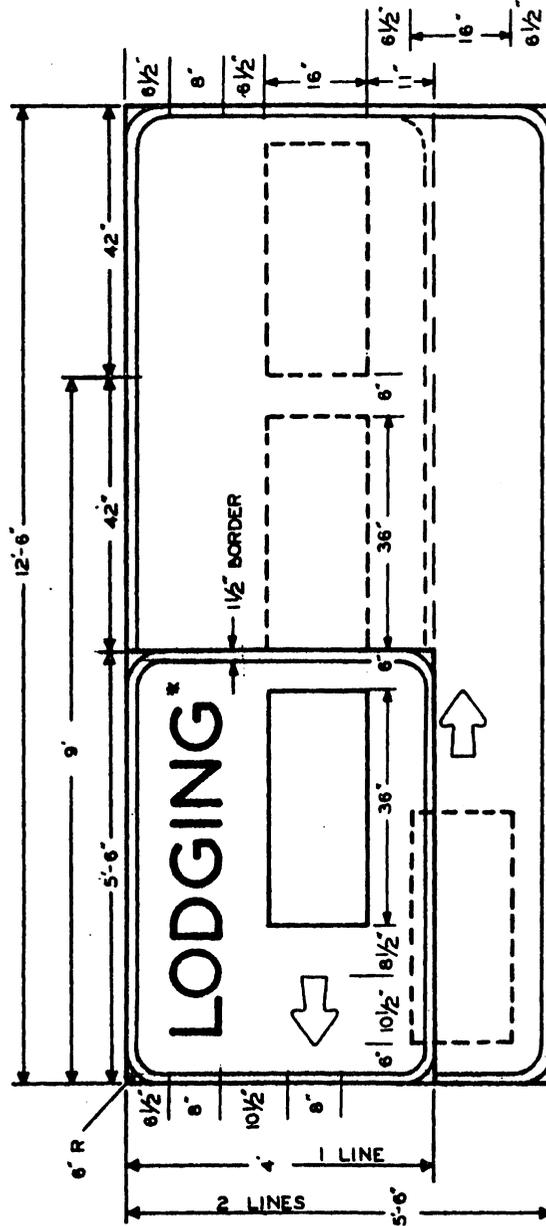


FIGURE 8 - RAMP GAS SPECIFIC INFORMATION PANEL FOR SINGLE EXIT INTERCHANGE



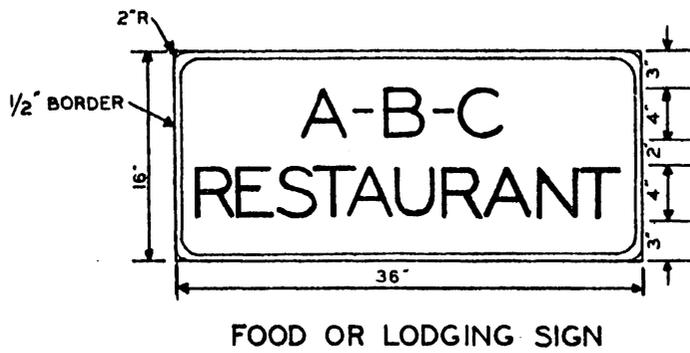
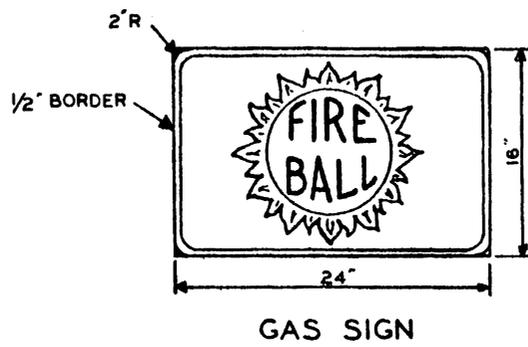
* CENTERED BASED ON LENGTH OF RAMP INFORMATION PANEL REQUIRED

FIGURE 9 - RAMP FOOD OR LODGING SPECIFIC INFORMATION PANEL FOR SINGLE EXIT INTERCHANGE



■ CENTERED BASED ON LENGTH OF RAMP INFORMATION PANEL REQUIRED

FIGURE 10 - RAMP BUSINESS SIGNS



ATTACHMENT TO RULES

THE FOLLOWING AMENDMENTS TO RULES OF THE HIGHWAY COMMISSION, CHAPTER 5, OUTDOOR ADVERTISING WERE RECOMMENDED BY THE DEPARTMENTAL RULES REVIEW COMMITTEE AND APPROVED BY THE HIGHWAY COMMISSION.

Item 1

5.1(19) "Obsolete" means the display of advertising copy pertaining to activities which are no longer in use.

Item 2

5.3(1)

c. No Directional Sign or sign subject to the more restrictive controls of the Bonus Act shall move or have any animated or moving parts.

e. No sign shall include any flashing, intermittent or moving light or lights except those signs giving public service information such as time, date, temperature, weather and news. Any variation or addition to the stated service information shall be subject to approval by the commission.

g. No Directional Sign or sign subject to the more restrictive controls of the Bonus Act shall be obsolete.

j. No Directional Sign or sign subject to the more restrictive controls of the Bonus Act shall advertise activities which are illegal under federal or state laws in effect at the location of those activities or at the location of the sign.

Item 3

5.4(5) *Interstate signs which advertise activities being conducted within twelve air miles.* All other advertising devices (except on premise advertising devices and official devices specifically permitted by these rules), located within the adjacent area and outside of the right of way of any interstate highway shall not be allowed unless they advertise activities conducted within twelve air miles of the place where the sign is located, and comply with the following provisions of this section in addition to the general provisions of section 5.3 of these rules.

Item 4

5.6(4)

b. Any addition to or any substantial change in the dimensions, lighting, structure, or advertising face, in any manner except as incidental to the customary

maintenance of an advertising device, (such as change of advertising message, to the extent it does not violate any provision of these rules) shall constitute modification.

Item 5

5.7(2)

bb. The Commission shall not be responsible for damages to business signs caused by acts of vandalism or natural causes requiring repair or replacement of business panels. Applicants in such event shall provide a new or renovated business panel together with payment of a twenty-five dollar (\$25) service charge to the Commission to replace such damaged business panels.

Item 6

5.7(6) *Municipal recognition signs.* Municipal recognition signs shall not be placed upon the right of way of any interstate, freeway primary, or primary highway. Municipal recognition signs shall not be placed within the adjacent area of any interstate highway unless located in zoned and unzoned commercial or industrial areas, subject to the size, spacing and lighting requirements of Sub-Section 5.4(5) of these rules. Outside of the right of way of any freeway primary or primary highway and outside the adjacent area of any interstate highway, municipal recognition signs are allowed so long as they do not contain any message in the nature of advertising, and do not violate the general criteria of Section 5.3 of these rules. Erection and maintenance of such municipal recognition signs shall be subject to review by the Commission, to ascertain compliance with these rules.

THE FOLLOWING AMENDMENTS TO RULES OF THE HIGHWAY COMMISSION, CHAPTER 5, OUTDOOR ADVERTISING WERE RECOMMENDED BY THE DEPARTMENTAL RULES REVIEW COMMITTEE BUT WERE NOT APPROVED BY THE HIGHWAY COMMISSION.

Item 1

5.1(4) "Abandoned Sign" means an advertising device in which the owner no longer has an interest.

Item 2

5.5(1) *Advertising devices lawfully in existence prior to July 1, 1972, located in zoned and unzoned commercial or industrial areas.* Within zoned and unzoned commercial or industrial areas, advertis-

ing devices lawfully in existence prior to July 1, 1972, not in violation of Chapter 306B, of the Code, or any other statute, rule, or ordinance for which application for a permit has been made, and fees have been paid in accordance with Section 5.6 of these rules, may remain in existence, not in conformity with these rules pertaining to subsequently erected devices.

Item 3

5.5(2) *Advertising devices lawfully in existence prior to July 1, 1972, beyond 660 feet from the right of way.* Advertising devices lawfully in existence prior to July 1, 1972, beyond the adjacent area of any interstate, freeway primary, or primary highway, for which application for a permit has been made, and fees have been paid in accordance with Section 5.6 of these rules, may remain in existence, not in conformity with these rules pertaining to subsequently erected devices.

Item 4

5.5(3) *Abandoned signs.* Abandoned signs which do not comply with these rules shall be removed by the Commission, upon the written authorization of the site owner, without compensation regardless of when erected.

Item 5

5.5(4) *Advertising devices lawfully in existence prior to July 1, 1972, within adjacent areas neither zoned nor unzoned commercial or industrial.* Advertising devices lawfully in existence prior to July 1, 1972, located within the adjacent area of any primary, freeway primary, or interstate highway, which is not a zoned or unzoned commercial or industrial area for which device application for a permit has been made, and fees paid in accordance with Section 5.6 of these rules may remain in existence not in conformity with these rules pertaining to subsequently erected signs, by provisional permit to be issued by the Commission until the advertising device is acquired by the Commission.

Item 6

5.6(306C) *Outdoor advertising permits and fees required.* The owner of every advertising device visible from the main traveled way of any interstate, freeway primary or primary highway, regulated by the more restrictive provisions of Section 5.4 (except Sub-sections (2) and (4)) of these rules and Section 5.5 of these rules, is required to make appli-

cation for a permit to the Commission for a device which was in existence on July 1, 1972; or if the advertising device is erected after July 1, 1972, the owner is required to first obtain such permit from the Commission prior to the erection of the advertising device. In the case of any advertising device which is lawfully erected which later becomes subject to the provisions of these rules due to an event such as establishment of a new highway or change in the designation of a highway, the owner of the advertising device so affected shall make application to the Commission for a permit within thirty days after the occurrence of such event. Upon such timely application for a permit and payment of the required fee, advertising devices lawfully erected which become nonconforming due to such event after July 1, 1972, shall be eligible for such permits as if the devices were erected prior to July 1, 1972.

Item 7

5.6(2) *Fee required.* The initial application fee is five dollars (\$5.00) per face, and the annual renewal fee is three dollars (\$3.00) per face, with the exception noted in Section 5.6(1), above. The initial fee shall be submitted at the time of making the application for the permit. Annual renewal fees shall be paid for each remaining year the advertising device is in existence subsequent to July 1, 1972. Advertising permit fees are not allocable for such yearly period. The fee shall not be refundable in full or proportionally unless the initial application is denied or withdrawn prior to approval, in which event, it shall be refunded in full. Approved applications shall state clearly the expiration date on or before which the annual renewal fee must be paid. Failure to make payment of the annual renewal fee prior to the expiration of an annual permit shall subject the advertising device to removal in the manner specified under Section 5.8(2) or 5.8(3) of these rules as applicable.

Item 8

5.6(3) *Permits to be issued.* Upon application for a permit containing all of the required information in due form and properly executed, together with the required fee being paid, the Commission shall issue a permit to be affixed to the advertising device, if it will not violate any provision of law or rule or regulation promulgated hereunder.

a. Advertising devices lawfully in existence prior to July 1, 1972, for which

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application for a permit, together with the required fees have been paid, which are located within the adjacent area of any highway, which is not a zoned or un-zoned commercial or industrial area, shall be issued a provisional permit, and annual renewals thereof, upon payment of the required fees, until such time as the Commission acquires such advertising devices as provided for by Section 5.7 of these rules.

b. All other advertising devices lawfully in existence prior to July 1, 1972, for which application for a permit, together with the required fees have been paid, which do not violate any provision of law or these rules, shall be issued an advertising permit, and annual renewals thereof upon payment of the required fees.

Item 9

5.7(2)

h.

(6) Erection or maintenance of any illegal advertising device which serves the same business shall disqualify any such business from obtaining a business sign upon any specific information panel.

Item 10

5.8(2) *Removal of illegal advertising devices under billboard control Act.* Any advertising device erected or maintained after July 1, 1972, in violation of the Billboard Control Act is a public nuisance and may be removed by the Commission upon 30 days' notice, by certified mail, to the owner of the advertising device and

to the owner of the land on which the advertising device is located.

a. The notice shall require the owner of the advertising device to remove the advertising device if it is prohibited, or to cause it to conform to the provisions of these rules if it is not.

b. If the advertising device has not been removed or made to conform with the provisions of these rules, the Commission shall enter upon the land and remove the advertising device, aided by injunction to abate the nuisance and to insure peaceful entry if necessary.

c. Costs of removal, including fees and costs or expenses as may arise out of any action brought by the Commission to insure peaceful entry and removal shall be assessed against the owner of the advertising device. Should the owner of the advertising device fail to promptly pay such fees, costs, or expenses, the Commission shall proceed to advertise and sell the advertising device for purposes of collecting the same.

d. Any balance from the total receipts of the sale after deducting all fees, costs, and expenses, including those of the sale shall be paid to the owner of the advertising device; however, if in the opinion of the Commission the proceeds of the sale will not be sufficient to justify the expense involved, the advertising device may be used, scrapped, dismantled, or otherwise destroyed or disposed of by the Commission as it sees fit.

[These rules were filed pursuant to section 17A.8 of the Code without approval of the IDR committee.]

LABOR, BUREAU OF

Pursuant to the authority of section 88.5 of the Code, rules appearing in 1973 IDR, 602 to 603, relating to occupational safety and health standards (chapter 10) are rescinded and the following adopted in lieu thereof.

[Filed August 16, 1973]

OCCUPATIONAL SAFETY AND HEALTH STANDARDS DIVISION

CHAPTER 10

GENERAL

10.1(88) **Definitions.** As used in these rules, unless the context clearly requires otherwise:

10.1(1) "*Standard*" means a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes,

reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

10.1(2) "*Part*" means chapter 10 of the Iowa bureau of labor rules.

10.2(88) **Applicability of standards.**

10.2(1) None of the standards in this chapter shall apply to working conditions of employees with respect to which federal agencies other than the department of labor, or the state agency acting under section 274 of the atomic energy Act of 1954, as amended (42 U.S.C. 2021), exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health.

10.2(2) If a particular standard is specifically applicable to a condition,

practice, means, method, operation, or process, it shall prevail over any different general standard which might otherwise be applicable to the same condition, practice, means, method, operation, or process.

10.2(3) On the other hand, any standard shall apply according to its terms to any employment and place of employment in any industry, even though particular standards are also prescribed for the industry, as in 1910.12, 1910.261, 1910.262, 1910.263, 1910.264, 1910.265, 1910.266, and 1910.267 of 29 C.F.R. 1910, to the extent that none of such particular standards applies.

10.2(4) In the event a standard protects on its face a class of persons larger than employees, the standard shall be applicable under this part only to employees and their employment and places of employment.

10.2(5) An employer who is in compliance with any standard in this part shall be deemed to be in compliance with the requirement of section 88.4, but only to the extent of the condition, practice, means, method, operation or process covered by the standard.

10.3 to 10.11 Reserved for future use.

ADOPTION OF ESTABLISHED STANDARDS

10.12(88) Construction work.

10.12(1) *Standards.* The standards prescribed in chapter 26 of the Iowa bureau of labor rules are adopted as safety and health standards and shall apply, according to the provisions thereof, to every employment and place of employment of every employee engaged in construction work. Each employer shall protect the employment and places of employment of each of his employees engaged in construction work by complying with the provisions of chapter 26.

10.12(2) *Definition.* For the purpose of this rule, "construction work" means work for construction, alteration, or repair including painting and redecorating, and where applicable, the erection of new electrical transmission and distribution lines and equipment, and the alteration, conversion, and improvement of the existing transmission and distribution lines and equipment. This incorporation by reference of chapter 26 (Part 1926) is not intended to include references to interpretative rules having relevance to the application of the construction safety Act, but having no relevance to the application of chapter 88 of the Code.

10.13 to 10.18 Reserved for future use.

10.19(88) *Asbestos dust.* Rule 1910.93(a) of the federal rules as adopted by reference in rule 10.21(88) shall apply to the exposure of every employee to asbestos dust in every employment and place of employment covered by rule 10.12(88), in lieu of any different standard on exposure to asbestos dust which would otherwise be applicable by virtue of any rule in adopted chapter 26.

10.20 Reserved for future use.

10.21(88) *Adoption by reference.* The rules in 1910.21 to 1910.309, as adopted by the United States secretary of labor shall be the rules for implementing chapter 88 of the Code. This rule adopts the Federal Occupational Safety and Health Standards of 29 C.F.R., Chapter XVII, Part 1910 as published at 37 Fed. Reg. 22102 to 22324 (October 18, 1972) and as amended at:

- 37 Fed. Reg. 23719 (November 8, 1972)
- 37 Fed. Reg. 24749 (November 21, 1972)
- 38 Fed. Reg. 3599 (February 8, 1973)
- 38 Fed. Reg. 9079 (April 10, 1973)
- 38 Fed. Reg. 10932 (May 3, 1973).

[Effective August 16, 1973]

LABOR, BUREAU OF

(continued)

Pursuant to the authority of section 88.5 of the Code, the rules filed with the secretary of state on August 16, 1973, relating to the occupational safety and health standards (chapter 10) are amended as follows.

[Filed October 11, 1973]

Amend rule 10.21(88) by inserting at the end thereof the words

- "38 Fed. Reg. 14373 (June 1, 1973)
- 38 Fed. Reg. 16223 (June 21, 1973)
- 38 Fed. Reg. 19030 (July 17, 1973)".

[Effective October 11, 1973]

LABOR, BUREAU OF

(continued)

Pursuant to the authority of section 88.5 of the Code the rules appearing in 1973 IDR, page 603, relating to safety and health regulations for construction (chapter 30) are rescinded and the following adopted in lieu thereof.

[Filed August 16, 1973]

**SAFETY AND HEALTH
REGULATIONS FOR CONSTRUCTION
DIVISION**

CHAPTER 26

26.1(88) Adoption by reference. Rules 1926.20-1926.1003, as adopted by the United States secretary of labor, shall be

rules for implementing chapter 88 of the Code. This rule adopts the Federal Safety and Health Regulations for Construction of 29 C.F.R., Chapter XVII, Part 1926 as published at 37 Fed. Reg. 27503-27600 (December 16, 1972). These federal rules shall apply and be interpreted to apply to the Iowa Occupational Safety and Health Act, not the Contract Work Hours and Safety Standards Act, and shall apply and be interpreted to apply to enforcement by the Iowa commissioner of labor, not the United States secretary of labor or the Federal Occupational Safety and Health Administration.

[Effective August 16, 1973]

LABOR, BUREAU OF

(continued)

Pursuant to the authority of section 88.5 of the Code, the rules filed with the secretary of state on August 16, 1973, relating to the safety and health regulations for construction (chapter 26) are amended as follows.

[Filed October 11, 1973]

Amend rule 26.1(88) by inserting at the end thereof the words "The amendments to 29 C.F.R. 1926 are adopted as published at 38 Fed. Reg. 16856 (June 27, 1973)".

[Effective October 11, 1973]

LABOR, BUREAU OF

(continued)

Pursuant to the authority of chapter 88A of the Code, rules appearing in IDR July 1973 supplement, 24 to 38 relating to safety inspection and regulation of amusement parks and rides are amended as follows:

[Filed December 20, 1973]

ITEM 1. Rule 61.1(88A), is amended by striking all of subrule 61.1(7), and reserving the number for future use.

Further amend said rule by striking all of paragraph 61.1(9) "d".

Paragraph 61.1(10) "a", is amended by striking the words "except for inspections made by special inspectors".

Subrule 61.1(12), is amended by striking from line 6 the word "[is]" and by inserting in lieu thereof the word "is".

ITEM 2. Rule 61.2(88A), is amended by striking all of subrule 61.2(10), and by inserting in lieu thereof the following:

61.2(10) Chains. Chains with certified load carrying capacities may be util-

ized for safety devices or in stress bearing applications. Twisted wire or stamped chain shall not be used."

ITEM 3. Rule 61.11(88A), is amended by striking from line 23 (the last sentence) the words "and his special inspectors have", and by inserting in lieu thereof the word "has".

ITEM 4. Subrule 61.12(4), is amended by striking from lines 2 and 3 the words "and his special inspectors have", and by inserting in lieu thereof the word "has".

ITEM 5. Subrule 61.15(1), is amended by striking from line 24 (the last sentence) the words "warning signs", and by inserting in lieu thereof the words "adequate guards".

ITEM 6. Subparagraph 61.18(1) "c" (3), is amended by striking from line 2 the words "preferably a special inspector".

ITEM 7. Deleted by IDR committee.

ITEM 8. Paragraph 61.20(1) "b", is amended by striking from line 6 the words "special inspector".

Subrule 61.20(5), is amended by striking from lines 5 and 6 the words "a special inspector", and by inserting in lieu thereof the words "an operator".

Subrule 61.20(5), is further amended by striking from line 9 the words "a special inspector", and by inserting in lieu thereof the words "an operator".

Rule 61.20(88A), is amended by striking all of subrules 61.20(6), 61.20(7), 61.20(8), and 61.20(9), and by renumbering accordingly.

Subrule 61.20(12), is amended by striking from line 13 the word "should", and by inserting in lieu thereof the word "shall".

[Effective December 20, 1973]

MERIT EMPLOYMENT DEPARTMENT

Pursuant to the authority of chapter 19A [19A.9], of the Code, rules appearing in the 1973 IDR, relating to military and educational leave, (chapter 4 of the merit employment department rules) are amended as follows:

[Filed August 16, 1973]

ITEM 1. Page 633, line 5, subrule 4.5(1) "d", by adding the words "probationary or" before the word "permanent".

ITEM 2. Page 633, line 6, by striking the word "may" and adding the word "shall".

ITEM 3. Page 633, line 7, by striking the words "the salary rate" and adding "the step in the salary range for his or her class of position to reflect changes in the salary grade for a class of position, reallocation or reclassification of a position within a class of position, cost of living increase or other adjustment".

ITEM 4. Page 633, line 7, by adding the words "or she" after the word "he".

ITEM 5. Page 633, line 8, by adding the words "or she" after the word "he".

[Effective August 16, 1973]

MERIT EMPLOYMENT DEPARTMENT

(continued)

Pursuant to the authority of chapter 19A [19A.9], of the Code, rules appearing in the 1973 IDR, relating to pay for certified instructional personnel, (chapter 4 of the merit employment department rules) are amended as follows:

Page 635, line 54, subrule 4.5(16), by striking the entire section and adding the following:

[Filed August 16, 1973]

"4.5(16) Pay for certified instructional personnel. Employees of state social services institutions who are employed in teaching positions for which teaching certificates, as issued by the department of public instruction, are required shall be paid in accordance with Salary Schedule III. The appointing authority shall file a copy of the local school district's pay plan no later than September 1 of each year. Individual rates of pay shall be established based upon the following factors: Length of school term; undergraduate, graduate and postgraduate course

work satisfactorily completed; years of experience in the teaching profession; salaries paid to other classified employees who are employed in positions which require similar education and experience requirements and rates of pay including increment differentials for comparable levels of teaching positions in local school districts. Rates of pay established for institutional teachers on the first day of the normal contract year shall remain in effect until the beginning of the next contract year. Exceptions to this rule would involve either the attainment of additional education during the school term at pre-established levels which warrants an additional pay step in the range based upon local conditions and practices, or salary adjustments approved and implemented for all teachers by local school districts during the school term. Section 4.5(2) "b" of the personnel rules, "Merit pay increase eligibility", does not apply to the teacher's salary schedule."

[Effective August 16, 1973]

MERIT EMPLOYMENT DEPARTMENT

(continued)

Pursuant to the authority of section 19A.9 of the Code, rules appearing in 1973 IDR, relating to conduct of the appeal hearing by the commission (chapter 12) are amended as follows:

[Filed November 28, 1973]

ITEM 1. Page 651, line 60, under sub-rule 12.10(1) "n", by striking the words "until a future day".

ITEM 2. Page 651, line 61, by striking the words "agreement of" and the word "and" and inserting the words "or by agreement of" before the word "the".

ITEM 3. Page 651, line 64, by striking the "." and inserting ", but may be waived by the commission upon proper showing".

[Effective November 28, 1973]

MERIT EMPLOYMENT DEPARTMENT

(continued)

Pursuant to the authority of chapter 19A [19A.9], of the Code, rules appearing in the 1973 IDR, relating to vacation and leave (14.2"a", 14.2"b", and 14.2"e") of the merit employment department rules, are amended as follows:

[Filed August 16, 1973]

ITEM 1. Page 652, line 20, under section 14.2"a", by striking the entire section and reserving for future use.

ITEM 2. Page 652, line 26, under section 14.2"b", by inserting "(2)" after the word "Two"; by striking the word "second" and inserting the word "first".

ITEM 3. Page 652, line 31, under section 14.2"b", by striking the word "second" and inserting the word "first".

ITEM 4. Page 652, line 47, under section 14.2"e", by striking "After one year employment if" and inserting the word "If".

[Effective August 16, 1973]

PHARMACY EXAMINERS

Pursuant to the authority of sections 147.90 and 147.96 of the Code, rules appearing in 1973 IDR, 673 and 677, relating to examination fees and reciprocal registration requirements are amended as follows:

[Filed November 14, 1973]

ITEM 1.

1.2(147) is amended by striking in line 2 "\$25" and inserting in lieu thereof "\$50".

ITEM 2.

1.7(3) is rescinded.

ITEM 3.

5.4(147) is rescinded and the following inserted in lieu thereof:

5.4(147) He must have passed the board examination in the state that exchanges licenses with this state with a general average of 75 percent and not have been below 60 percent in any one subject. He must have practiced under legal conditions in some state for at least

one year subsequent to his registration there, or he must pass an oral and practical examination prescribed by the Iowa board of pharmacy examiners.

The one year of the practice of pharmacy in the state that exchanges licenses with this state may be waived if the applicant was administered the "standardized test" provided by The National Association of Boards of Pharmacy blue ribbon examination committee.

ITEM 4.

5.6(147) is amended by striking in line 2 "\$50" and inserting in lieu thereof "\$75".

ITEM 5.

5.8(147) is amended by striking in lines 3 and 4 the words "signatures of the two registered pharmacists who sign the character vouchers", and inserting in lieu thereof the words "signature of a registered pharmacist who signs the character voucher."

[Effective November 14, 1973]

PHARMACY EXAMINERS

(continued)

Pursuant to the authority of section 155.19 of the Code, rules appearing in 1973 IDR, 673, 674 and 688, relating to internship requirements, pharmacy license and prescription drugs are amended as follows:

[Filed November 14, 1973]

ITEM 1.

1.9(155) is amended by striking the last sentence thereof.

ITEM 2.

1.10(155) is rescinded. Reserve the number for future use.

ITEM 3.

2.1(1) is amended by striking from line 2 the words "21 years of age" and in-

serting in lieu thereof the words "legal age".

ITEM 4.

9.4(205) is amended by adding the following paragraph:

Every licensed pharmacy shall display a sign of appropriate type and size which is readily legible to the public and which shall state that the price of a prescription and professional services are available upon request from the pharmacist and upon presentation of such prescription for pricing or dispensing.

[Effective November 14, 1973]

PHARMACY EXAMINERS

(continued)

Pursuant to the authority of section 203A.15 of the Code, Chapter 6, "Minimum Standards for the Practice of Pharmacy" rules are amended by adding new rules as follows:

[Filed November 14, 1973]

6.3(203A) Prepackaging.

6.3(1) Control record. Pharmacies may prepackage and label drugs in convenient quantities for subsequent prescription labeling and dispensing. Such drugs shall be prepackaged by or under the direct supervision of a pharmacist. The supervising pharmacist shall prepare and maintain a packaging control record containing the following information:

- a. Date.
- b. Identification of drug.
 - (1) Name.
 - (2) Dosage form.
 - (3) Manufacturer.
 - (4) Manufacturer's lot number.
 - (5) Strength.
 - (6) Expiration date (if any).
- c. Container specification.
- d. Copy of the label.
- e. Initials of the packager.
- f. Initials of the supervising pharmacist.
- g. Quantity per container.
- h. Internal control number or date.

6.3(2) Label information. Each prepackaged container shall bear a label containing the following information:

- a. Name.
- b. Strength.
- c. Internal control number or date.
- d. Expiration date (if any).
- e. Auxiliary labels, as needed.

6.4(203A) Bulk compounding.

6.4(1) Control record. Pharmacies may compound drugs in bulk quantities for subsequent prescription labeling and dispensing. Such drugs shall be compounded by or under the direct supervision of a pharmacist. For each drug product compounded in bulk quantities, a master formula record shall be prepared containing the following information:

- a. Name of the product.
- b. Specimen or copy of label.
- c. List of ingredients and quantities.
- d. Description of container used.
- e. Compounding instructions, procedures and specifications.

6.4(2) Production record. For each batch of drug product compounded, a production record shall be prepared and kept containing the following information:

- a. A copy of the information on the master formula record.

b. Records of each step in the compounding process including:

- (1) Dates.
 - (2) Identification of ingredients (including lot numbers).
 - (3) Quantities of ingredients used.
 - (4) Initials of person preparing each process.
 - (5) Initials of pharmacist supervising each process.
- c. A batch number.
d. Total yield.

6.4(3) *Label information.* For each batch of drug product compounded, labels shall be prepared and affixed to each container containing the following information:

- a. Identifying name or formula.
- b. Dosage form.
- c. Strength.
- d. Quantity per container.
- e. Internal control number or date.
- f. Expiration date (if any).
- g. Auxiliary labels, as needed.

[Effective November 14, 1973]

PHARMACY EXAMINERS

(continued)

Pursuant to the authority of sections 155.19 and 204.301 of the Code, rules appearing in 1973 IDR, 674, 675 and 684, relating to a pharmacy license and physical security requirements for controlled substances are amended as follows:

[Filed November 14, 1973]

8.10(204) is amended by adding the following subrules:

8.10(5) *Pharmacies in other businesses and controlled substances safeguards.* To insure appropriate control of and safeguard over the contents of a prescription department in a pharmacy or a pharmacy in other businesses, the board shall not issue an original or renewal license to operate a pharmacy as a department in or a part of any other business serving the general public unless such pharmacy:

- a. Is physically separated from such other business by a barrier equipped with suitable locks of sufficient dimensions to prevent anyone from entering at a time the pharmacist is not present.
- b. Has independent means of public ingress and egress if the pharmacist does not have access to the prescription department or the pharmacy by other entrances after normal operating hours of the entire business.
- c. Meets the same requirements for a pharmacy license as defined in chapter 2 of rules of the board of pharmacy examiners.
- d. Provides for pharmacist's staff during all hours the prescription department or pharmacy is open and the phar-

macy is locked any time the pharmacist does not have full vision or control of the department except as defined in 2.7(155) or an extreme emergency. Only a pharmacist may possess the key to the prescription department or pharmacy and assumes responsibility for the security of all prescription drugs, including controlled substances. This rule shall apply to reserve drug storage areas. Reserve drug storage area as described in this rule shall mean a storage area where prescription drugs including controlled substances are stored outside of the prescription department or pharmacy. The reserve drug storage area shall be contained by a permanent barrier from floor to ceiling. All doors or gates to the storage area shall be locked and only a pharmacist or other persons in the pharmacist's supervision shall be permitted to enter the area except in an extreme emergency.

e. Provides for extreme emergency conditions. Extreme emergency shall be in case of fire, water leak, electrical failure, public disaster or other catastrophe, whereby the interest of the general public is better served by waiving the physical security requirements for prescription drugs including controlled substances. Existing pharmacies or prescription departments in other businesses licensed by the board prior to the effective date of these rules may have their use continued if they reasonably comply, or are made to reasonably comply, with these rules. The board shall determine what is reasonable compliance. This exception shall be terminated by July 1, 1975.

[Effective November 14, 1973]

PHARMACY EXAMINERS

(continued)

Pursuant to the authority of section 204.301 of the Code, rules appearing in 1973 IDR, 685, relating to prescription requirements for controlled substances are amended as follows:

[Filed November 14, 1973]

8.11(204) is amended by adding at the end thereof following the words "form prescribed by those regulations" a paragraph as follows:

In each case when a prescription for a schedule II controlled substance is presented for filling and neither the prescribing individual practitioner issuing the prescription, nor the patient, nor an agent of the patient is known to the pharmacist, the pharmacist shall verify the authenticity of the prescription with the indi-

vidual practitioner. The pharmacist is required to record the appropriate identifying information, or the manner by which the prescription was verified, on the reverse side of the prescription and sign his name or initials. Pharmacists' verification or identifying information shall be one of the following:

(1) that the individual practitioner's signature was verified by him; or

(2) that he called the prescribing individual practitioner's office and that the prescription was verified by the prescribing individual practitioner or his agent (listing agent's name and position).

These rules are intended to implement section 205.3 of the Code.

[Effective November 14, 1973]

PUBLIC INSTRUCTION DEPARTMENT

Be It Resolved by the State Board of Public Instruction:

Pursuant to the authority of section 257.25 of the Code, rules appearing in 1973 IDR, 716 to 720, relating to interscholastic competition are amended as follows:

[Filed October 12, 1973]

ITEM 1. Rule 9.14(257) is amended by adding the following new subrule:

"9.14(7) 'Student' means a person of school age enrolled in grades nine through twelve. The regulations contained herein shall apply uniformly to all students."

ITEM 2. Rule 9.19(257) is amended by adding at the end of the first paragraph the following:

"A student who attends a high school in a school district other than where his parents reside and subsequently returns to live with his parents becomes eligible immediately in the district in which his parents reside."

ITEM 3. Rule 9.19(4) is amended by striking from lines 8 through 13 the words, "A student granted summer eligibility in this case is drawing upon eligibility associated with the most immediate forthcoming semester, such grant of eligibility foreclosing opportunity for use of eligibility in any other member school the following fall."

ITEM 4. Rule 9.19(257) is amended by adding the following new subrule:

"9.19(6) In ruling upon married students, the executive board is empowered to consider all circumstances with regard to the transfer of the married student to determine if the transfer is principally for the purpose of participation in interscholastic athletics in which case participation will not be approved. If facts showing a valid purpose for said transfer have been validated by the principal of the high school from which the student is transferring, the executive board may declare the married student eligible immediately."

[Effective October 12, 1973]

PUBLIC INSTRUCTION DEPARTMENT

(continued)

Be It Resolved by the State Board of Public Instruction:

Pursuant to authority conferred by section 285.8 of the Code, and for the pur-

pose of implementing same, chapter 23, rules of the department of public instruction, 1971 IDR 696 [1973 IDR, 760 to 767], is amended as follows:

[Filed August 17, 1973]

ITEM 1. Rule 23.2(285), rules of the department of public instruction, 1971 IDR 696 [1973 IDR, 761], is hereby rescinded and the following adopted in lieu thereof:

"23.2(285) The school bus chassis. Minimum standards for the school bus chassis shall be those recommended at pages 11 to 29 of *Minimum Standards for School Buses*, 1970 Revised Edition, by the National Conference on School Transportation, administered by the National Commission on Safety Education, and published by the National Education Association, 1201 Sixteenth Street N.W., Washington, D.C. 20036, except as may be otherwise provided by statute and except as follows:

"23.2(1) Battery.

a. The storage battery as established by the manufacturer's rating shall be of sufficient capacity to efficiently care for the starting, lighting, signal devices, heating, defrosting, and other electrical equipment. The battery shall be mounted on a sliding battery tray in a special compartment located in the body skirt, or in the engine compartment under the hood in an accessible place.

b. When the battery is mounted in a special compartment located in the body skirt it shall have a rating of not less than 150 ampere hours at 12 volts measured at 20-hour rate.

c. The battery, when it is mounted in the engine compartment under the hood, shall have a minimum ampere-hour rating of 85 amperes. The battery rack shall be of such size that it will accommodate a 90-ampere hour battery of maximum size. The use of two six-volt batteries is permissible, but when used, they shall be rated at a minimum of 150 ampere hours.

d. When the battery is to be mounted outside of the engine compartment, it may be temporarily mounted to the chassis. The body company will permanently mount the battery on a sliding tray located so that the center line of the battery is 52 inches back of the cowl. One-piece battery cables shall be provided by the chassis manufacturer; such cables are to be at least 36 inches longer than normally required, to accommodate the battery when it is located 52 inches to the rear of the cowl. The battery cable, if passed through holes in the metal, shall be protected by nonmetallic grom-

nets. All retaining clips or fastening devices for the battery cables must be insulated.

"23.2(2) Brakes. The bus shall be equipped with brakes as provided in the nationally recommended minimum standards hereinabove adopted, except that buses with a capacity of 72 and over shall be equipped with a spring activated emergency braking system.

"23.2(3) Bumper, front. In addition to meeting the nationally recommended minimum standards hereinabove adopted, the front bumpers shall be "heavy-duty" type and be curved or beveled at each end so as to prevent snagging or hooking. Bumpers that are flush mounted with the grille are not acceptable.

"23.2(4) Clutch. All chassis of 17 to 54 pupil capacity housing mechanical type transmission shall be equipped with a clutch of not less than 12-inch diameter. All chassis of 55 and greater pupil capacity having mechanical type transmission shall be equipped with a 13-inch diameter single plate clutch or a 12-inch diameter two plate clutch.

"23.2(5) Color. The chassis, including wheels, grille, and front bumper shall be black. The hood, cowl, and fenders shall be national school bus glossy yellow.

"23.2(6) Drive shaft. Each segment of the drive shaft shall be protected by a metal guard or guards to prevent it from whipping through the floor or dropping to the ground if broken.

"23.2(7) Exhaust system. In addition to meeting the nationally recommended standards hereinabove adopted, the tailpipe shall extend at least to the vertical line from the rear end of the body but not beyond the rear bumper. The rear end of the tailpipe must be located to the right or left of the emergency door so as to prevent fumes from entering the door when it is open. Flexible tubing is not acceptable.

"23.2(8) Alternator. All chassis of 17 capacity and greater shall be equipped with an alternator with rectifier having at least an output of 100 amperes with a minimum charging rate of 40 amperes at the manufacturer's recommended engine idle speed (12-volt system) and shall be ventilated and voltage controlled. A dual belt drive shall be used with the alternator.

"23.2(9) Headlamps. The chassis shall be equipped with a minimum of two sealed-beam headlamps of proper intensity and fuses or circuit breakers. The headlamp switch shall be of adequate ampere capacity to carry the load of the clearance and identification lamps in addition to the head and tail lamps since these will be activated by one and the same switch. There shall be a manually operated foot switch for selection of high or low beam distribution of the headlamps.

"23.2(10) Horn. In addition to meeting the nationally recommended minimum standards hereinabove adopted, the bus shall be equipped with dual horns with each having a sound level of 120 decibels.

"23.2(11) Springs. The chassis shall be equipped with springs, as provided in the nationally recommended minimum standards hereinabove adopted, except rear springs shall be of progressive or variable rate type.

"23.2(12) Steering gear.

a. All school bus chassis shall be equipped with heavy-duty, truck-type power steering. Power steering components shall be compatible with the GVW rating for each capacity as shown in the chassis manufacturer's literature.

b. Steering mechanism shall be approved by chassis manufacturer and designed to assure safe and accurate performance when vehicle is operated with maximum load and at maximum speed.

c. Steering mechanism shall provide for easy adjustment for lost motion.

d. No changes shall be made in steering apparatus which are not approved by chassis manufacturer. (Spinners or knobs on steering wheel are prohibited.)

e. There shall be clearance of at least 2 inches between steering wheel and cowl instrument panel, windshield, or any other surface.

"23.2(13) Tires and rims. In addition to meeting the nationally recommended minimum standards hereinabove adopted, on equipment now in operation, recapped tires may be used as replacements for use on rear wheels only providing the tires are guaranteed by the seller.

"23.2(14) Tow hooks. The chassis shall be equipped with one front heavy-duty center mounted tow hook adequately

secured to the frame rails with braces, or two tow hooks fastened securely to the front end of the frame.

"23.2(15) Transmission.

a. Automatic transmissions are recommended but when used the chassis must be equipped with a parking brake which will secure the vehicle under conditions set forth in the parking brake section.

b. A mechanical type transmission shall be synchromesh except the first and reverse gears. Its design shall provide not less than four forward and one reverse speeds.

c. It is recommended that 54 and larger capacity buses be equipped with 5-speed transmission with single speed rear axle, or a 4- or 5-speed transmission with 2-speed rear axle. Where 5-speed transmission is required, the fifth speed shall be direct drive.

"23.2(16) Voltage regulator. The bus electrical system shall include a voltage regulator of a repairable type. Such regulator shall be of the full-transistor variety except for the field relay which may be either a solid state or controlled contact unit.

ITEM 2. Rule 23.3((285), rules of the department of public instruction, 1971 IDR 697 [1973 IDR, 761], is hereby rescinded and the following adopted in lieu thereof:

23.3(285) The school bus body. Minimum standards for the school bus body shall be those recommended at pages 30 to 58 of *Minimum Standards for School Buses*, 1970 Revised Edition, by the National Conference on School Transportation, administered by the National Commission on Safety Education, and published by the National Education Association, 1201 Sixteenth Street N.W., Washington, D.C., except as may be otherwise provided by statute and except as follows:

23.3(1) Axe. A hand axe is permissible but is not required. If bus is equipped with one, the axe shall have approximately a two-pound head and an 18-inch shaft, mounted in a position accessible to the driver.

23.3(2) Color. The school bus body including hood, cowl, and fenders shall be painted National School Bus Glossy Yellow in accordance with the color-metric specifications of the general services administration of the United States

government. The rear bumper, all lettering, and body trim if used, shall be black.

23.3(3) Defrosters.

a. The defrosters shall be of sufficient capacity to keep the windshield, window to the left of the driver, and glass in the entrance door clear of fog, frost, and snow.

b. The defrosters shall have separate all metal fans which secure air directly from the heater core and the air mixture shall be at least 60 percent fresh air.

c. The defroster units shall be driver controlled and regulated, operating independently through its own duct system.

d. All defrosting equipment shall meet Federal Motor Vehicle Safety Standard No. 103.

e. In addition, two adjustable six-inch all metal or polycarbonate resin defroster fans shall be installed. The fans shall have a minimum of four blades and be equipped with adequate guards. Each unit shall be independently adjustable and operated by the driver. These fans shall be on a separate circuit, with a switch for each fan, and be capable of two-speed operation.

23.3(4) Service door. In addition to meeting the nationally recommended minimum standards hereinabove adopted, as the same relate to service doors, a header pad of approximately 18 inches in width shall be installed directly within and above the service door opening and shall extend horizontally between the vertical sides of the service door opening to within three inches of each such vertical side. A power-operated door must provide for manual operation in case of power failure. If understep-type door control is used, it must be completely enclosed. The upper panels of the door shall be sealed double glass.

23.3(5) Emergency door. The bus shall be equipped with an emergency door, as provided in the nationally recommended minimum standards hereinabove adopted, except that:

a. On a bus of greater than 48 capacity, the emergency door may be located in the rear half of the left side of the bus.

b. The upper portion of the emergency door on the rear end shall be equipped with approved safety glass, exposed area of which shall be not less than

400 square inches. The lower portion of the rear emergency door shall be equipped with approved safety glass, exposed area of which shall not be less than 350 square inches. The upper portion of the emergency door on the left side shall be equipped with approved safety glass and the lower portion shall be of metal at least the same gauge as the body metal in the area adjacent to the door.

c. If the emergency door is located on the left side, there shall be a safety chain or cable extending across the inside of the opening and it shall be located not more than six inches above or below the horizontal centerline of the door. The chain or cable shall be covered with a suitable protective material. Eyelets shall be solidly fastened at each side of the opening. The chain or cable shall be equipped with an easily detachable snap or hook on each end.

d. There shall be a head bumper pad installed over the emergency door on the inside of the bus body. This pad shall extend at least the width of the door opening.

e. The words "emergency door" in lettering at least two inches high shall be placed directly above the header pad over the emergency door on the inside and below the top window of the emergency door on the outside. Pressure sensitive markings of vinyl material are acceptable for this lettering.

f. A sign, including lettering and a painted arrow, showing the direction that the handle must be moved to open the emergency door latch shall be applied on the inside of the emergency door near the latch handle. Pressure sensitive markings of vinyl material are acceptable for this lettering.

g. The emergency door shall be equipped with a heavy-duty metal door-stop and hold bracket or two heavy-duty straps to prevent the door from striking lamps when it is open.

23.3(6) Fire extinguisher.

a. The bus shall be equipped with a pressurized, dry-chemical type fire extinguisher of at least five-pound capacity mounted in extinguisher manufacturer's bracket of automotive type, and located in the driver's compartment in full view and readily accessible to the driver.

b. The fire extinguisher shall have a minimum rating of 10-B:C and it shall be equipped with a calibrated or marked

gauge to indicate the amount of pressure in the extinguisher.

c. Each extinguisher shall meet the applicable standards prescribed by a testing organization of national reputation which undertakes to test and provide standards for extinguisher equipment. The testing laboratory must be one that is recognized by the Iowa state fire marshal. Each extinguisher shall bear the label of the testing laboratory.

23.3(7) First-aid kit.

a. The bus shall carry a grade "A" metal first-aid kit and shall either be mounted in full view or the location of the kit labeled so any driver will know where to find it. The kit shall be accessible to the driver and mounted in such manner that it can be removed from the bus if necessary.

b. First-aid kits must be approved by the state department of public instruction.

c. Sizes required for buses:

Ten-unit kit required in all vehicles carrying less than seventeen passengers.

Sixteen unit kit required in all buses carrying seventeen to thirty passengers.

Twenty-four unit kit required in all buses carrying thirty-one to forty-eight passengers.

Thirty-six unit kit required in all buses carrying forty-nine or more passengers.

ITEM	10-unit	16-unit	24-unit	36-unit
1" Adhesive Compress	-	1	1	2
2" Bandage Compress	1	1	2	2
3" Bandage Compress	-	1	2	2
4" Bandage Compress	1	1	2	2
3" x 3" Plain Gauze Pads (Dressings)	1	1	1	4
Gauze Roller Bandage	1	1	2	4
Plain Absorbent Gauze 2 pieces; (18" x 36")	1	2	4	6
Plain Absorbent Gauze (24" x 72")	1	2	3	5
Triangular Bandages	1	3	4	6
Tourniquet	1	1	1	1
Band Aids (Packet)	1	1	1	1
Wire Splint*	1	1	1	1

*Instant splints may be substituted.

23.3(8) Emergency equipment.

a. The bus shall be equipped with three triangular warning devices in accordance with Motor Vehicle Safety Standard No. 125. The device must have reflective and fluorescent material on both faces. Each side of the triangle shall be at least 17 inches and not more than 22 inches. The reflective material must have a minimum of 80 candlepower. The devices must be stored in a container mounted in an accessible location in the driver's compartment.

b. The bus shall be equipped with three 16-inch red cloth flags.

c. The bus shall be equipped with three 30-minute stand-up fuseses stored in a canister with a lid and placed in the driver's compartment.

23.3(9) Floor covering. In addition to meeting the nationally recommended minimum standards, hereinabove adopted, as the same relate to the floor covering, cove molding shall be used along the side walls and rear corners, and all floor seam separations shall be covered with durable metal stripping.

23.3(10) Gasoline fill cap cover. The gasoline fill cap opening in the body skirt shall be equipped with a hinged cover held closed by a spring or other conveniently operated device.

23.3(11) Heaters. In addition to meeting the nationally recommended minimum standards hereinabove adopted, heavy-duty cutoff valves shall be installed in locations accessible to the driver and all heater lines in the interiors shall be shrouded.

23.3(12) Identification.

a. The body shall bear the words "SCHOOL BUS" in black letters at least eight inches high on both front and rear of the body or on signs attached thereto. The lettering shall be placed as high as possible without impairment of its visibility. The lettering shall conform to "Series B" of Standard Alphabets for Highway Signs.

b. The bus, whether school owned or privately owned, shall bear the official name of the school on each side in black standard unshaded letters at least five inches but not more than seven inches high.

Examples:

1. Blank Community School District
2. Blank Independent School District
3. Blank Consolidated School District

If there is insufficient space due to the length of the name of the school district, the words "community", "independent", "consolidated", and "district" may be abbreviated.

c. The rated pupil seating capacity of the bus shall be printed to the left of the entrance door, approximately six inches below the name of the school district in two-inch characters. (The word "capacity" may be abbreviated. For example: Rated Cap. 48.)

d. The number of the bus shall be printed in not less than five-inch nor more than eight-inch characters. The location of the number is at the discretion of the local district except that the number of the bus shall not be on the same line as the name of the school district nor in a location that will interfere with the words "School Bus."

e. Privately owned buses shall also bear the name of the owner followed by the word "OWNER" in one and one-half inch characters printed approximately six inches below the bus capacity on the right side of the bus.

f. The rated seating capacity of the bus shall also be printed above the right windshield inside of the bus.

g. Pressure sensitive markings of vinyl material may be used for the above lettering in lieu of painting.

23.3(13) Insulation. In addition to meeting the nationally recommended minimum standards hereinabove adopted, as the same relate to insulation, all insulation shall be so firmly installed that it will retain its original position. Plywood may be used for floor insulation.

23.3(14) Lamps and signals.

a. *General.* All lamps and reflectors on exterior of vehicle shall conform with and be installed as required by Federal Motor Vehicle Safety Standard No. 108.

b. *Clearance lamps.* The body shall be equipped with two amber clearance lamps at the front and two red clearance lamps at the rear mounted at the highest and widest portion of the body.

c. *Identification lamps.* The bus shall be equipped with three amber identification lamps on the front and three red identification lamps on the rear. Each such group shall be evenly spaced not less than six nor more than twelve inches apart along a horizontal line near the top of the vehicle.

d. *Intermediate side marker lamps.* On all buses over 30 feet long, one amber

side lamp is required on each side, located midway between the front and rear clearance lamps and connected to the headlamp switch.

e. *Reflectors.*

(1) The bus shall be equipped with two amber reflectors, one on each side at the lower front and corner of the body approximately at floor level and back of the door on the right side, and at a similar location on the left side. On all buses over 30 feet long, an additional amber reflector is required on each side at or near the midpoint between the front and rear side reflectors.

(2) The bus shall be equipped with four red reflectors; one at each side at or near the rear; and two on the rear, one at each side.

(3) The reflectors are to be mounted at a height not to exceed 42 inches nor less than 30 inches above the ground on which the vehicle stands.

f. *Back-up lamps.* The school bus body manufacturer shall install the back-up lamps required by Federal Motor Vehicle Safety Standard No. 108. The candlepower shall be the maximum permitted by said standard.

g. *Interior lamps.* Interior lamps shall be provided which adequately illuminate the interior aisle and the stepwell.

h. *License* plate lamp.* The bus shall be equipped with a rear license* plate illuminator. This lamp may be combined with one of the tail lamps.

i. *Stop (brake) lamps.* The bus shall be equipped with two stop (brake) lamps, not in combination with the tail lamps, emitting red lights plainly visible from a distance of 500 feet to the rear. These lamps shall be as high as practicable but below the window line and spaced as far apart laterally as practicable but not less than three feet. Measurements shall be taken from lamp centers. These lamps are to have a single contact bulb and a red lens with a minimum diameter or width of seven inches. The lens shall be free of lettering except for the manufacturer's markings. The stop lights are to be activated by the brake switch.

j. *Combination stop and tail lamps.* The bus shall be equipped with two combination stop and tail lamps mounted not less than 40 inches from the surface on which the vehicle stands. These shall have double filament lamp bulbs and shall be

*Registration probably intended.

connected to the headlamps and the brake operated stop lamp circuits. The candlepower shall be the maximum permitted by Federal Motor Vehicle Safety Standard No. 108.

k. Warning signal lamps. School bus warning signal lamps are alternately flashing lamps at the same horizontal level intended to identify the vehicle as a school bus and to inform other users of the highway that such vehicle is about to stop or is stopped to take on or discharge school children. Requirements for such lights, as used on school buses, shall be as follows:

(1) All school buses shall be equipped with four alternately flashing warning lamps at the front and four alternately flashing warning lamps at the rear of the bus. Two of each of said sets of four lamps shall be amber in color and two shall be red in color. Said lamps shall conform to the Society of Automotive Engineers' Standard "J887, July 1964", except that the candlepower requirement for the amber lamps shall be two and one-half times that specified for the red signal lamps. Strobe lights are permissible.

(2) Installation of said lamps shall conform to said standard except that an amber signal lamp shall be located adjacent to each red signal lamp, at the same level, and at the side of the red signal lamp nearer the vertical center line of the bus. As a further exception to said standard, the system of red and amber signal lamps shall be so wired that the amber signal lamps are energized manually; and the red signal lamps are energized automatically and the amber signal lamps are de-energized automatically when the bus entrance door is opened.

(3) The area of the bus body around the lens of each flashing warning signal lamp and extending outward for approximately three inches shall be painted black.

(4) The switch to activate the amber flashing warning lamps shall be hand operated and located to the left and forward of the driver near the front of the control panel in a manner and in a position enabling the driver to operate it while looking straight ahead. There shall be two pilot lights, one of which shall display an amber light when the amber warning lamps are flashing and the other which shall display a red light when the red warning lamps are flashing. The lens for the pilot lights shall be approximately

one-half inch in diameter. These pilot lights shall be located in a position where they can be readily observed by the driver while looking straight ahead. The switch and pilot lights are to be properly labeled.

(5) Operation of warning light system.

(a) With entrance door closed, depress manual push button. Amber pilot light and amber warning lights flash.

(b) Open entrance door. Amber pilot and amber warning lights go off and red pilot and red warning lights flash. Stop arm is automatically extended.

(c) Close entrance door. All lights go out and stop arm retracts automatically.

(d) Open entrance door without depressing manual push button. No lights flash nor does stop arm extend.

(e) With entrance door open, depress manual push button. Red pilot and red warning lights flash. Stop arm is automatically extended.

(6) There shall be a canceling switch easily accessible to the driver which will deactivate the amber lamps if they are accidentally activated or if the driver discovers he does not need to make a stop.

l. Turn signal lamps.

(1) The bus shall be equipped with four class "A" amber flashing turn signal lamps that meet the specifications of the Society of Automotive Engineers. These signals must be independent units and must be equipped with a four-way hazard warning switch to cause simultaneous flashing of the turn signal lamps when needed as a vehicular traffic hazard warning. Telltale or indicator lights plainly visible to operator shall be provided to indicate that each signal is functioning properly.

(2) The illuminated signal area of the lamps shall be in the form of an arrow with head and shaft or arrowhead only. The luminous area shall be not less than 12 square inches. The area of the lamp face surrounding the luminous area shall be black. This may be a metal shield painted dull black or a vitreous black enamel applied to the lens itself.

(3) The lens coloring and wiring must conform to SAE specifications.

(4) The flashing rate for turn signal lamps shall be no slower than 60 and no faster than 120 times per minute under normal operating conditions. The

"on" period of flasher shall be long enough to permit bulb filament to come to full brightness.

(5) The entire lamp assembly must meet SAE specifications and successfully pass vibration and shock, moisture, dust, corrosion and photometric tests.

(6) Each turn signal lamp shall be mounted with its axis substantially parallel to longitudinal axis of vehicle. Rear lamps shall be mounted as near to the right and left side of the bus as possible but in no case shall outer edge of lamps be more than ten inches from outer body width line. They shall be mounted below rear windows but in no case shall distance from top edge of lamp to lower edge of window exceed five inches. Front lamps shall be mounted either on top of each front fender or on cowl. If mounted on cowl, distance from top edge of lamp to lower windshield line shall not exceed five inches. Mounting brackets or hooks for both front and rear lamps shall be of sufficient strength to withstand normal vibration. Those for rear lamps shall be streamlined to body to prevent hitching of rides.

(7) On transit type vehicles, an amber clearance lamp with a minimum of four candlepower shall be mounted on the side of the body at approximately seat level rub rail height just to the rear of the service door on the right side and another one at approximately opposite the driver's seat on the left side. These lamps are to be connected to operate with the regular turn signal lamps.

m. Supervisor's light. The rear-most ceiling light or a separate light may be used as a supervisor's light. This light shall have a separate switch controlled by the driver so he may have this light on when traveling after sunset.

23.3(15) Overall length. The overall length of the bus shall not exceed 35 feet.

23.3(16) Seat belt for driver. A seat belt for the driver shall be provided which conforms to Federal Motor Vehicle Safety Standards No. 208, No. 209, and No. 210. Both the right half and the left half of the seat belt shall be equipped with a "protective" boot and a retractor attachment for keeping the belt off the bus floor. The protector boot shall be securely anchored so that it remains in an upright position at all times.

23.3(17) Seats.

a. All seats shall have a minimum depth of 15 inches.

b. In determining the rated seating capacity of the bus, allowable average rump width shall be:

(1) 13 inches where 3-3 seating plan is used.

(2) 15 inches where 3-2 seating plan is used.

c. All seats shall be forward facing and shall be securely fastened with grade 5 or better bolts and nuts with lock washers on that part or parts of the bus which support them.

d. No bus shall be equipped with jump seats or portable seats.

e. The forward-most pupil seat on the right side of the bus shall be located so as not to interfere with the driver's vision, not farther forward than the guard rail behind the driver or the rear of the driver's seat when adjusted to its rear-most position.

f. The minimum center-to-center seat spacing shall be 27 inches. The distance between the driver's seat when adjusted to its rear-most position and the front face of seat-back of forward-most pupil seat on the left side of the bus shall not be less than 24 inches measured at cushion height.

g. The seat cushion shall be constructed of polyurethane foam or equivalent material. The thickness in the cushion shall be approximately 5 inches and it shall be depressed not more than 80 percent when distributed weight of 345 pounds is applied to it. The thickness in seat back rests shall be approximately 2 inches thick and shall not be depressed more than 80 percent when distributed weight of 300 pounds is applied to it. The upholstery fabric shall be artificial leather equal to coated fabrics, 42-ounce finished weight, 54 inches wide, reinforced backing of 1.06 broken twill. The padding and covering on all seats shall be of material that will not flash or explode upon contact with spark or open fire. The seams of seat cushions shall be made of good quality welt. Where beading is used it shall be double sewn in all seams to assure less splitting from flexing.

h. All exposed tops, side-rails, and the complete back of the seat shall be padded extending to seat cushion level with an energy absorption material of polyurethane foam or equivalent. If reconstituted foam is used, the density of the padding on the front and rear side of the seat back shall be at least 4 pounds per cubic foot and the density of the padding over the seat back tubing shall

be at least 6 pounds per cubic foot. If virgin polyurethane foam is used, the following density figures shall apply: A minimum of 1.8 pounds per cubic foot for front and rear of seat back padding and a minimum of 2.4 pounds per cubic foot over the seat back tubing. If a combination of virgin and reconstituted foam is used, the density values for each type as previously stated shall apply. The minimum thickness of the padding shall be one-half inch on the back side, $1\frac{3}{8}$ inches on the front side, one inch over the frame top tubing, and $\frac{3}{8}$ inch on side of tubing against wall and aisle side. The padding may be tapered to a lesser thickness at the bottom of the padding to permit required knee clearance. Back cushions shall be constructed so as to eliminate exposed screws or bolts which contribute to vandalism of the seats.

i. A minimum of 36-inch headroom for sitting position above top of undepressed cushion line of all seats shall be provided. The measurement shall be made vertically not more than 7 inches from the side wall at cushion height and at fore-and-aft center of cushion.

j. The backs of all seats of similar size shall be of same width at top and of same height from the floor and shall slant at same angle with floor. (Backs of seats shall be free of coat rails.)

k. The tops of back rests shall be not less than 33 and not more than 45 inches above the floor level except that tops of back rests on rear seats shall not be above bottom edge of rear windows.

l. The seat cushion shall be securely attached to the seat frames with a positive type retainer to keep cushion from being completely dislodged from seat frame if the bus overturns. Each seat cushion retention system shall be capable of withstanding vertical static load equal to minimum of 5 times weight of cushion. System shall also be capable of withstanding forward or rearward static load equal to 20 times weight of cushion. (Spring clips do not meet this requirement.)

m. The minimum distance between the steering wheel and the back rest of the driver's seat shall be 11 inches. The driver's seat shall be strongly attached, shall have vertical adjustment, and shall have fore-and-aft adjustment of not less than 4 inches. Driver's seat anchorage shall comply with acceptable installation procedures.

23.3(18) Steps. The bus shall be equipped with steps as provided in the

nationally recommended minimum standards hereinabove adopted, except a "grab handle" or "grab rail" shall be provided in an unobstructed location inside the doorway and it shall extend down into and be anchored in the step-well so that it may be reached by small children boarding the bus.

23.3(19) Stop signal arm.

a. The stop signal arm shall be a flat 18-inch octagon, exclusive of brackets for mounting.

b. The arm shall be constructed of aluminum alloy with a minimum gauge of .080, and temper of 5052-H31 or equivalent.

c. It shall have the word "STOP" printed on both sides in silver letters at least 6 inches high, with a stroke width of approximately $\frac{1}{8}$ inch, on bright red background. The border or outer edge shall be one-half inch wide silver.

d. The color shall conform to the colors specified by the "Manual on Uniform Traffic Control Devices for Streets and Highways," 1972 edition or latest issue.

e. The entire sign, including letters, shall be reflectorized and shall have the following minimum brightness values at .2°, 5°, and 1.5° divergence angle expressed as average candlepower per foot-candle per square foot of material. Measurements shall be conducted in accordance with standard photometric testing procedures for reflex-reflectors paragraph 4.47 of Federal Specifications LS 300A "sheeting and tape, reflective; Nonexposed lens adhesive backing" or as amended.

Div. Angle Inc. Angle	Silver-White		
	.2°	.5°	1.5°
-4°	250.0	95.0	4.0
40°	120.0	54.0	2.0

Wet performance measurements shall be conducted in accordance with standard rainfall test specified in Federal Specification LS 300A and the brightness of the reflective sheeting totally wet by rain shall not be less than 90 percent of the above values.

Before mounting on the substrate, the reflective sign face shall be processed and finished with materials and in a manner specified by the sheeting manufacturer. All copy shall be sharply defined and clean cut.

d. The reflective sign face shall be mechanically applied in a manner recommended by the sheeting manufacturer.

re The manufacturer shall certify that all signs conform to this specification and will replace without cost all signs that fail to meet these requirements.

f. The sign shall be mounted outside the bus on the left side opposite the driver and immediately below the window. Rubber spacers shall be so installed on either the side of the bus or the stop arm so as to prevent sign from making abrasive contact with side of bus.

g. The stop arm shall be vacuum or air operated and the system must positively hold the sign in extended or retracted position to prevent whipping in the wind.

h. The school bus body manufacturer shall install a separate vacuum tank as a stop arm reservoir on all chassis equipped with vacuum-over-hydraulic brakes. This tank is to be connected to the stop arm only and shall have a minimum capacity of 1,000 cubic inches.

i. The air for an air-operated stop arm shall come from a connection to the air line serving the regular air brake system. Body supplier shall provide the necessary check valve and pressure reduction valve to safeguard the air supply for brake application.

j. The stop arm control valve is to be activated by a switch that makes contact when the entrance door handle is moved toward the open position provided that the eight-light flashing warning light activating system has been switched on.

23.3(20) Storage compartments.

a. An enclosed space shall be provided in the driver's compartment for storing manuals and bus driver records.

b. A compartment for storing the fire extinguisher, first-aid kit, and other equipment under lock and key may be installed provided that the locking device is connected with an audible warning signal to notify the driver of the locked compartment when the ignition is turned on. This compartment shall be located in the driver's area of the bus and must be labeled or have a transparent cover to enable the driver to see the contents.

c. In addition, a metal container of adequate strength and capacity for storage of tire chains or tow chains and such tools as may be necessary for minor emergency repairs while the bus is en route

may be provided but is not required. If provided, it may be located either inside or outside the passenger compartment but, if inside, it shall have a cover (seat cushion may not serve for this purpose) and be securely fastened to floor or seat frame. The container must have a latch to keep the cover securely fastened to it in such manner as to prevent contents from spilling in case the bus overturns.

23.3(21) *Sun shield.* There shall be installed on the windshield header an interior sun visor which is double bracketed, adjustable and not less than 6 inches wide and 30 inches long.

23.3(22) *Tow hooks, rear.* Tow hooks on the rear are optional. If provided, however, they shall be attached to the chassis frame and located under the rear bumper so that the hook portion is under the body.

23.3(23) *Windshield and windows.* The bus shall be equipped with windshield and windows, as provided in the nationally recommended minimum standards hereinabove adopted, except:

a. All full side windows are to be "split-sash" type. Minimum window width shall be 22 inches. The amount of window travel shall not be less than 9 inches and not more than 10 inches. All exposed edges of glass shall be banded. (This prohibits single sash windows.)

b. Sealed double glass is required in the window adjacent to the service door on the right side of the bus, the driver's window, and the window adjacent to it on the left side of the body.

23.3(24) *Windshield washers.* The bus shall be equipped with electric windshield washers which shall conform to the body manufacturer's recommendation as to type and size for the bus on which they are to be used.

23.3(25) Windshield wipers.

a. The bus shall be equipped with two positive-action, variable-speed windshield wipers of air or electric type. All wipers by design and installation shall provide desirable vision for the driver and shall meet the requirements of Federal Motor Vehicle Safety Standard No. 104.

b. Two separate heavy-duty motors, with separate switches, shall be provided and equipped with blades of sufficient length to clear windshield glass in driver's direct view.

c. The windshield wiper blades and arms shall be of the heavy-duty type. The blades must be at least 14 inches in length.

d. All wiper controls shall be located within easy reach of the driver and designed, when in stop position, to move blades from the driver's direct view.

23.3(26) Wiring.

a. All wiring shall conform to current standards of the Society of Automotive Engineers.

b. Circuits:

(1) The wiring shall be arranged in at least nine regular circuits, as follows:

Head, tail, stop (brake), clearance, identification, and instrument panel lamps;

Step-well lamp (Step-well lamp shall be activated when service door is opened.);

Dome lamps;

Starter motor;

Ignition and emergency door signal;

Turn signal lamps;

Alternately flashing warning signal lamps;

Horn;

Heaters, defrosters.

(2) Any of the above combination circuits may be subdivided into additional independent circuits.

(3) Whenever possible, all other electrical functions (such as Sanders and electric-type windshield wipers) shall be provided with independent and properly protected circuits.

(4) Each body circuit shall be color coded and a diagram of the circuits shall be attached to the body in a readily accessible location.

c. A separate fuse or circuit breaker shall be provided for each circuit except starter motor and ignition circuits.

d. All wires within the body shall be insulated and protected by a covering of fibrous loom (or equivalent) which will protect them from external damage and minimize dangers from short circuits. Whenever wires pass through a body member, additional protection in form of appropriate type of insert shall be provided.

23.3(27) *Vandal lock.* A vandal locking system on the bus is permissible

in accordance with the following requirements:

a. The entrance door is to be locked by an exterior key with a dead bolt or a remote control (cable) type of device. The system must prevent the door from being accidentally locked by any motion the bus may encounter during its normal operation.

b. The emergency door is to be locked by an interior slide bolt which shall activate a buzzer when the door is locked and the ignition of the bus is turned on to warn the driver that the emergency door is locked. It shall not have an ignition interlock whereby a locked emergency door would prevent the driver from starting the bus.

ITEM 3. Rule 23.4(285), rules of the department of public instruction, 1971 IDR 702 [1973 IDR, 767], is hereby rescinded and the following adopted in lieu thereof:

23.4(285) *Small vehicles.* "Small vehicles" are hereby defined, for purposes of these rules, as vehicles of less than 17 passenger capacity, and shall meet the following requirements:

23.4(1) *Capacity 10-16.* Must meet the same requirements for school buses of 17 capacity and over with the following exceptions:

a. The output of the alternator shall be at least 85 amperes with a minimum charging rate of 40 amperes at the manufacturer's recommended engine idle speed and shall be ventilated and voltage controlled.

b. The battery shall have an ampere hour rating of at least 70 at 12 volts, measured at the 20-hour rate.

c. The clutch shall have a minimum diameter of 11 inches.

d. The gasoline tank shall have a capacity of at least 24 gallons.

e. The first-aid kit shall be of a ten-unit size.

f. The axles, springs and tires are to be commensurate with the manufacturer's maximum gross vehicle weight rating.

23.4(2) *Capacity less than ten.* Family type passenger vehicles with manufacturer's rated capacity of less than ten may be used. These vehicles shall be painted a color other than National School Bus Glossy Yellow and shall have no stop arm or flashing lights. Each ve-

hicle shall carry a ten-unit first-aid kit and a dry chemical fire extinguisher of at least 2½-pound capacity with a rating of 10-B:C. The extinguisher shall be equipped with a calibrated or marked gauge. Van type conversion units are not acceptable.

ITEM 4. Chapter 23, rules of the department of public instruction, is hereby amended by inserting at 1971 IDR 703 [1973 IDR, 760] the following new section:

23.5(285) Vehicles for transportation of the handicapped.

23.5(1) General requirements. Vehicles constructed for transporting handicapped children shall comply generally with the minimum standards for school buses, but because of the use of special equipment, certain modifications in these minimum standards must be made. This rule lists, with respect to vehicles constructed or modified for transportation of handicapped children.

a. Standards for special equipment, and

b. Exceptions required in minimum standards for school buses.

23.5(2) Special equipment.

a. Special service door.

(1) A special door opening shall be located on the right side of the bus and far enough to the rear to prevent the door, when opened, from obstructing front right service door. This door opening shall be not less than 48 inches in width.

(2) The door shall be made of two panels of approximately equal width, equipped with hinges and hinged to the side of the bus, and each panel shall open outward. The forward panel shall be provided with an overlapping flange to close space where door panels meet and weather seal shall be provided to close all door edges.

(3) The door shall be equipped with at least one-point fastening device on rear panel to the floor or header and at least two-point fastening device to the floor and header on forward door panel, both manually operated.

(4) The door shall be equipped with a device that will actuate audible or visible signal located in driver's compartment when doors are not securely closed.

(5) Each door shall contain fixed or movable window aligned with

the lower line of other windows of the bus and as nearly as practical of same size as other bus windows.

(6) Each door panel shall open outward and a positive fastening device shall be installed to hold the door in an open position.

(7) The door panels shall be constructed to be equivalent in strength and materials to other school bus doors.

(8) When ramps are used, the door panels shall extend below the floor line to cover ramp container opening. When power lifts are used, the door panels shall extend below to full length of the skirt.

(9) The door posts and headers shall be reinforced sufficiently to provide support and strength equivalent to areas of side of bus not used for service doors. Outriggers from chassis shall be installed at front and rear of door opening to support the floor with same strength as other floor portions.

23.5(3) Ramp.

a. If ramp is used, it shall be of sufficient strength and rigidity to support wheelchair, occupant, and attendant. It shall be equipped with protective flange on each longitudinal side to keep the wheelchair on ramp. A flexible rubber skirting shall be installed on the edges of the ramp.

b. The floor of ramp shall be covered with nonskid material.

c. The ramp shall be of weight, and equipped with handle or handles, to permit one person to put the ramp in place and to return it to storage place.

d. Provisions shall be made to secure the ramp to side of the bus for use without danger of detachment, and the ramp shall be connected to the bus at floor level in such manner as to permit easy access of the wheels of wheelchair to the floor of the bus.

e. The ramp shall be at least 88 inches in length and the width of the ramp shall conform generally to the width of the door opening.

f. A dustproof and waterproof enclosed container shall be provided if the ramp is stored under the floor.

23.5(4) Power lift.

a. If a power lift is used, it shall be of sufficient capacity to lift the wheelchair, occupant, and attendant.

b. The power lift shall be mounted to the chassis frame.

c. The power lift platform shall be not less than 26 inches in width nor less than 45 inches long including guard panels or rails.

d. The power lift platform shall be covered with nonskid material.

e. A self-adjusting steel or equivalent ramp of sufficient width to minimize incline to lift the platform shall be attached to the lift platform. The ramp shall be equipped with skid-resistant surface.

f. The power lift unit shall be controlled from panel within the bus and adjacent to the lift and be capable of operation by attendant standing upon the lift when the lift is in any position.

g. A device shall be installed which will be used to prevent operation of a lift until the doors are opened.

23.5(5) Stanchions. A stanchion, guard rail, and guard panel shall be installed at both the rear and front edges of the special service door opening extending into the bus. If power lift is used, a chain shall be installed between stanchion posts to enclose area of power lift.

23.5(6) Fastening devices for wheelchairs. Positive fastening devices shall be provided, attached to the floor or walls or both, that will securely hold wheelchairs in position when in the bus.

23.5(7) Seats. Seats do not have to be forward facing if seat belts are used.

23.5(8) Seat restraining devices. Seat frames shall be equipped with rings or other devices to which belts or restraining harnesses may be attached.

23.5(9) Aisles. All aisles, including aisles leading to emergency door shall be wide enough to permit passage of a wheelchair.

23.5(10) Special lights. A light shall be placed inside the bus over special service door and shall be operated from the door area.

23.5(11) Grab handles. Grab handles shall be provided on each side of the front right service door on buses constructed for transportation of handicapped children.

23.5(12) Fuel tank. The fuel tank may be located behind the rear wheels, inside or outside of the chassis frame, with the fill-pipe located on the right side of the body."

[Effective August 17, 1973]

PUBLIC INSTRUCTION DEPARTMENT

(continued)

BE IT RESOLVED BY THE STATE BOARD OF PUBLIC INSTRUCTION:

Pursuant to authority of section 285.8 of the Code, rules filed August 17, 1973, relating to school bus construction are amended as follows:

[Filed December 21, 1973]

Amend 23.4(2) by striking from line 6 the words "at least 2! pound" and inserting in lieu thereof the following: "at least 2½ pound."

[Effective January 21, 1974]

PUBLIC SAFETY DEPARTMENT

Pursuant to the provisions of section 321.210 of the Code, the department of public safety hereby adopts the following permanent rules for the suspension of an individual's operators license and driving privileges. Said rules will follow 13.17(5), 1973 IDR, 792, and will replace those temporary rules filed July 2, 1973.

[Filed August 30, 1973]

CHAPTER 13

DRIVERS' LICENSES

13.18(321) Suspension of license. The department of public safety may suspend:

13.18(1) Upon receipt of information showing that charges have been filed against a person for an offense for which

upon conviction, mandatory revocation of the license is required under 321.209, subsections 1, 2, 3, 4, 5, and 8. A suspension under this subsection shall be for a period equal to the minimum period of revocation which would be required upon conviction for the offense. Such suspension shall be terminated upon notification to the department of final disposition of the charge.

13.18(2) When the department's records show that such person is an habitually reckless or negligent driver of a motor vehicle ("habitually reckless or negligent" shall mean one who has accumulated a combination of three or more violations and contributable accidents of three or more contributable accidents within a 12-month period). A suspension under this subrule shall be for a period of at least 30 days and not to exceed one year.

13.18(3) When the department's records show that such person is an habitual violator of the traffic laws ("habitual violator" shall mean one who has accumulated three or more convictions of moving traffic law violations committed within a 12-month period). A suspension under this subrule shall be for a period of 60 days.

13.18(4) When the department's records show that such person is incompetent to drive a motor vehicle. An "incompetent" as used in his subrule shall include the following:

a. Any person convicted of two moving traffic law violations committed within the 12-month period following the reinstatement of his driving privilege after suspension as an habitual violator.

b. Any person convicted of six or more moving traffic law violations committed within a period of three years.

c. Any person convicted of an offense of OMVUI in Iowa, if said person has, within the prior three years, been convicted of OMVUI in Iowa and if said person had, as a result of said prior conviction, attended or been ordered to attend an OMVUI school as provided in chapter 321B of the Code.

d. Any person who has been involved in a motor vehicle accident when the department's records indicate that such person contributed to said accident and if said person, according to the department's records, has previously been considered to have contributed to at least two motor vehicle accidents within a

period of one year, and who has been subjected to the department's driver improvement action as a result of said prior accidents. "Contributed" shall mean that the records of the department indicate that the subject in question committed some act or failed to do that which would reasonably be expected of a driver when such action or failure to perform appears to have been a cause of the accident.

e. Any person who shall not be licensed under the authority of section 321.177, subsections 4, 5, 6, and 7 of the Code.

A suspension under this rule for incompetence shall be for an indefinite period but shall be terminated upon receipt by the department of satisfactory evidence that the licensee has been restored to competency. However, an indefinite suspension of an incompetent as defined in 13.18(4), paragraphs "a", "b", "c", or "d" shall not be subject to review until after two years.

13.18(5) When the department's records show that such person has permitted an unlawful use of a driver's license. A suspension under this subrule shall be for a period of 30 days.

13.18(6) When the department's records show that such person has committed an offense in another state which if committed in this state would be grounds for suspension or revocation. A suspension under this subrule shall be for a period equal to the suspension which would be imposed if the violation had occurred in this state.

13.18(7) When the department's records show that such person has committed a serious violation of the motor vehicle laws of this state. "Serious violation" shall include the following:

a. Any conviction for a moving traffic law violation when such record of conviction is accompanied by a written report from the arresting officer or the court indicating that the violation was considered unusually serious. A suspension under this subrule shall be for a period of not less than 60 days and not more than one year.

b. Any conviction for a moving traffic law violation when such conviction resulted from the person so convicted having been involved in a fatal motor vehicle accident and when the records show that said person committed some

act or failed to do that which would reasonably be expected of a driver when such action or failure to perform appears to have been a cause of the accident. A suspension under this subrule shall be for a period of not less than 120 days and not more than one year.

c. Any conviction for speeding when the record shows the speed to have exceeded 20 mph over the legal limit. Suspensions based on speed alone shall be in accordance with the following schedule: 21 mph over the legal limit, not less than 30 days nor more than one year; 22 mph over the legal limit, not less than 32 days nor more than one year; 23 mph over the legal limit, not less than 34 days nor more than one year; 24 mph over the legal limit, not less than 36 days nor more than one year; 25 mph over the legal limit, not less than 40 days nor more than one year; 26 mph over the legal limit, not less than 45 days nor more than one year; 27 mph over the legal limit, not less than 50 days nor more than one year; 28 mph over the legal limit, not less than 55 days nor more than one year; 29 mph over the legal limit, not less than 60 days nor more than one year; 30 mph over the legal limit, not less than 70 days nor more than one year; 31 mph over the legal limit, not less than 80 days nor more

than one year; 32 mph over the legal limit, not less than 90 days nor more than one year; 33 mph over the legal limit, not less than 100 days nor more than one year; 34 mph over the legal limit, not less than 110 days nor more than one year; 35 mph over the legal limit, not less than 120 days nor more than one year; 36 mph over the legal limit, not less than 130 days nor more than one year; 37 mph over the legal limit, not less than 140 days nor more than one year; 38 mph over the legal limit, not less than 150 days nor more than one year; 39 mph over the legal limit, not less than 160 days nor more than one year; 40 mph over the legal limit, not less than 170 days nor more than one year; 41 mph or more over the legal speed limit, not less than 183 days nor more than one year.

13.18(8) In lieu of a suspension under section 321.210 of the Code, the department may permit the licensee to retain the driving privilege on a probationary basis subject to such restrictions as the department deems appropriate. A violation of such probation shall result in suspension as provided in the appropriate subrule above.

[Effective September 1, 1973]

PUBLIC SAFETY DEPARTMENT

(continued)

Pursuant to the authority of section 100.35 of the Code the rules appearing in the 1973 IDR, Chapter 45 [Health Care Facilities—fire safety], pages 813 to 828, is amended as follows:

[Filed December 31, 1973]

DIVISION I

ITEM 1.

45.2(3), line 3, is amended by striking the word "state".

ITEM 2.

45.3(1) is amended by adding the following:

f. The state fire marshal in enforcing the requirements of this subrule may modify them under the following two conditions:

(1) Only those requirements whose application would be clearly impractical in the judgment of the state fire marshal shall be modified.

(2) Requirements may be modified by the state fire marshal to allow alternative arrangements that will secure as nearly equivalent safety to life from fire as practical; but in no case shall the modification afford less safety than compliance with the corresponding provisions contained in the following parts of these regulations. A reasonable time shall be allowed for compliance with any part of this subrule, commensurate with the magnitude of expenditure and the disruption of services. When alternative protection is installed and accepted, the institution shall be considered as conforming for purposes of these regulations.

ITEM 3.

45.3(2) "c", line 9, is amended by striking the words "as a minimum requirement".

ITEM 4.

45.3(4) is rescinded and the following inserted in lieu thereof:

"One of the two or more required exits shall be not less than 44-inch wide stairway. The minimum clear width of any additional required stairway shall be not less than 30 inches."

ITEM 5.

45.3(5) "b", line 2, is amended by striking "44 inches" and inserting "36 inches".

ITEM 6. Deleted by IDR committee.

ITEM 7.

45.3(6) "b", line 2, is amended by striking the word "partitions" and inserting the word "cutoff".

ITEM 8.

45.3(8) is amended by striking paragraph "c" and inserting the following:

c. Where fire detection systems are installed to meet the requirements of this regulation, they shall be approved electrically supervised systems protecting the entire building, including unoccupied spaces such as attics. Detectors shall be approved combined rate of rise and fixed temperature type detectors, 135° F., or smoke or products of combustion type, and be properly installed. In spaces where high temperature is normal, devices having a higher operating point may be used. Operation of a detection or alarm device shall cause an alarm which is audible throughout the building. In existing homes where "fixed temperature only type detectors" are already installed they need not be replaced until such time that a new head needs to be installed.

ITEM 9.

45.3(8) "d", line 1 is amended by inserting the words "other than heat", after the word "combustion".

DIVISION II

ITEM 10.

45.10(15) line 6 is amended by inserting "kitchen, laundry, handicraft shop" after the words "rooms such as".

ITEM 11.

45.11(2) "a" is amended by inserting at the end thereof the words "However, each patient wing extending from a center core area shall be protected by smoke doors regardless of the number of

ITEM 12.

45.11(2) "c", line 9, is amended by striking the words "as a minimum requirement".

ITEM 13. Deleted by IDR committee.

ITEM 14.

45.11(2) "g" is amended by inserting at the end thereof the following words "Existing finishes, not meeting the requirements, may be corrected by the use of a fire retardant treatment; provided however, if the material is combustible, it shall be adhered to a continuous backing. The treatment may be used in lieu of replacing the finished material providing the material used for treatment is listed by Underwriters' Laboratories, Inc. and is applied in strict accordance with the manufacturer's directions."

ITEM 15.

45.11(4) is stricken and the following inserted in lieu thereof:

One of the two or more required exits for areas shall be of such width and so arranged as to avoid any obstruction to the convenient removal of persons by carrying them on stretchers or on mattresses serving as stretchers. A standard 44-inch stairway or ramp is the minimum permitted. Slope of ramp shall not be more than 1 3/16 in 12. Minimum dimension of the stair landing shall be 60 inches. The minimum clear width of any additional required stairway shall be not less than 36 inches.

ITEM 16.

45.11(5) "b" is amended by inserting at the end thereof the following words "Thirty-six inches may be accepted in custodial homes where all patients are ambulatory."

ITEM 17.

45.11(5) "d" (2) is amended by inserting at the end thereof the following words "Thirty inches may be accepted in custodial homes where all patients are ambulatory."

ITEM 18.

45.11(8) "c" is amended by striking paragraph "c" and inserting the following:

c. Where fire detection systems are installed to meet the requirements of this regulation, they shall be approved

electrically supervised systems protecting the entire building, including unoccupied spaces such as attics. Detectors shall be approved combined rate of rise and fixed temperature type detectors 135° F., or smoke, or products of combustion type, and properly installed. In spaces where high temperature is normal, devices having a higher operating point may be used. Operation of a detection or alarm device shall cause an alarm which is audible throughout the building. In existing homes where "fixed temperature only detectors" are already installed they need not be replaced until such time that a new head needs to be installed.

ITEM 19.

45.11(10) is amended by adding a new paragraph as follows:

f. All openings in hazardous areas as defined in section 45.10(15) shall be protected by material having at least one-hour fire rating.

ITEM 20.

45.11(11) "a" line 3 is amended by inserting the words "patient occupied" after the word "each". Further, line 4 is amended by inserting the words "if 11 patients or over" after the word "addition".

ITEM 21.

45.11(12) "a" is amended by striking paragraph "a" and inserting the following:

a. Smoking may be permitted in nursing and custodial homes only where proper facilities are provided. Smoking shall not be permitted in sleeping quarters or dormitories. Bedfast persons, or persons considered not responsible, shall not be allowed to smoke at any time except upon written orders of the patient's physician and then only under direct responsible supervision. Clothing and bed linens for these individuals shall be approved fire-retardant material or properly treated and maintained fire-retardant.

ITEM 22.

45.11(13) "c" is amended by striking from line 3 the word "exit" and inserting the word "exitway".

ITEM 23.

45.11(14) "c" line 3 is amended by inserting the word "state" before the words "fire marshal".

ITEM 24. Deleted by IDR committee.

ITEM 25.

45.12(1) "b" is amended by inserting at the end thereof the following words "This shall not include altering to meet the requirements of rule 45.11(100)."

ITEM 26.

45.12(3) "b" is amended by inserting at the end thereof the following words "However, each patient wing extending from the center core area shall also be protected by smoke doors regardless of number of persons."

ITEM 27.

45.12(10) "a" (10) is amended by striking subparagraph (10) and inserting in lieu the following:

(10) To include smoke, or products of combustion detection devices, other than heat, as required by any rule in these regulations.

ITEM 28.

45.12(12) "d" is amended by adding a new paragraph as follows:

d. All openings in hazardous areas as defined in subrule 45.10(15) shall be protected by material having at least one-hour fire rating.

ITEM 29.

45.12(14) "a" is amended by striking paragraph "a" and inserting the following:

a. Smoking may be permitted in nursing and custodial homes only where proper facilities are provided. Smoking shall not be permitted in sleeping quarters or dormitories. Bedfast persons, or persons considered not responsible, shall not be allowed to smoke at any time except upon written orders of the patient's physician and then only under direct responsible supervision. Clothing and bed linens for these individuals shall be approved fire-retardant material or properly treated and maintained fire-retardant.

[Effective December 31, 1973]

REAL ESTATE COMMISSION

Pursuant to the authority of sections 117.9 and 117.18 of the Code, rules appearing in 1973 IDR, 852 and 853, relating to the real estate commission, are amended as follows:

[Filed December 11, 1973]

Rule 1.1(117) is rescinded and the following adopted in lieu thereof:

1.1(117) Conduct of examination. Examinations for license as real estate brokers or salesmen shall be conducted by the commission or its authorized representative on such date and at such place and time as designated by the commission.

[Effective December 11, 1973]

REAL ESTATE COMMISSION

(continued)

Pursuant to the authority of sections 117.9 and 117.18 of the Code, rules appearing in 1973 IDR, 852 and 853, relating to the real estate commission, are amended by adding thereto the following:

[Filed August 10, 1973]

CHAPTER 117

REAL ESTATE BROKERS AND SALESMEN

1.22(117) Applications for examination. Applications for examination of both broker and salesman shall be made on formal applications obtained from the commission, and they shall be filed in the commission office at least 34 calendar days before the date of examination for which applied. A credit bureau report shall be requested by the applicant, and this must be on file 34 calendar days prior to the scheduled date of the examination. The cost of said report shall be paid by the applicant.

1.23(117) Photograph required. Each application for a broker's or salesman's license must be accompanied by a photograph of the applicant, approximately 1½" x 1½", taken within 12 months prior to the date of the application.

1.24(117) Advertising. A broker shall not advertise to sell, buy, exchange, rent, or lease property in a manner indicating that the offer to sell, buy, exchange, rent, or lease such property is being made by a private party not engaged in the real estate business, and no real estate advertisement shall show only a post office box number, telephone number or street address. Every broker, when advertising real estate, shall use his regular business name or the name under which he is licensed, and shall affirmatively and unmistakably indicate that the party is a real estate broker and not a private party.

1.25(117) Established office. Every Iowa resident real estate broker who is self-employed shall maintain a bona fide regular established office for the transaction of business in the state of Iowa, which shall be open to the public during business hours.

1.26(117) Presenting purchase agreements. Any and all offers to purchase received by any broker shall be promptly presented to the seller for his formal acceptance or rejection immediately upon receipt of such offer. The formal acceptance or rejection of such offers shall be promptly communicated to the prospective purchasers.

1.27(117) Trust account. All money belonging to others and accepted by the broker or his salesman on real estate matters shall be deposited in some bank in an account separate from the money belonging to the broker, except for funds deposited to cover bank service charges as specified in chapter 117.46 of the Code. The name of such separate account shall be identified by the word "trust". Earnest payments, rents collected, property management funds, and other trust funds received by broker shall be deposited in an identified "trust" account. A broker shall maintain in his office a complete record of all moneys received on real estate transactions, rents, and management funds, including the sources of the money, the date of receipt, depository, and date of deposit; and when a transaction has been completed, the final disposition of the moneys. The notification to the commission of the name, bank, and address of the broker's trust account shall include the account number thereof, if any.

1.28(117) Closing statements. It shall be mandatory for every broker to deliver to the seller in every real estate transaction wherein he acts as a real estate broker.

at the time such transaction is consummated, a complete detailed statement, showing all of the receipts and disbursements handled by such broker. Also, the broker shall at the same time deliver to the buyer a complete statement showing all moneys received in the transaction from such buyer and how and for what the same were disbursed. The broker shall retain one copy of such statements in his files.

1.29(117) Salesman shall not handle closing. A salesman shall not handle the closing of any real estate transaction except under the direct supervision or with the consent of the employing broker.

These rules are intended to implement chapter 117 of the Code.

[Effective August 10, 1973]

REGENTS BOARD

Pursuant to the authority of section 262.12 of the Code, rules of the board of regents appearing in 1973 IDR, 866 and 869, relating to the merit system are hereby amended.

[Filed August 17, 1973]

ITEM 1. Rule 3.3(1), page 866, line 9, is amended by inserting after the word "co-ordinator" the words ", and in addition will prepare other reports as may be required to indicate compliance with applicable state requirements and federal standards".

ITEM 2. Rule 3.3(2), page 866, line 6, is amended by inserting after the word "sex" the words ", physical disability".

ITEM 3. Rule 3.3(3), page 866, the first sentence is amended by inserting after the word "law" the following "; every employee will have the right to freely express his views as a citizen and to cast his vote; coercion of employees for political purposes and the use of employees' positions for political purposes will be prohibited".

ITEM 4. Rule 3.52(3), page 869, is amended by striking from the first sentence after the word "unskilled" the words ", semi-skilled, domestic, attendant or custodial".

[Effective August 17, 1973]

REGENTS BOARD

(continued)

Pursuant to the authority of section 262.69 of the Code, rules of the board of regents appearing in the 1973 IDR, 879 and 881, relating to traffic and parking at the University of Iowa are amended as follows:

[Filed October 10, 1973]

ITEM 1. Strike all of rule 4.3(262), page 879, and insert in lieu thereof the following:

4.3(262) General traffic.

4.3(1) These rules shall not apply to moving traffic violations on institutional roads and property of the university. Such violations will be charged and prosecuted as violations of chapter 321 and section 262.68 of the Code.

4.3(2) The director shall erect speed limit signs in conformity with maps of the institutional roads and property of the university designating such speed limits as adopted by the state board of regents. The maps will be available for inspection during business hours at the office of the director and the state board of regents.

4.3(3) The director is delegated authority to make temporary changes in traffic patterns, including establishment of one-way roads and road closures, where necessary because of construction or special events being held on campus.

4.3(4) The director is delegated authority to erect traffic control signs and devices, and to designate pedestrian crosswalks and bicycle lanes.

4.3(5) Pedestrians shall be given the right of way at all crosswalks or when in compliance with existing traffic controls.

4.3(6) Driving of vehicles, motor vehicles, and motorcycles on university property other than roads is prohibited, unless specific areas have been designated for such use by the director or special permission has been granted by the director for emergency conditions.

4.3(7) Driving of vehicles, motor vehicles, and motorcycles in parts of institutional roads marked as bicycle lanes is prohibited.

4.3(8) The director is delegated authority to have the university security

department investigate accidents which occur on the campus.

ITEM 2. Strike 4.7(4) *Appeals*, page 881, and insert in lieu thereof:

4.7(4) Administrative hearing. Students and faculty may request a hearing and administrative ruling concerning a controversy, based on the imposition of

a sanction for a registration or parking violation, or an impoundment procedure, by the appropriate hearing body as set forth in the motor vehicle and bicycle regulations published by the university. Visitors may request the director to conduct a hearing and issue an administrative ruling in such cases.

[Effective October 10, 1973]

REGENTS BOARD

(continued)

Pursuant to the authority of section 262.69, rules 4.25(262) to 4.55(262) relating to traffic and parking at Iowa State University of Science and Technology appearing in 1973 IDR, 882 to 890, are rescinded and the following adopted in lieu thereof.

[Filed August 2, 1973]

4.25(262) General traffic.

4.25(1) The motor vehicle laws of the state of Iowa are in effect on campus and other Iowa State University property.

4.25(2) Faculty, staff, students, and visitors are expected to know and comply with the state motor vehicle laws, the traffic ordinances of the city of Ames and the Iowa State University Traffic and Parking Regulations.

4.25(3) The maximum speed limit on all campus drives, roads and streets is 25 mph unless otherwise posted.

4.25(4) Pedestrians shall be given the right of way at all crosswalks or when in compliance with existing traffic controls.

4.25(5) Driving of motor vehicles on campus walks and lawns is prohibited except when special permission has been granted by the physical plant department for emergency conditions.

4.25(6) Driving of motor vehicles in parts of streets or roads marked as bicycle lanes is prohibited.

4.25(7) Moving or driving around an authorized barricade shall not be permitted.

4.25(8) All motor vehicles shall use mufflers that will control noise to levels that do not exceed the following when measured on the "A" scale of a standard sound level meter at slow response:

Distance	Sound Level
At 25 feet	86 dBA
At 50 feet	80 dBA

4.25(9) Violations of the motor vehicle laws of the state of Iowa may be referred to the magistrate court of the city of Ames.

4.26(262) Two- or three-wheeled motor vehicles.

4.26(1) All operators or drivers of two-wheeled motor vehicles (motorcycles, motor scooters, motorbikes or others) shall know and comply with all laws, ordinances and regulations as required for all motor vehicles in 4.25.

4.26(2) Two-wheeled motor vehicles are prohibited on campus lawns, walks and designated bicycle lanes.

4.26(3) Driving two-wheeled motor vehicles on university property other than streets or roads is prohibited, unless specific areas have been designated for such use by the physical plant department.

4.26(4) Every two-wheeled motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unnecessary noise when driven on campus. Muffler cutout, bypass or similar device is prohibited.

4.26(5) All items in this section apply equally to three-wheeled motor vehicles.

4.26(6) Battery-powered motor-driven wheelchairs for invalids or the handicapped are not considered to be included in these regulations.

4.27(262) Snowmobiles. Operation of snowmobiles is prohibited on all university property unless specific areas have been designated for such use by the physical plant department.

4.28(262) Restricted access streets.

4.28(1) Certain streets or portions of streets are closed to general motor vehicle travel during the hours of 7 a.m. to 5:30 p.m. Mondays through Fridays. They are open at all other hours.

4.28(2) Emergency and service vehicles will be permitted on restricted access streets by use of key cards or other control devices issued by the traffic office.

4.28(3) Parking lots that have access only from restricted access streets will be used only for motor vehicles carrying reserved permits. Permit holders for these lots will be issued key cards allowing entrance to the restricted access streets.

4.28(4) Access to the restricted portion of the campus shall be limited to established gate openings. No other means of access shall be permitted.

4.28(5) Restricted access key cards shall be used only for access to reserved parking lots by permit holders or service access to buildings within the restricted access area.

4.28(6) Hours that restricted access street gates are closed and streets designated as restricted access streets may be modified by action of the president or his authorized representatives.

4.29(262) General parking.

4.29(1) Parking privileges in university parking lots, on or off campus, are available, upon application, to eligible members of the faculty, staff, student body or visitors, subject to provisions set forth hereinafter.

4.29(2) Restrictions.

a. Parking of motor vehicles on campus, except at meters, is restricted to vehicles bearing current official university parking permits. (See 4.36(2) "b" for publicly owned vehicles.)

b. The restriction stated in 4.29(2) "a" applies during the hours from 7 a.m. to 5:30 p.m. Mondays through Fridays and 7 a.m. to 12 noon Saturdays, except on official university holidays when the university is closed.

c. Quarter breaks and seasonal holidays for students are not official holidays.

d. All other regulations in this "Traffic and Parking Regulations" are in effect 24 hours a day every day.

4.29(3) In the event of an emergency, breakdown, or repair, a temporary equivalent parking permit for a period not to exceed two weeks will be issued without charge when application is made in person at the traffic office. (Traffic office is open at 7:30 a.m.)

4.29(4) Illegal parking.

a. Parking is prohibited in any place on campus other than those areas which have been designated for parking and identified by signs controlling their use.

b. Parking is prohibited at crosswalks, building entrances, fire hydrants, fire lanes and other areas posted "No parking at any time" or marked by a yellow line. Violators may be towed away.

c. Taking a motor vehicle into any university building is prohibited except where a shop or garage is especially designated for the purpose of vehicle repair or storage.

4.29(5) Improper parking.

a. Parking in any lot in other than a head-in position is subject to penalty for improper parking.

b. Parking over or across stall marker lines, where such lines are provided, is subject to penalty for improper parking.

c. Parking of motor vehicles, motorcycles, and small cars in odd-shaped spaces in parking lots is subject to penalty for improper parking.

d. Use of 30-minute loading zone areas beyond posted time limitations is subject to penalty. Multiple violation citations may be issued for consecutive time limits exceeded. Violators may be towed away.

e. Parking without appropriate permit in all lots, except reserve lots, when restrictions stated in 4.29(2) apply, is subject to penalty.

f. Parking without appropriate permit in reserved lots, when restrictions stated in 4.29(2) apply, is subject to penalty.

4.29(6) Iowa State University assumes no liability or responsibility for damage to any vehicle parked in any University parking area.

4.29(7) The University reserves the right to close temporarily any parking area on or off campus for University purposes. Advance notice of closing will be given when practical.

4.29(8) Parking in the Memorial Union Parking Ramp and adjacent metered parking lot is subject to regulations, time, and fees established by the Memorial Union.

4.30(262) Registration of motor vehicles.

4.30(1) Every student enrolled at Iowa State University who owns or has a motor vehicle in his possession during all or part of the academic year must register the vehicle(s) and display upon it (them) a current student identification sticker.

4.30(2) Any resident of University married student housing, whether currently enrolled or not, who owns or has a motor vehicle in his possession during all or part of the academic year, must register the vehicle(s) and display upon it (them) a valid student identification sticker or valid staff permit.

4.30(3) A student or resident, so identified in 4.30(1) and 4.30(2), failing to register such vehicle(s) or to display a current identification sticker(s) thereon is subject to a penalty.

4.30(4) Students operating motor vehicles bearing a current staff or reserved permit are not required to display a student identification sticker.

4.30(5) Students who have indicated at academic registration that they do not own or have a motor vehicle in their possession and who subsequently acquire one shall obtain and affix an identification sticker on the vehicle before operating it on campus.

4.30(6) Student identification stickers are issued upon registration of the vehicle, without charge.

4.30(7) Identification stickers are in effect from the date of issue to the following August 31.

4.30(8) Registration of any motor vehicle shall be in only one name. Proxy registration is prohibited.

4.30(9) Falsification of information on a registration or a parking permit application is subject to a penalty.

4.30(10) The identification sticker is for identification only and is not a permit to park in University parking lots except when the parking regulations so permit. See 4.29(2).

4.30(11) Upon issuance of a new license plate, the person in whose name a vehicle is registered at the University shall report the new license number to the traffic office within seven days after issuance.

4.31(262) Residence hall parking.

4.31(1) Residence hall parking permits are issued to student residents of the

various halls at no charge. Residence hall parking permits are issued quarterly at registration. Students shall be required to show automobile registration before permit is issued.

4.31(2) The parking permit fee for residence hall employees for parking in residence hall restricted lots shall be at the rate of \$20.00 per year, and may be obtained as stated in 4.33(12) and 4.33(13).

4.31(3) Car pool privileges for residence hall employees in residence hall restricted lots are available under conditions set forth in 4.40.

4.31(4) Vehicles bearing residence hall parking permits may be parked in on-campus lots only during times not restricted under 4.29(2). They may be parked in metered areas at any time upon payment of appropriate meter fee.

4.31(5) Residence hall parking lots contain 24-hour restricted areas and 30-minute loading zones as posted. Restricted areas are limited to vehicles bearing the applicable residence hall permit.

4.32(262) Student parking on campus.

4.32(1) Students and graduate assistants (C-base staff members) living within the area enclosed by the nonpermit boundary are not eligible for, and therefore will not be issued, permits for parking in campus parking lots.

4.32(2) Students and graduate assistants (C-base staff members) living outside the area designated in 4.32(1) are eligible for and may obtain parking permits to park their vehicles on campus.

4.32(3) Vehicles bearing a student on-campus parking permit may be parked in campus parking lots designated as "Permit."

4.32(4) All students, regardless of location of residence, may park in metered areas upon payment of the appropriate parking meter fee.

4.32(5) The fee for a student and graduate assistant (C-base staff member) on-campus parking permit is:

Fall, Winter, and	
Spring	\$6.00 per quarter
Summer Quarter	\$3.00

4.32(6) No refunds will be made on quarterly permits after they have been affixed.

4.33(262) Faculty and staff—general parking.

4.33(1) Faculty and staff members employed by the University one-half time or more on an A, B, E, or H base are eligible for staff parking permits.

4.33(2) All staff members, 70 years of age or over, who are on part-time basis assignment of regular duty for only three months per year are eligible, upon request, for a general parking permit free of charge.

4.33(3) All former staff members, 65 years of age or over, who are fully retired and not on the University payroll are eligible, upon request, for an annual visitor's parking permit free of charge.

4.33(4) Members of the armed services assigned to the University as staff members may obtain parking permits for vehicles bearing current out-of-state license plates, as provided for by the Code.

4.33(5) All other eligible faculty and staff members may obtain a staff parking permit only for those vehicles bearing current Iowa license plates.

4.33(6) In each academic year eligible University faculty and staff members who expect to park a motor vehicle on campus or who own a motor vehicle which will be parked on campus by another driver during the hours set forth in 4.29(2), shall obtain a parking permit and display it on the vehicle as set forth in 4.41.

4.33(7) Eligible faculty and staff members may obtain parking permits upon application to the traffic office and payment of appropriate fee.

4.33(8) A faculty or staff member will not be issued parking permits for more than one car except as provided in 4.40(1).

4.33(9) More than one type of permit may be issued for any one car providing the vehicle registrant is eligible for each type of permit and that appropriate fees are paid.

4.33(10) If more than one member of a family is employed by the University, each member may apply for any parking permit for which he or she is eligible.

4.33(11) The fee for a general parking permit is \$20.00 for the year September 1 to August 31.

4.33(12) An applicant for a general parking permit may remit the annual

parking permit fee by check with the application, or authorize a single payroll deduction for the full annual parking permit fee. Payment in currency will not be accepted, except when made in person at the traffic office.

4.33(13) General parking permits are issued on an annual basis only. Refunds may be obtained for unexpired quarters on a quarterly basis, upon written request with remnants of the permit removed from the vehicle. No refunds are made for the spring and summer quarters. See 4.43.

4.33(14) New faculty or staff members starting employment after the beginning of the academic year may obtain parking permits at the following fees for the remainder of the year:

Beginning employment during:	General Permit	Reserved Permit
Fall Quarter	\$20.00	\$60.00
Winter Quarter	14.00	40.00
Spring Quarter	8.00	30.00
Summer	3.00	20.00

4.33(15) Vehicles bearing a general parking permit may be parked in any parking lot designated as "Staff" or "Permit," except Lot 28AL and AL portion of Lot 26. They may not be parked in "Reserved" areas, nor in metered areas without payment of the appropriate meter fee.

4.33(16) Parking in Ames Laboratory Lot 28AL or AL area in Lot 26, is restricted to vehicles bearing Ames Laboratory parking permits.

4.34(262) Faculty and staff—reserved parking.

4.34(1) Eligible faculty or staff members, as defined in 4.33(1) may apply for assignments in reserved parking lots or areas.

4.34(2) Assignments of reserved parking permits will be by reserved parking lot or areas only, and not by individual parking stall.

4.34(3) Individual stall assignment is available only to the President and Vice-Presidents of the University and for University-owned vehicles upon approval of request.

4.34(4) A vehicle bearing a reserved parking permit shall be parked only in the parking lot or area to which it is as-

signed or in a metered area with payment of the appropriate meter fee.

4.34(5) Applicants for reserved parking permits will be assigned into reserved parking lots or areas as close to their preferred location as possible, under the following order of precedence and in the order of receipt of application within each category:

a. Medical: Certified by the Director of the University Student Health Service.

b. Members of the Administrative Board.

c. University department-owned vehicles.

d. Faculty and staff.

4.34(6) Parking of an unauthorized vehicle in an assigned reserved parking lot or area will subject the violator to a fine, or having the vehicle towed away.

4.34(7) Car pool privileges, 4.40, are available.

4.34(8) The fee for a reserved parking permit is \$60 for the year September 1 to August 31.

4.34(9) Reserved parking permits are issued on an annual basis only. Refunds may be obtained for unexpired quarters only on a quarterly basis upon written request submitted with remnants of the permit removed from the vehicle. No refunds are made during the spring or summer quarter. See 4.43.

4.34(10) An applicant for a reserved parking permit may remit the annual parking permit fee by check with the application, or authorize a single payroll deduction for the full annual parking permit fee. Payment in currency will not be accepted, except when made in person at the traffic office.

4.34(11) Reserved parking is in effect during the hours set forth in 4.29(2).

4.35(262) Provisions for handicapped and disabled.

4.35(1) Physically handicapped or medically disabled students may obtain the following special parking privileges upon issuance of a letter by the director of the student health service indicating the character, extent, and probable duration of the disability and certifying need for special parking:

a. Medical permits for use in general faculty and staff parking lots at a fee of \$6.00 per quarter and \$3.00 for summer.

b. Reserved parking permit in a specified reserved parking lot for a fee of \$15.00 per quarter and \$7.50 for each summer session.

c. Special medical parking permit with key card, when applicable, for parking at any parking meter or for parking in designated and marked spaces on restricted access campus streets for a fee at the rate of \$30 per quarter and \$15 for each summer session.

4.35(2) Physically handicapped or medically disabled faculty or staff members may obtain the following special parking privileges upon issuance of a letter by the director of student health service indicating the character, extent and probable duration of the disability and certifying the need for special parking:

a. Reserved parking permit (4.34). Also see 4.28(3).

b. Special medical parking permit with key card, when applicable, for parking at any parking meter or for parking in designated and marked spaces on restricted access campus streets for a fee at the rate of \$30 per quarter and \$15 for each summer session.

4.36(262) Parking publicly owned vehicles.

4.36(1) Operators of publicly owned vehicles are subject to all University traffic and parking regulations.

4.36(2) Publicly owned vehicles, federal or state, shall be parked overnight in the car pool area provided by the University, unless otherwise accommodated.

a. Such vehicles are not required to display a University parking permit, but must be registered by the person responsible for them at the traffic office.

b. These vehicles may be parked in staff or permit parking lots for periods not exceeding three hours. They shall not be parked in reserved areas if they do not display an appropriate reserve permit. If parked in a metered area, the appropriate meter fee shall be paid.

4.36(3) Publicly owned vehicles that are to be parked in staff or permit lots for more than three hours shall be provided with and display a general staff parking permit. See 4.33.

4.36(4) University-owned department vehicles required in the operation of the department may apply for a reserved parking stall. Upon approval of the application, the assignment will be made free of charge.

4.36(5) Vehicles granted a reserved stall must be parked in that stall. If parked elsewhere on campus, they must be parked in a metered area and pay the appropriate meter fee.

4.37(262) Visitor parking.

4.37(1) Occasional visitors on campus shall park either in metered parking spaces or the Memorial Union Ramp.

a. A limited number of meter parking permits which authorize all-day parking at any parking meter on the campus is available from the traffic office for a fee of \$1.00 per day. Such permit is not valid in the lot immediately east of the Memorial Union nor in the ramp.

b. Visitors who have frequent occasion to visit the campus on business may apply for a visitor's parking permit. The rate is the same as a general staff permit. See 4.33(14).

4.37(2) Visitors enrolled in short courses of more than one week duration are considered as students. See 4.32.

4.37(3) Faculty members who are in charge of short courses and conferences may apply to the university traffic committee for issuance of special parking permits to short course enrollees. Assignments to parking lots may be made provided the short course is scheduled at such a time and limited to such a number of enrollees that the assignments do not interfere with normal parking.

4.37(4) Fees for special parking permits for short course enrollees shall be designated by the traffic committee.

4.37(5) Visitors enrolled in short courses or conferences of less than one week duration, who do not have a special parking permit, shall park either in the Memorial Union Ramp or in parking meter areas.

4.38(262) Metered parking.

4.38(1) Metered parking spaces are provided in most campus parking lots and on some campus streets.

4.38(2) Metered parking spaces are open to all (faculty, staff, students, and

visitors) upon payment of the proper fee for the time the space is occupied.

4.38(3) The meter parking fee is 5 cents for each 30-minute period.

4.38(4) The time limits shall be as indicated on the meter. Meters with orange bands just below the heads are one-half hour only. All other meters are one hour or longer.

4.38(5) A limited number of meter parking permits which authorize all-day parking at any parking meter on the campus is available from the traffic office for a fee of \$1 per day. Such permit is not valid in the lot immediately east of the Memorial Union nor in the ramp.

4.38(6) Care should be taken to assure that the vehicle being parked is within the marked area corresponding to the correct meter.

4.38(7) Violation for overtime parking in metered spaces is subject to penalty.

4.38(8) Multiple violation citations may be issued for consecutive time limits exceeded.

4.38(9) An inoperative parking meter shall be reported immediately to the traffic office. An officer will be dispatched immediately to check meter.

4.39(262) Two- or three-wheeled motor vehicle parking.

4.39(1) Two- or three-wheeled motor vehicles (motorcycles, motor scooters and motor bikes) shall be parked only in areas designated for such parking. Small irregular areas in parking lots shall not be used for such purpose unless so designated.

4.39(2) Parking permits for parking such motor vehicles in areas designated for that purpose may be purchased for a fee of \$2 per quarter.

4.39(3) Such motor vehicles may be parked in metered areas upon payment of the meter fee.

4.39(4) More than one such motor vehicle may be parked in the same stall provided all vehicles are completely within the designated stall area.

4.39(5) If an overtime citation is made where multiple vehicles are parked in one stall, the violation penalty will be charged against each vehicle individually.

4.40(262) Car pools.

4.40(1) Anyone having two or more motor vehicles which may be used alternately for parking on campus may apply for car pool privileges. Any group of individuals wishing to park vehicles alternately on campus may apply for car pool privileges for up to five motor vehicles.

4.40(2) Each vehicle in the car pool shall be registered, and upon registration will be issued a car pool identification sticker. See 4.41(1). This sticker is not a parking permit.

4.40(3) The car pool will be issued one transferable parking permit which shall be on display in the car parked on campus. See 4.41(6).

4.40(4) If more than one car of a car pool is to be parked on campus simultaneously, the extra car or cars must be parked in a metered area and appropriate meter fee paid. Note 4.38(5) for all-day meter permit.

4.40(5) Car pool privileges are available to eligible faculty-staff members for either general (4.33) or reserved (4.34) parking permits, and to eligible students (4.32).

4.40(6) The parking permit fee for a car pool is as follows:

a. Reserved assignment permit—\$60.00 per year. Subject to all regulations in 4.34.

b. General parking permit—\$20.00 per year. Subject to all regulations in 4.33.

c. Student parking permit—\$6.00 per quarter. Subject to all regulations in 4.32.

4.40(7) One member of the car pool shall submit the application for all members of the car pool, and such member shall be responsible for payment of the full parking permit fee.

4.41(262) Affixing and removal of permits.

4.41(1) Student identification stickers, car pool identification stickers, and parking permits other than car pool permits, shall be firmly affixed to the inside of the rear window at the lower edge on the driver's side of standard body type vehicles. On pickups or convertibles and other types of vehicles without fixed rear windows, they shall be affixed to the lower right edge of the windshield. On station wagons and on cars with wired-glass rear

windows, they shall be affixed to the extreme rear of the left side window.

4.41(2) On motorcycles, permits and identifications shall be affixed to handlebar adjacent to steering column with number visible from top.

4.41(3) Identification stickers and student parking permits shall be properly affixed by midnight of the first day of classes.

4.41(4) Faculty and staff parking permits shall be properly affixed by September 1 or within three working days after becoming a staff member. A grace period after September 1, until midnight the first day of classes, will be allowed.

4.41(5) Identification stickers or parking permits taped or clipped on windows are not considered firmly affixed.

4.41(6) Transferable car pool parking permits shall be hung from the interior rear view mirror so that they will be readable from outside. On sport cars, transferable car pool permits may be locked to the dashboard or steering column in a manner approved by the traffic department.

4.41(7) Expired identification stickers and parking permits shall be removed in a manner that leaves no trace of the sticker or permit upon the window of the car before it is parked on campus except at parking meters.

4.42(262) Replacement of permits.

4.42(1) In the event that a motor vehicle is sold or transferred to a new owner or user, the identification sticker or parking permit shall be removed. If the sticker or permit is so removed and parts thereof recovered and returned to the traffic office, a new corresponding sticker or permit will be issued free of charge for the replacement vehicle.

4.42(2) Upon substantial evidence that the original parking permit has been lost, stolen or destroyed, a duplicate sticker will be issued upon payment of the following appropriate fee:

<i>a.</i> Car pool transferable permit	\$5.00
<i>b.</i> Restricted access key card	\$5.00
<i>c.</i> Reserved parking permit	\$2.00
<i>d.</i> General parking permit	\$2.00

- e. Student parking permit \$1.00
- f. Motorcycle parking permit \$1.00
- g. Student ID sticker no charge
- h. Residence hall parking permit no charge

4.43(262) Refunds.

4.43(1) Fees for faculty and staff parking permits issued on an annual basis may be refunded for the unexpired quarters on a quarterly basis upon written application enclosing the remnants of the permit removed from the vehicle. No refunds are made for the spring and summer quarters.

4.43(2) The schedule of refunds for general or reserved faculty and staff parking permits is as follows:

	General	Reserved
Any time during Fall Quarter	\$14.00	\$42.00
Any time during Winter Quarter	8.00	24.00
Any time during Spring and Summer Quarters	none	none

4.43(3) No refunds will be made on parking permits issued on a quarterly basis if the permit has been affixed.

4.44(262) Definition of bicycle.

4.44(1) The term "bicycle" as used herein includes every device having two or more wheels and propelled by human power (except wheelchairs) upon which any person may ride.

4.44(2) Any bicycle equipped with a motor shall be considered a motor vehicle and subject to the traffic and parking regulations for motor vehicles.

4.45(262) Applicability of bicycle.

4.45(1) The regulations set forth herein are applicable only on university lands. It should be noted that regulations are provided by the Ames Municipal Code, Chapter 7, for bicycle operation and registration in the city of Ames.

4.45(2) Every person operating a bicycle, whether as owner or not, shall conform to all provisions of the regulations set forth herein and shall be penalized for any violation thereof.

4.46(262) Bicycle traffic.

4.46(1) *Applicability of traffic laws.* Every person riding a bicycle on a street or roadway is granted all the privileges and is subject to all the regulations applicable to the driver of any vehicle on that street or roadway and to the special regulations in this section, except those provisions of the laws which by their nature have no application.

4.46(2) *Obedience to traffic control devices.*

a. Any person operating a bicycle shall obey the instructions of official traffic control devices, restricted access street gates, signs and signals applicable to motor vehicles, unless otherwise directed by a police officer or authorized traffic director.

b. Whenever authorized signs are erected indicating that no right or left or U-turn is permitted no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which case such person shall obey the regulations applicable to pedestrians.

4.46(3) *Bicycle paths.* Whenever a path or bikeway has been provided in or adjacent to a street or roadway, bicycle riders shall use such path or bikeway and shall not use the street or roadway.

4.46(4) On campus streets with no marked bicycle lanes and where no adjacent designated bicycle path exists, bicyclists shall use existing streets and are subject to motor vehicle regulations.

4.46(5) *Sidewalks.* Bicycle riders shall not use campus sidewalks except those specifically designated as bicycle paths during the hours of 7:30 a.m. to 5:30 p.m. Mondays through Fridays when school is in session. Attention is directed to the Ames Municipal Code, which prohibits riding on the sidewalk on the south side of Lincoln Way between Stanton Avenue and Hayward Avenue.

4.46(6) *Restricted access streets.* On campus streets which have restricted motor vehicle access, bicycles shall use only the marked bicycle lanes at all times.

4.46(7) *Right of way of pedestrians.* Whenever any person is riding a bicycle, such person shall yield the right of way to any pedestrian.

4.46(8) Lawn areas. Bicycle riders shall not ride on lawns or any areas not designated as a bikeway.

4.47(262) Parking bicycles—unicyles.

4.47(1) Parking. Bicycles shall be parked in or immediately adjacent to the bicycle racks provided. They shall not be parked on lawns, on sidewalks, or chained to trees, light poles, fences, benches, etc. Bicycles improperly parked may be impounded.

4.47(2) Buildings. Bicycles shall not be taken inside any University building except in areas authorized by the traffic committee.

4.48(262) Operation of bicycles.

4.48(1) Riding. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.

4.48(2) Number of passengers. No bicycle shall be used to carry more than one person per seat.

4.48(3) Reckless operation. No person shall operate a bicycle in a reckless manner or in such a way as to endanger other persons or property.

4.48(4) Emerging from alley, driveway, parking area. The operator of a bicycle emerging from an alley, driveway or parking area shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on said sidewalk or sidewalk area and upon entering the roadway yield the right of way to all vehicles approaching on said roadway.

4.48(5) Clinging to vehicles. No person riding upon any bicycle shall attach the same or himself to any moving vehicle.

4.48(6) Carrying articles. No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handlebars.

4.49(262) Equipment.

4.49(1) Lamps, reflectors required. Every bicycle when in use during the hours from one-half hour after sunset to one-half hour before sunrise shall be equipped with a lamp which shall emit a white light visible from a distance of 500 feet to the front and with a red reflector or lamp which shall be visible 300

feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle.

4.49(2) Brake required. Every bicycle shall be equipped with a properly functioning brake.

4.50(262) Penalties.

4.50(1) The person to whom a parking permit or identification sticker has been issued by the University shall be responsible for all parking violations involving the vehicle bearing the respective sticker.

4.50(2) Violation of any of the regulations governing the use of motor vehicles on campus will subject the violator to a penalty according to the following schedule:

a. Falsification of registration information (rule 4.30(8) and 4.30(9)).
----- \$15.00 each offense

b. Driving on campus walks or lawns (4.25(5) and 4.26(2)).
----- \$5.00 each offense

c. Driving motorcycles on other than streets and roadways (4.26(3)).
----- \$5.00 each offense

d. Driving on closed streets (4.28(1)).
----- \$5.00 each offense

e. Driving on bicycle lanes (4.25(6) and 4.26(2)).
----- \$5.00 each offense

f. Moving or driving around a barricade (4.25(7)).
----- \$5.00 each offense

g. Access to restricted portion of campus by other than established gate openings (4.28(4)).
----- \$5.00 each offense

h. Improper use of key card (4.28(5)).
----- \$5.00 each offense

i. Failure to display identification sticker (4.30(3)).
----- \$5.00 each offense

j. Illegal parking (4.29(4)).
----- \$5.00 each offense

k. Improper parking - reserved lots (4.28(3) and 4.29(5)).
----- \$5.00 each offense

l. Improper parking, except reserved lots (4.29(5) and 4.31(5)).
----- \$2.00 each offense

m. Failure to completely remove expired parking or identification sticker (4.41(7)). ----- \$1.00 each offense

n. Overtime parking at meters (4.38(7)). ----- \$1.00 each offense

4.50(3) If a vehicle has accumulated five or more violation tickets and the fines for these violations have not been paid, the vehicle may be towed away and impounded.

4.50(4) Moving bicycle violations of the motor vehicle laws of the state of Iowa may be referred to the Magistrate Court, City of Ames. All other moving bicycle violations will subject the violator to a penalty of \$1.

4.50(5) Bicycle parking violations will subject the owner to a penalty of \$1 for each offense or the bicycle may be impounded.

4.50(6) Impounded bicycles may be claimed within a three-month period after impoundment upon proper identification and payment of a \$3 impounding fee. Bicycles impounded and unclaimed after three months will be sold at auction.

4.51(262) Institutional appeals.

4.51(1) Filing of an appeal or giving notice of intention of appeal shall be made at the traffic office.

4.51(2) An appeal of a parking violation ticket issued under these rules must be submitted in writing to the traffic appeals board within seven days after issuance of the violation ticket or the right to appeal will be forfeited and the amount of the fine billed.

4.51(3) A violator may, upon written request, have a personal hearing before the traffic appeals board.

4.51(4) Reappeal of cases which have been heard and acted upon may be instituted only if new pertinent and substantial evidence is to be introduced.

4.51(5) Fourth and subsequent appeals of one or more violations of all types shall be subject to an additional \$5 service charge if the appeal is denied.

4.51(6) The traffic appeals board has two sections, one for faculty, staff and visitors and another for students. Appeals and correspondence should be addressed to the proper section of the Appeals Board, Traffic Office, ISU Campus, Ames, Iowa 50010.

4.52(262) District court appeal. Appeal from traffic appeals board ruling may be heard de novo by the district court.

4.53(262) Disciplinary action.

4.53(1) Habitual and flagrant violations of these regulations shall subject the violator to disciplinary action.

a. The cases of student violators shall be referred to the dean of students or the all-university judiciary.

b. Faculty and staff members are subject to deductions of penalties and fines from their pay checks.

4.54(262) Suggestions. Written suggestions to promote traffic safety on the campus are welcomed by the Traffic Committee. Please address such suggestions to the University Traffic Committee, The Hub.

4.55 to 4.65 Reserved for future use.

[Effective September 1, 1973]

REVENUE DEPARTMENT

Pursuant to the authority of section 441.47 of the Code, rules 9.2(441) and 9.6(441,421) appearing in 1973 IDR, 998 and 1000, relating to adjusted valuations and local boards of review are rescinded and the following adopted in lieu thereof.

[Filed August 16, 1973]

9.2(441) Adjusted valuations. The director of revenue shall proceed to review the current year abstracts of assessment received from each assessor jurisdiction commencing on the first Monday in July, and may commence sending tentative

property valuation notices any time thereafter to assessors in the state whose reported actual values and taxable values of real and personal property the director has reviewed and made a determination that the values of any kind or class of property so reported are in need of an adjustment for purpose of equalization of valuations in the several counties.

Such tentative notices shall be issued to the assessors by not later than the third Monday of September; as provided in 441.47 of the Code, and the director

shall hold adjourned meetings provided for in 441.48 of the Code.

9.2(1) Final action of director of revenue in adjusting valuations.

a. A final property valuation notice shall be sent to each county assessor and city assessor in the state on or before the third Monday of October in the same year showing the final action taken by the director of revenue during the equalization of valuations proceedings and specifying any adjustments in the valuations of any kind or class of property to be made effective for the assessor jurisdiction.

(1) The assessor shall, after receiving the final property valuation notice and prior to April 16 of the year following the year in which the valuation adjustments were ordered, review the actual and assessed valuations then in effect on any part or all of the classes of real estate whose valuations were adjusted by the director, and the assessor shall revalue and reassess the class or classes of property whose valuations were adjusted by the director. In adjusting the valuations, the assessor shall see to it that actual value and assessed value are determined in accordance with 441.21 of the Code.

(2) The county assessor or city assessor, as the case may be, shall, by not later than April 21 of the year following the year in which the order of the director adjusting the valuations was issued, report to the director on forms prescribed by him the action taken by the assessor to comply with the said order.

b. If the director of revenue determines that the assessor has not complied with the equalization order by making the necessary adjustments in the valuations, he shall notify the local board of review on or about May 1 of the year following the year in which he issued the equalization order, and the board shall make the necessary adjustments in the valuations to arrive at the level of assessment provided for in the final property valuation notice issued by the director of revenue. Unless the board requests and is granted an extension of time to be in session as provided for in 441.33 of the Code, it shall, by no later than May 31 of that year, submit a written report to the director of revenue on forms prescribed by him showing the board's action taken to comply with his equalization order. See rule 9.6(441). The director of

revenue also has the power to reconvene the board pursuant to 421.17(10) of the Code.

9.6(441) Local boards of review—equalization of valuations of kinds and classes of property as ordered by director of revenue.

9.6(1) Where an assessor revalues and reassesses a kind or class of property pursuant to the final property valuation notice received from the director of revenue, the local board of review of such assessor jurisdiction shall at its regular or extended session in the year of the completion of such revaluation and reassessment review the new valuations and shall consider and hear protests against such new valuations filed by affected taxpayers. The review herein referred to shall be limited only to the action taken by the assessor for the current year, not for prior years.

9.6(2) Where the director of revenue finds that an assessor failed to comply with the final property valuation notice issued to him or her under 441.49 of the Code, and did not make the necessary adjustments in valuations, the director shall, on or about May 1, notify the local board of review. The director shall inform the board of the adjustments in valuations that the said board shall proceed to make, and the director shall order the local board of review to reconvene in special session on a specified date unless said board is at such time already convened in regular or extended session.

a. Upon receipt of such notification, and being in either regular, special or extended session, the local board of review shall proceed to make the specified adjustments in valuations to arrive at the level of assessment provided for in the final property valuation notice issued by the director of revenue or as directed by him.

b. The local board of review shall give notice by publication in official newspapers of general circulation within its jurisdiction to owners of the kind or class of property whose valuations the board adjusted pursuant to the notice received from the director of revenue.

c. In cases where the property owner or taxpayer is able to show to the satisfaction of a majority of the local board of review that an inequity results from any increase made by the local board of review to the valuation or valuations on his or her property, the board

shall be authorized to exonerate the property owner or taxpayer and his or her described property from all or the appropriate part of such increase, by adjusting the taxable or assessed value of the property to 27 percent of its actual value.

d. Any such individual exonerations made by a local board of review shall not exceed the increase provided for in the final property valuation notice issued by the director of revenue, and action taken by it at such regular, special or extended session shall be reported in writing to the director who shall review same and either approve or disapprove.

(1) The director of revenue upon reviewing the report received from the

local board of review shall notify the assessor of the action taken by the board and notify the assessor of the names of property owners or taxpayers, if any, whose property was exonerated or partially exonerated from the adjustment in valuations, if any, made by the local board of review.

(2) The procedure provided for herein shall not prevent the director of revenue from issuing an order for a local board of review to reconvene in special session as prescribed in 421.17(10) of the Code.

[Effective September 15, 1973]

SOCIAL SERVICES DEPARTMENT

Pursuant to the authority of section 249A.4 of the Code, rules appearing in 1973 IDR, 1005 and 1006 relating to medical assistance (chapter 1), are amended by striking subrules 1.1(1) and 1.1(2) and inserting the following in lieu thereof:

[Filed December 17, 1973].

1.1(1) *Aid to dependent children recipients.* Medical assistance will be available to all recipients of aid to dependent children and their dependent relatives whose needs are included in the assistance grant. Medical assistance will also be available to children in such families under age 21 ineligible for aid to dependent children because of age.

1.1(2) *Beneficiaries of Title XVI of the Social Security Act (Supplemental security income for the aged, blind and disabled).* Medical assistance will be available to all beneficiaries of the Title XVI program.

1.1(3) *Persons receiving care in a medical institution who were eligible for medical assistance as of December 31, 1973.* Medical assistance will be available to all persons receiving care in a hospital, skilled nursing facility or intermediate care facility who were recipients of medical assistance as of December 31, 1973. Eligibility of such persons will continue as long as they continue to meet the eligibility requirements for the applicable assistance programs (old-age assistance, aid to the blind or aid to the disabled) in effect on December 31, 1973.

1.1(4) *Persons receiving care in a medical institution who make application for medical assistance subsequent to January 1, 1974, and who meet all eligibility requirements for Title XVI except for income.* Medical assistance will be available to all persons receiving care in a hospital, skilled nursing facility or intermediate care facility who make application for medical assistance subsequent to January 1, 1974, and who meet all eligibility requirements for Title XVI except for income and whose income is such that they would be eligible for a Title XVI payment if living outside the institution.

1.1(5) *Certain persons essential to the welfare of Title XVI beneficiaries.* Medical assistance will be available to the person living with and essential to the welfare of a Title XIX beneficiary provided such essential person was eligible for medical assistance as of December 31, 1973. Such person will continue to be eligible for medical assistance as long as they continue to meet the definition of "essential person" in effect in the public assistance program on December 31, 1973.

1.1(6) *Recipients of the state supplemental assistance program.* Medical assistance will be available to all recipients of state supplemental assistance as authorized by chapter 186, Acts of the Sixty-fifth General Assembly.

[Effective January 1, 1974]

[Notes attached by department]

These rules having been submitted to the Attorney General on November 9,

1973, and the Attorney General having failed to render an advisory opinion thereon within 30 days after such date are being filed as provided in 17A.8 of the Code without his advisory opinion.

These rules are being filed without approval of the Departmental Rules Review Committee as provided in section 17A.8 of the Code.

SOCIAL SERVICES DEPARTMENT

(continued)

Pursuant to the authority of section 249A.4 of the Code the rules appearing in 1973 IDR, 1009, relating to medical assistance (chapter 6) are amended as follows.

[Filed September 5, 1973]

Rule 6.4(249A), line eight, is amended by inserting before the words "one hun-

dred eighty" the words "three hundred sixty-five days, except that no payment will be made for services provided to deceased recipients where said time elapsed exceeds".

[Effective September 5, 1973]

SOCIAL SERVICES DEPARTMENT

(continued)

Pursuant to the authority of section 239.18 of the Code rules appearing in 1973 IDR, 1019 to 1022 relating to aid to dependent children (chapter 44) are amended as follows.

[Filed October 24, 1973]

ITEM 1. Paragraph 44.1(2) "a" is amended by inserting at the end thereof the words "or if the father is partially or totally unemployed."

ITEM 2. Rule 44.8(239) is amended by adding new subrule.

44.8(5) A father is considered partially or totally unemployed when he is employed less than one hundred hours a month; or, if he exceeds that standard for

a particular month, his work is intermittent and the excess is of a temporary nature as evidenced by the fact that he was under the one hundred hour standard for the two prior months and is expected to be under the standard during the next month. Any dependent child who is deprived of parental care and support by reason of the unemployment of his father must meet the conditions of eligibility set forth in chapter 44 of the Iowa departmental rules of the department of social services.

A father who is participating in the work incentive program under chapter 249C of the Code shall not be considered employed for purposes of this program.

[Effective October 24, 1973]

SOCIAL SERVICES DEPARTMENT

(continued)

Pursuant to the authority of section 239.18 of the Code the following rules relating to aid to dependent children are adopted.

[Filed October 24, 1973]

TITLE V

AID TO DEPENDENT CHILDREN

CHAPTER 45

DEPENDENT CHILDREN OF UNEMPLOYED FATHERS

45.1(239) In determining whether a dependent child's father has refused a bona

fide offer of employment, the term "bona fide" shall mean the following:

45.1(1) A definite offer of employment at wages no less than the federal minimum wage requirement.

45.1(2) The father has no physical reason that prevents his engaging in such employment, and neither is he prevented from accepting the employment by reason of having no way to or from the particular job.

45.1(3) There are no unreasonable risks to health or safety because of work-

ing conditions, and the position is covered by workman's compensation protection.

In the case of offers of employment made through the Iowa state employment service, the determination as to whether the offer was bona fide, or whether there was good cause to refuse it, will be made by that agency.

45.2(239) The dependent child's father must meet the following requirements.

45.2(1) Have six or more quarters of work within any 13 calendar quarter period ending within one year prior to the application of aid, or

45.2(2) Have within such one year period received unemployment compensation benefits, or

45.2(3) Would have been eligible to receive unemployment compensation benefits upon filing application, or he performed work not covered by such law which, if it had been covered, would, together with any covered work he per-

formed, have made him eligible to receive such benefits upon filing application.

A quarter of work means a period of three consecutive calendar months ending on March 31, June 30, September 30, or December 31, in which such father received earned income of not less than \$50 or in which he participated in the work incentive program as authorized by chapter 249C of the Code.

45.3(239) Assistance shall be denied with respect to any week the dependent child's father receives unemployment compensation benefits.

45.4(239) The eligibility of a child to receive aid by virtue of his father's unemployment shall be determined at least every three months.

45.5(239) When a dependent child's father becomes employed, assistance shall continue if there is need for a period not to exceed the issuance of three warrants.

[Effective October 24, 1973]

SOCIAL SERVICES DEPARTMENT

(continued)

Pursuant to the authority of chapter 176 of the Acts of the Sixty-fifth General Assembly, 1973 regular session, the following rules are adopted:

[Filed December 17, 1973]

TITLE XIII

ADULT CORRECTIONS

CHAPTER 160

COMMUNITY-BASED CORRECTIONS

160.1(176) Definitions.

160.1(1) Pretrial release, supervision, and services shall mean the same as defined in section 763.17 of the Code.

160.1(2) Presentence investigations shall mean the same as defined in section 247.20 of the Code.

160.1(3) Probation shall mean the same as defined in sections 247.20 and 247.21 of the Code.

160.1(4) Parole shall mean the same as parole from jail defined in section 247.21 of the Code and parole from state institutions defined in section 247.5 of the Code.

160.1(5) A residential treatment center means any center administered as a part of a community-based correctional system in which accused or convicted offenders are domiciled, provided that such a center demonstrates that it includes a program which utilizes community resources as defined in chapter 176 of the Acts of the Sixty-fifth General Assembly, 1973 Regular Session, and provided that such centers are utilized both for offenders being committed in lieu of jail or prison commitment and are also utilized for offenders emerging from state institutional programs.

160.2(176) Advisory panel.

160.2(1) An advisory panel shall be established which shall be responsible to the commissioner of the Iowa department of social services, and which shall consist of five individuals as follows:

One person appointed by the director of the division of corrections; one person appointed by the executive director of the Iowa crime commission; one person representing the agency responsible for the program evaluation; and two persons appointed at the discretion of the

commissioner of the Iowa department of social services.

160.2(2) Functions of the advisory panel in advising the commissioner of the Iowa department of social services may include but not necessarily be limited to advising on guidelines and rule compliance, program approval and review, program evaluations, on-going review and development of guidelines and rules, and long range community-based correctional planning.

160.3(176) Application. Application for state funds for a community-based correctional program shall be made to the department in the form specified by the department. Any proposed program shall encompass a judicial district or shall be part of an overall plan which encompasses a judicial district.

160.4(176) Termination. When a community-based correctional program is terminated, a 30-day notice of termination shall be given to the department. When the department terminates funds to a community-based correctional program, it shall issue a 30-day notice of termination to the chief administrator of the program.

160.5(176) Evaluation.

160.5(1) A continuous, comprehensive program effectiveness evaluation

shall be conducted for all community-based correctional programs. The criteria by which programs shall be evaluated shall include but not necessarily be limited to:

a. Community safety, which refers to the extent to which the community is protected from additional crime during the corrections process,

b. Social effectiveness, which refers to improved ability of corrections clients to function legally and effectively within society,

c. Correctional effectiveness, which refers to the reduction of future criminal behavior,

d. Financial effectiveness, which refers to analysis of program effectiveness as it relates to program costs,

e. System impact, which refers to program effects on such measures as jail and prison populations, arrest rates, and community resource utilization.

160.5(2) All programs shall be responsible for the collection and provision of such evaluative and administrative data as may be required by the department of social services.

[Effective December 17, 1973]