

State of Iowa

Iowa Administrative Code

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PREFACE

The Biweekly Supplement to the Iowa Administrative Code (IAC) is published every other Monday, first publication being dated July 14, 1975, and will usually be in two parts.

Instructions for updating the IAC can be found following the Preface in the Supplement beginning October 6, 1975.

Initially, two binders designated "Supplements" are furnished for the Biweekly Supplements for retaining Part I material—Notices of Intended Action in one binder and Filed† and Filed Emergency rules in the other. It is suggested that this material be placed alphabetically by agency, numerically by chapters, chronologically within chapter.

Part I contains Notices of Intended Actions by administrative agencies which may be in the form of proposals for new rules or statements of either the terms or substance of the intended actions or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may be heard. Part I may also contain filed rules and filed emergency rules, in full or in part, which indicate an effective date. All of Part I is indexed in each Supplement and a cumulative index to Notices only is also provided.

Each page of Part I contains a line at the top similar to the following:

| | | |
|-------------------|-----------------|-------------|
| IAC Supp. 7/28/75 | Agriculture[30] | Notice, p.1 |
| IAC Supp. 9/22/75 | Regents[720] | Filed, p.1 |

Part II contains only replacement pages to be inserted in the looseleaf IAC according to instructions in the respective Supplement. Replacement pages incorporate amendments to existing rules or entirely new rules or emergency or temporary rules which have been adopted by the agency and filed with the Secretary of State. [It may be necessary to refer to Part I to determine the specific change.] Part II may also contain new or replacement pages for "General Information" including an agenda of the Administrative Rules Review Committee which is published prior to statutory or special meeting dates. A cumulative index for Part II is provided.

If rules are filed under emergency provisions, this fact is indicated by an asterisk * with an editorial note.

If a formal objection to a rule is filed, this is indicated on the proposed or filed rule by an asterisk * with an editorial note.

Each page in Part II contains a line at the top of each page similar to the following:

| | | |
|-------------|-------------------|------------------------|
| IAC 7/28/75 | Agriculture[30] | Ch 90, p.1 |
| IAC 9/22/75 | Conservation[290] | Temporary, Ch 103, p.1 |

† "Filed" means filed with the Secretary of State.

INSTRUCTIONS

for Updating Iowa Administrative Code with Biweekly Supplements

NOTE: The Iowa Administrative Code, including biweekly supplements [Vols. I to VI and two supplement binders], is available by subscription for \$144.40 plus \$4.34 tax. Subscriptions must be renewed in June of each year. Volume VII and additional Supplement Binders for the IAC are now available. The cost is \$3.00 each, plus 9c sales tax. Make checks payable to: Iowa State Printing Division, and send to Grimes State Office Building, Des Moines, Iowa 50319. Be sure to specify which binder or binders you want. For those receiving the IOWA ADMINISTRATIVE CODE under statutory authority of the IOWA CODE, binders are available upon written request to Superintendent of Printing.

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

The boldface entries in the left-hand column of the updating instructions for both Part I and Part II correspond to the tab sections in the IAC Binders.

It is recommended that material in Part I—**NOTICES** of intended action be placed in one Supplement binder and **EMERGENCY OR FILED RULES** be placed in the other Supplement binder. It may be necessary to expand to a second binder for each category. [White correction liquid used by typists is effective in marking the binder covers] It is further suggested that all materials be placed alphabetically by agency, numerically by chapters, chronologically within chapters, whenever possible. When inserting rules with the same number, reverse the order of the dates.

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

UPDATING INSTRUCTIONS

July 27, 1977 Biweekly Supplement

PART I

SUPPLEMENT BINDERS

| | Insert Notices | Insert Filed or Filed Emergency |
|-------------------|-------------------|---|
| Agriculture [30] | 4 sheets | |
| Agriculture [30] | | 3 sheets |
| Agriculture [30] | | Insert 1 Sheet Filed Ch 11, 16.34 6/15/77, 7/27/77 (Remove 1 sheet Filed Ch 11, 16.34 6/15/77) |
| Appeal Board [60] | 2 sheets | |
| Banking [140] | | 1 sheet |

July 27, 1977 Biweekly Supplement (cont'd)

PART I (cont'd)

SUPPLEMENT BINDERS

| | Insert Notices | Insert Filed or Filed Emergency |
|---|-------------------|--|
| City Development [220] | | 1 sheet |
| Commerce [250] | | 1 sheet |
| Conservation [290] | 4 sheets | |
| Conservation [290] | | 1 sheet |
| Employment Security [370] | 7 sheets | |
| Environmental Quality [400] | | 9 sheets |
| General Services [450] | | 2 sheets |
| Historical Department [490] | 2 sheets | |
| Livestock Health Advisory Council [565] | | 1 sheet |
| Natural Resources [580] | | 1 sheet |
| Planning and Programming [630] | | 1 sheet |
| Secretary of State [750] | | 1 sheet |
| Social Services [770] | | Insert 1 Sheet, Filed 25.2 6/15/77, 7/27/77 (Remove 1 sheet Filed 25.2 6/15/77) |
| | | Insert 1 sheet, Filed Ch 81, 6/29/77, 7/27/77 (Remove 1 sheet Filed Ch 81, 6/29/77) |
| Transportation [820] | | 2 sheets |
| Voter Registration [845] | | 1 sheet |
| Index, Part I (optional retention) | | |
| Index (Cumulative, Notices) (Remove 6/29/77, insert 7/27/77) | | |

PART II

IOWA ADMINISTRATIVE CODE

| | Remove Old Pages* | Insert New Pages |
|--|---|---|
| Agenda | Agenda, July Mtg. | Agenda, August Mtg. |
| Agriculture [30] | Analysis, p.3, 4 Ch 15, p.1 Ch 16, p.19, 20 | Analysis, p.3, 4 Ch 15, p.1 Ch 16, p.19, 20 |
| Banking [140] | Ch 8, p.1—4 | Ch 8, p.1—4 |
| City Development Board [220] | Ch 1, p.1—Ch 2, p.3 | Ch 1, p. 1—Ch 2, p.5 |
| Commerce [250] | Analysis, p.1, 2 Ch 7, p.6—Ch 11, p.2 | Analysis, p.1, 2 Ch 7, p.6—Ch 11, p.2 |
| Conservation [290] | Analysis, p.1—3 Ch 30, p.1—Ch 30, p.4 | Analysis, p.1—3 Ch 30, p.1—Ch 30, p.4 |
| Environmental Quality [400] | Analysis, p.1—4 Ch 14, p.2—Ch 16, p.27 Ch 22, p.3, 4 Ch 22, p.7, 8 Ch 22, p.23, 24 Ch 51, p.2—Ch 53, p.2 | Analysis, p.1—4 Ch 14, p.2—Ch 16, p.66 Ch 22, p.3—4a Ch 22, p.7—8a Ch 22, p.23, 24 Ch 51, p.2—ch 53, p.2 |
| General Services [450] | Analysis, p.1 Ch 1, p.3—Ch 1, p.6 | Analysis, p.1 Ch 1, p.3—Ch 1, p.6 |
| Livestock Health Advisory Council [565] | | Ch 1, p.1 |
| Natural Resources [580] | Ch 3, p.1—Ch 4, p.2 | Ch 3, p.1—Ch 4, p.2 |
| Planning and Programming [630] | Analysis, p.1, 2 Ch 5, p.1, 2 | Analysis, p.1, 2 Ch 5, p.1—Ch 6, p.1 |
| Secretary of State [750] | Ch 12, p.1 | Ch 12, p.1 |
| Social Services [770] | Ch 23, p.1—Ch 25, p.1 Ch 81, p.14, 15 Ch 140, p.1, 2 | Ch 23, p.1—Ch 25, p.1 Ch 81, p.14, 15 Ch 140, p.1, 2 |
| Transportation [820] | [06,B] Ch 1, p.2, 3 [06,C] Ch 3, p.3— [06,F] Ch 8, p.21 | [06,B] Ch 1, p.2, 3 [06, C] Ch 3, p.3— [06,F] Ch 8, p.21a [06,F] Ch 8, p.24 |
| Voter Registration [845] | Ch 3, p.1, 2 | Ch 1, p.1—Ch 3, p.2 |
| Index (Cumulative) | Dated 6/29/77 | Dated 7/27/77 |

*It is recommended that "Old Pages" be retained indefinitely in a place of your choice. They may prove to be helpful in tracing the history of a rule.

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PART I

July 27, 1977



DEPARTMENT OF AGRICULTURE[30]

NOTICE OF INTENDED ACTION

Twenty-five interested persons, a governmental subdivision, an agency or an association of 25 or more persons may demand an oral presentation hereon as provided in §17A.4(1)"b" of the Code.

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of sections 159.5, 159.6, 163.1 and House File 444 (Sixty-seventh General Assembly) the department of agriculture proposes to adopt new rules relating to Aujeszky's disease. These rules will appear as a new section in chapter 16 of the Iowa Administrative Code.

A hearing regarding these proposed rules was held on May 17, 1977, and again on June 24, 1977 at the office of the state veterinarian, Dr. E. A. Butler, 307 E. 7th in Des Moines, Iowa. A third meeting was held on July 7, 1977 at the Farm Bureau Building in Des Moines, Iowa. All three meetings were open to the public and consideration was given in the drafting of these rules to all views and arguments.

A public hearing for further oral presentation will be conducted at 1:30 p.m. on August 16, 1977 in the office of the secretary of Agriculture, Robert H. Lounsberry, located in the State Capitol, Des Moines, Iowa. Consideration will again be given to written data, views or argument received by the Secretary on or before August 16, 1977.

Pursuant to said authority, the following new rules are adopted:

AUJESZKY'S DISEASE

30—16.145(163) **Definitions.** As used in these rules:

16.145(1) "*Aujeszky's disease*", commonly known as pseudorabies, means the disease wherein an animal is infected with Aujeszky's disease virus, irrespective of the occurrence or absence of clinical symptoms.

16.145(2) "*Aujeszky's disease test*" means either a Serum neutralization (SN) or Virus Isolation test or other tests as approved by the department, performed by a laboratory approved by the department.

16.145(3) "*Reactor*" means an animal that has given a positive reaction to an Aujeszky's disease test.

16.145(4) "*Aujeszky's approved established herd*" means a herd in which all stock six months of age or over, had an initial negative Aujeszky's disease test; and which currently is certified by the department of agriculture as such.

16.145(5) "*Breeding swine*" means boars, sows and gilts used, or intended for use for reproductive purposes.

16.145(6) "*Animal*" means swine, cattle, sheep and horses.

16.145(7) "*Separate and apart*" means to hold swine so that no animal or any organic material originating therefrom has any physical contact with animals from another herd.

16.145(8) "*Herd*" means a group of two or more animals that have been maintained as a group separate and apart from other animals for a period of at least ninety days.

16.145(9) "*Approved premise*" means a dry lot facility located in an area with confirmed cases of Aujeszky's disease; and which is authorized by the department to receive, hold or feed out reactors, exposed animals or swine of unknown status.

16.145(10) "*Exigent circumstances*" means an extraordinary situation that the secretary concludes will impose an unjust and undue economic hardship if coupled with the imposition of these rules.

30—16.145(163) **Aujeszky's disease test and reports.** Specimens for Aujeszky's disease tests shall be collected by or under the direction of a licensed veterinarian and labeled with individual identification of the animal. Laboratories approved by the department to perform Aujeszky's disease tests will accept specimens for analysis when accompanied by forms prescribed by the department; completed by the veterinarian; and which indicate the individual identification of the animal from which the specimen was obtained.

The results of all Aujeszky's disease tests must be reported to the department on approved forms, within fourteen days following completion of such tests. A copy of such test results shall also be given to the herd owner by the veterinarian.

30—16.147(163) **Certification of Aujeszky's approved established herd.** The owner or veterinarian shall make a request to the department for certification and recertification of an Aujeszky's disease-free established herd when the required tests are completed. Upon satisfactory proof that all requirements have been met, a certificate viable for ninety days shall be issued to the owner of the herd. The approved status of the herd will be recertified provided an alternating 25% (in sequence) of different animals from the herd are tested not less than eighty days or over one-hundred-five days after the original herd test; or so as to meet minimum federal standards.

16.147(1) **Initial certification.** To qualify for initial certification, all breeding stock six months of age or over must have a negative Aujeszky's disease test. If the herd has a reactor, the reactor must be kept separate and apart. In order to certify or recertify, the remainder of the herd must have two negative tests at least thirty days apart, with the first test taken at least thirty days after separation from any reactor.

16.147(2) **Recertification.** Initial certification shall expire ninety days from date of issue and recertification will be based on a test conducted from eighty to one-hundred-five days after the last certification date and receipt by the department of proof that an alternating quarter (in sequence) of the breeding swine herd, on retesting, had a negative Aujeszky's disease test; or so as to meet minimum federal standards.

16.147(3) **Additions to certified herds.** Additions may be made to certified Aujeszky's disease-free established herds if the animal to be added has been negative to two Aujeszky's disease tests conducted not less than thirty days nor more than sixty days apart; and wherein the last test was conducted within thirty days of the addition.

30—16.148(163) **Intrastate shipment of feeder pigs.** All feeder pigs moved from herd of origin, except those going directly to slaughter, shall be accompanied by both a health certificate and an affidavit stating that the animal did not originate from a herd known to have Aujeszky's disease within the last twelve months, unless exigent circumstances exist. Said affidavit shall be signed by both the veterinarian and the producer.

30—16.149(163) **Intrastate shipment of breeding swine.** Breeding stock from a certified Aujeszky's disease-free established herd may be moved once from the herd of origin without further testing. Within thirty days prior to a second move, all such breeding stock must have a negative Aujeszky's disease test. Breeding stock from a noncertified herd shall have a negative Aujeszky's disease test within thirty days prior to any shipment, except to slaughter. Breeding swine moving through a market or concentration point where they are under quarantine. All breeding swine from noncertified herds must be accompanied by health certificate and an affidavit signed by both the veterinarian and producer stating that the animals did not move out a herd known to have Aujeszky's disease within the last twelve months.

30—16.150 Quarantines. Owners of animals tested for Aujeszky's disease shall hold the entire herd on the premises until the results of the Aujeszky's disease tests are determined. Whenever any member of a herd is determined to be a reactor, it shall be quarantined; and in addition, its entire herd of origin shall be quarantined. The reactor shall be held separate and apart on premise of origin; or held on approved premise.

16.150(1) Whenever the department receives a report of a positive reaction in a certified herd, it shall give notice to the producer of the quarantine. Service shall be by personal delivery or by certified mail, return receipt requested.

16.150(2) All feeder pigs moving within or entering Iowa, except those from an approved herd, shall be quarantined after one movement until shipment to slaughter, and may not be sold or transferred except to slaughter, unless exigent circumstances exist. Feeder pigs moved from quarantined herd shall be moved only to an approved premise, unless exigent circumstances exist. Breeding swine entering Iowa may be sold or transferred once after entering Iowa if they originate from a state having an Aujeszky's disease program and are accompanied by a health certificate and an affidavit signed by both the veterinarian and producer stating that the animal did not originate from a herd known to have Aujeszky's disease within the last twelve months and that the animal has had a negative Aujeszky's disease test within the thirty day period prior to shipment. The name of the laboratory doing the test and the date of test should appear on the certificate.

16.150(3) The quarantine may be released by a negative test not less than thirty days after the move from the market or concentration point; or unless exigent circumstances exist.

The first system of law, the common law, was developed in England and is based on the principle of stare decisis, which means that judges are bound to follow the decisions of their predecessors. This system is characterized by its flexibility and its ability to adapt to changing circumstances. The second system, civil law, is based on a comprehensive code of laws that covers all aspects of life. This system is more rigid and less adaptable than the common law system. The third system, Islamic law, is based on the teachings of the Quran and the Hadith. It is a religious law that governs all aspects of life, including family, business, and criminal law. The fourth system, Hindu law, is based on the teachings of the Vedas and the Upanishads. It is a religious law that governs all aspects of life, including family, business, and criminal law. The fifth system, Chinese law, is based on the teachings of Confucius and the Legalists. It is a secular law that governs all aspects of life, including family, business, and criminal law. The sixth system, Japanese law, is based on the teachings of the Shintō and the Buddhist. It is a secular law that governs all aspects of life, including family, business, and criminal law. The seventh system, Indian law, is based on the teachings of the Vedas and the Upanishads. It is a religious law that governs all aspects of life, including family, business, and criminal law. The eighth system, African law, is based on the teachings of the African people. It is a secular law that governs all aspects of life, including family, business, and criminal law. The ninth system, Latin American law, is based on the teachings of the Roman law. It is a secular law that governs all aspects of life, including family, business, and criminal law. The tenth system, the law of the future, is based on the teachings of the future. It is a secular law that governs all aspects of life, including family, business, and criminal law.

AGRICULTURE DEPARTMENT[30]

NOTICE OF INTENDED ACTION

Twenty-five interested persons, a governmental subdivision, an agency or an association of 25 or more persons may demand an oral presentation hereon as provided in §17A.4(1)“b” of the Code.

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The Department of Agriculture, pursuant to the authority of chapter 17A and sections 159.5, 159.6 and 163.1 of the Code, proposes to amend existing rules appearing in chapter 17 of the IAC relating to the importation of equine.

Interested persons may submit data, opinions or arguments in writing on the proposed rules on or before August 16, 1977 to the Secretary of Agriculture, Robert H. Lounsberry, State Capitol Building, Des Moines, Iowa 50319. In addition, interested persons may make oral presentation at a public hearing to be held in the office of the Secretary on August 16, 1977 at 9:00 a.m.

ITEM 1. Rescind subrule 17.2(4).

ITEM 2. Rescind rule 30—17.8(163) and insert in lieu thereof the following:
30—17.8(163) Imported equine. All equine imported into the state of Iowa shall be accompanied by an official health certificate. This certificate shall indicate that each animal over six months of age in the shipment has been tested negative for equine infectious anemia by an official test within twelve months of importation. The name of the testing laboratory and the date of test must appear on the health certificate.

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AGRICULTURE DEPARTMENT[30]

NOTICE OF INTENDED ACTION

Twenty-five interested persons, a governmental subdivision, an agency or an association of 25 or more persons may demand an oral presentation hereon as provided in §17A.4(1)“b” of the Code.

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The Iowa Department of Agriculture, under the authority of sections 159.5(10) and 189.2(2) of the Code, proposes to amend chapter 34 appearing in the IAC.

A public hearing for oral presentation will be conducted at the Office of the Secretary of Agriculture, Robert H. Lounsberry, State Capitol Building, Des Moines, Iowa 50319 at 10:30 a.m. on August 16, 1977; consideration will be given to written data, views or arguments thereto, received by the Secretary of Agriculture on or before August 16, 1977.

Pursuant to said authority, the rules appearing in the IAC, chapter 34, relating to Food Standards, are amended by adding the following rule:

30—34.6(190) Cottage cheese. Packaged cottage cheese manufactured under provisions of section 190.1(4) must meet the following requirement: Three out of five consecutive samples taken while in the care, custody or control of the processor, shall not exceed ten coliform per gram.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It includes a detailed description of the experimental procedures and the statistical analysis performed on the results.

3. The third part of the document presents the results of the study and discusses the implications of the findings. It highlights the key observations and provides a comprehensive analysis of the data.

4. The fourth part of the document concludes the study and provides a summary of the main findings. It also offers suggestions for further research and practical applications of the results.

5. The final part of the document includes a list of references and a list of figures. The references provide a comprehensive overview of the literature related to the study, and the figures illustrate the key results and trends.

DEPARTMENT OF AGRICULTURE[30]

Pursuant to the authority of sections 159.5, 159.6 and 163.1 of the Code and House File 444 (Sixty-seventh General Assembly), rules appearing in the Iowa Administrative Code, chapter 16 relating to Aujeszky's disease are amended as follows: [For complete context of 16.151, see filed rule 7/27/77 Supplement]

ITEM 1. Amend 30—16.151(163) subsection (3) by adding after the word "herd" at the end of the subsection, the words "and test negative".

[Filed 7/8/77]

The department of agriculture, pursuant to section 17A.4(2) and 17A.5(2)"b"(2) finds that notice and public participation would be impracticable and contrary to public opinion in that the rule is substantially identical to that published under notice in the July 27, 1977 Supplement (filed June 30, 1977). A hearing was held on the rule on July 7, 1977 and participants requested the amendment to clarify the rule. This rule shall become effective immediately because it confers a benefit on the public or some segment thereof.

[Published 7/27/77]

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AGRICULTURE DEPARTMENT[30]

Pursuant to the authority of sections 159.5, 159.6, and 163.1 of the Code and House File 444 (Sixty-seventh General Assembly), the department of agriculture adopts a new rule relating to aujeszky's disease. This rule will appear as a new rule in chapter 16 of the Iowa Administrative Code.

Pursuant to said authority, the following new rule is adopted: See also amendment 7/27/77 Supplement.

30—16.151(163) Aujeszky's disease immunization product. The use, sale, distribution or offer to sell or distribute any aujeszky's disease immunization product within the state is prohibited subject to the following exceptions:

16.151(1) For the purpose of product research or testing, the secretary will issue a permit upon application, to a biological laboratory, government authority or manufacturer of biological products if he concludes that such use will not be detrimental to the state aujeszky's disease program.

16.151(2) Veterinarians may apply to the secretary for a permit to buy and use an immunization product approved by the U.S.D.A. Upon use of the immunization product in an infected herd or a herd in an endemic area, the name and address of the owner must be reported to this office together with a report of the number of doses used. This report will not be valid unless signed by the owner. Reports must be mailed immediately to the Animal Industry office. Failure to report vaccination will result in the permit to use the immunization product being rescinded.

16.151(3) The vaccinated animals in any herd will be quarantined and may move to slaughter only, except when exigent circumstances exist, a special permit may be obtained from the secretary for other disposition. Progeny of vaccinated animals will not be under quarantine if, after weaning, they are maintained separate and apart from the breeding herd.

16.151(4) The vaccinated animals will be quarantined and identified by a distinctive colored ear tag available from the department.

[Filed Emergency 6/30/77]

The department, pursuant to section 17A.4(2) finds that notice and public participation would be impracticable and contrary to public interest, in that aujeszky's disease is readily contractible in epidemic proportions thus necessitating immediate implementation of the rule. Pursuant to section 17A.5(2)"b"(3), this rule shall become effective immediately upon filing because of the imminent peril to the public health, safety and welfare and immediate need to vaccinate swine.

Rules 16.147 to 16.150 are reserved for rules relating to Aujeszky's disease.

[Published 7/27/77]

EDITOR'S NOTE: For replacement pages for IAC, see Part II of this Supplement.

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AGRICULTURE DEPARTMENT[30]

Pursuant to the authority of sections 168.7, 159.5(10) and 197.5 of the Code, reserved chapter 11 is hereby inaugurated and new rules relating to Poultry are adopted, as follows:

ITEM 1. Rescind 30—16.34(163) in its entirety.

ITEM 2. Inaugurate a new chapter in the space heretofore reserved for chapter 11 by adopting the following:

CHAPTER 11 POULTRY

30—11.1(168) Chickens.

11.1(1) *The Iowa Poultry Association as the official designee of the National Poultry Improvement Plan, is authorized by the department to act as its agent in inspecting and rating flocks and hatcheries as pullorum-typhoid clean; and otherwise assisting the state of Iowa in maintaining its pullorum-typhoid free status.

11.1(2) All chicken-hatching eggs, baby chicks or started pullets must originate from flocks or hatcheries that have a pullorum-typhoid clean rating.

11.1(3) *All boxes, crates, coops or other containers shall be new or disinfected before being used to move poultry within the state of Iowa. Each such box, crate, coop or other container that is attached to a customer lot shall be plainly labeled by identifying the customer lot thereof with a label to be supplied by the National Poultry Improvement Plan or the Iowa Poultry Association. The label shall contain the name of seller and description of contents as specified in section 168.5(4) of the Code.

30—11.2(168) **License for dealers of baby chicks or domestic fowls.** In order to qualify for the license to engage in the business of custom hatching, producing baby chicks and other baby domestic fowls under six weeks of age, for sale in this state or of offering them for sale or selling them within this state, the applicant shall comply with the following requirements:

11.2(1) Application for a license shall be accompanied by the required license fee.

11.2(2) *Applicant shall assist the state in maintaining its pullorum-typhoid free status by accompanying license application with evidence that he is a participant of the National Poultry Improvement Plan.

11.2(3) Prior to issuing the license, the department may inspect the applicant's business establishment. All the requirements of section 168.5 of the Code shall be complied with.

Rule 30—11.1(168) is intended to implement sections 168.2, 168.5, 168.6, 197.1 and 159.1(2) of the Code.

[Filed 5/25/77]

Notice of intended action regarding these rules was published in the IAC Supplement April 20, 1977. The rules shall become effective July 20, 1977. The rules are substantially identical to those published under notice and which was the subject of a public hearing held on May 10, 1977. Amendments were made pursuant to the recommendations of the Iowa Administrative Rules Review Committee on May 9, 1977; amendments clarify the authority and reason for the delegation of enforcement powers to the National Poultry Improvement Plan.

[Published 6/15/77]

EDITOR'S NOTE: For replacement pages for IAC, see Part II of this Supplement.

*The Administrative Rules Review Committee filed the following objection to rule 11.1(1), 11.1(3) and 11.2(2) on July 12, 1977:

The committee objects to rules 11.1(1), 11.1(3) and 11.2(2), relating to the role played by the Iowa Poultry Association and the National Poultry Improvement Plan in poultry inspection, on the grounds that the department exceeds its statutory authority. It is the feeling of the committee that the department should administer the inspection program and not delegate the responsibility to a private association.

11.1(1) may be cured by deleting the reference and designation of the National Poultry Association.

11.1(3) may be cured by having the department, not the association, supply the label.

11.2(2) may be cured by perhaps adopting the 'plan' as a rule.

APPEAL BOARD, STATE[60]

NOTICE OF INTENDED ACTION

Twenty-five interested persons, a governmental subdivision, an agency or an association of 25 or more persons may demand an oral presentation hereon as provided in §17A.4(1)"b" of the Code.

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of sections 17A.3 and 25A.3 of the Code, the State Appeal Board proposes to amend chapter 1 of its rules appearing in the Iowa Administrative Code.

Interested persons may submit written suggestions or comments to Francis R. Larew, Executive Secretary, State Appeal Board, State Capitol, Des Moines, Iowa 50319 not later than August 16, 1977.

ITEM 1. Strike 1.3(3) and substitute in lieu thereof:

1.3(3) Names and signatures. A claim shall state thereon the name, address, telephone number, age and spouse of the person making the claim and the name, address and telephone number of the attorney, if any, preparing the claim, and their signatures.

ITEM 2. Add as a new subrule:

1.4(1) Type of claim. A claim shall state whether it is against an employee or the state. If the claim is against an employee the name of the employee and the department where employed shall be stated. A separate claim shall be filed for each type by each claimant.

ITEM 3. Renumber existing subrule 1.4(1) to 1.4(2); renumber subrule 1.4(2) to 1.4(3); renumber subrule 1.4(3) to 1.4(4).

ITEM 4. Add as a new subrule:

1.4(5) Forms. Claims may be in any form, but shall contain the information required by rules 1.3(25A) and 1.4(25A). Printed forms can be obtained from the secretary of the State Appeal Board.

ITEM 5. Rescind the Appendix to Rules.

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT
5712 S. DICKINSON DRIVE
CHICAGO, ILLINOIS 60637

RECEIVED
MAY 15 1964

TO: [Illegible Name]
FROM: [Illegible Name]

SUBJECT: [Illegible Subject]

[Illegible body text]

[Illegible body text]

[Illegible body text]

[Illegible body text]

APPEAL BOARD, STATE[60]

NOTICE OF INTENDED ACTION

Twenty-five interested persons, a governmental subdivision, an agency or an association of 25 or more persons may demand an oral presentation hereon as provided in §17A.4(1)"b" of the Code.

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of section 17A.3 of the Code, the State Appeal Board proposes to add the following chapter to its rules.

Interested persons may submit written suggestions or comments to Francis R. Larew, Executive Secretary, State Appeal Board, State Capitol, Des Moines, Iowa 50319 not later than August 16, 1977.

CHAPTER 3 GENERAL CLAIMS

60—3.1(25) Claims. All general claims shall be printed or typed on a form supplied by the executive secretary of the State Appeal Board.

3.1(1) Place of filing. General claims shall be filed in triplicate with the state comptroller.

3.1(2) Verification. General claims shall be verified.

3.1(3) Names and signatures. General claims shall state the name, address and telephone number of the claimant and be signed.

3.1(4) Designation. A general claim shall indicate that it is a general claim filed pursuant to chapter 25 of the Code.

3.1(5) Designation by number. The executive secretary of the state appeal board shall assign a number to each general claim. Thereafter it may be referred to by such number.

60—3.2(25) Content. All general claims shall set forth information as follows:

3.2(1) Services rendered or merchandise purchased. An itemized statement indicating the services or merchandise and the name of the state agency or employee involved. If available, a bill for the same shall be attached.

3.2(2) Refunds. A detailed statement of the reasons for the refund, indicating the state agency involved.

3.2(3) Documentary evidence. All documentary evidence available to or in the possession of the claimant shall be attached.

3.2(4) Amount. All amounts for which the claim is filed shall be stated and itemized.

60—3.3(25) Investigation. The special assistant attorney general assigned to the claims division shall investigate a general claim. He shall ex officio be empowered to administer oaths or may take testimony in the form of affidavits, depositions or oral or written interrogatories or otherwise. He may compel the attendance of witnesses and certify to any district court for contempt. All information from the investigation shall be included with his report to the state appeal board.

60—3.4(25) Notification. The special assistant attorney general shall notify the claimant in writing of the state appeal board's decision if the general claim is denied.

60—3.5(25) Denial. For those general claims that are denied, the state appeal board shall file with the clerk of the house of representatives and the secretary of the senate a list of such claims together with all reports and recommendations. The claims committee of the legislature shall then review said claims and may make an appropriation for any of them.

BANKING DEPARTMENT[140]

Pursuant to the authority of sections 524.213 and 524.805(2) of the Code, rules appearing in the IAC, dated May 4, 1977, Chapter 8, page 2, relating to maximum interest on time and savings deposits, are hereby amended.

ITEM 1. 8.2(2) is amended by rescinding paragraph "b" and inserting the following paragraphs "b" and "c":

b. Individual Retirement Account agreement or Keogh (H.R. 10) plan established pursuant to 26 U.S.C. (I.R.C. 1954) sections 408 and 401.

| 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 but less than 3 years | 6½% |
| 3 years or more | 7¾% |

c. Other depositors.

| 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 but less than 4 years | 6½% | |
| 4 years of more but less than 6 years | 7¾% | (Certificates of \$1,000 or more) |
| 6 years or more | 7½% | (Certificates of \$1,000 or more) |

[Filed 7/6/77]

The superintendent of banking finds that notice and public participation would be contrary to the public interest inasmuch as a delay in the implementation of this subrule could financially penalize individuals who are participating in Individual Retirement

Account agreements and Keogh (H.R. 10) plans. Therefore, this subrule is filed without notice and public participation pursuant to chapter 17A.4(2) of the Code of Iowa, 1975, and shall be effective until August 17, 1977 only.

This subrule which the superintendent of banking finds to confer a benefit, shall become effective as provided in section 17A.5(2)"b"(2) of the Code of Iowa, 1975, immediately upon filing in the office of the secretary of state.

[Published 7/27/77]

EDITOR'S NOTE: For replacement pages for IAC, see Part II of this Supplement.

CITY DEVELOPMENT BOARD[220]

Pursuant to the authority of section 368.10 of the Code, the City Development Board hereby rescinds chapters 1 and 2 of its rules appearing in the Iowa Administrative Code and adopts the following in lieu thereof.

For complete text of chapters 1 and 2, see replacement pages in Part II of this Supplement.

[Filed 7/5/77]

Rules under notice of intended action regarding chapters 1 and 2 as published in the Iowa Administrative Code, May 18, 1977 Supplement, is hereby filed. The administrative rules have been modified since the above listed date, as suggested by the Administrative Rules Review Committee.

These rules shall become effective August 31, 1977.

[Published 7/27/77]

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY

RESEARCH REPORT
NO. 1000

BY

ROBERT M. HAYES

AND

JOHN D. COOPER

CHICAGO, ILLINOIS

COMMERCE COMMISSION[250]

Pursuant to the authority of Chapter 479, and section 479.31 in particular, the following amendment to Chapter 250—10 "Pipelines and Underground Gas Storage" IAC is hereby adopted:

ITEM 1. Renumber the rules comprising chapter 250—10, "Pipelines and Underground Gas Storage" as follows in order to recognize the new statutory designation and to accommodate the new rule:

- A. Renumber 250—10.1(490) as 250—10(479);
- B. Renumber 250—10.2(490) as 250—10.2(479);
- C. Renumber 250—10.3(490) as 250—10.3(479);
- D. Renumber 250—10.4(490) as 250—10.4(479);
- E. Renumber 250—10.5(490) as 250—10.5(479);
- F. Renumber 250—10.6(490) as 250—10.6(479);
- G. Renumber 250—10.7(490) as 250—10.7(479);
- H. Renumber 250—10.8(490) as 250—10.8(479);
- I. Renumber 250—10.9(490) as 250—10.9(479);
- J. Renumber 250—10.10(490) as 250—10.10(479);
- K. Renumber 250—10.11(490) as 250—10.11(479);
- L. Renumber 250—10.12(490) as 250—10.13(479);
- M. Renumber 250—10.13(490) as 250—10.14(479);
- N. Renumber 250—10.14(490) as 250—10.15(479);
- O. Renumber 250—10.15(490) as 250—10.16(479);
- P. Renumber 250—10.16(490) as 250—10.17(479);
- Q. Renumber 250—10.17(490) as 250—10.18(479);
- R. Renumber 250—10.18(490) as 250—10.19(479).

ITEM 2. Adopt new rule 250—10.12(479) as follows:

250—10.12(479) Minimum safety standards. Pursuant to the Natural Gas Pipeline Safety Act of 1968, 49 U.S.C. §§1671, et seq. (Public Law 90-481, 90th Congress §1166, dated August 12, 1968), the Secretary of Transportation has issued in 49 C.F.R. Part 192, Minimum Federal Safety Standards relative to "Transportation of Natural and Other Gas By Pipeline" (Revised as of December 31, 1976). On June 29, 1977, the Commission adopted the subject Federal Minimum Safety Standards, as amended and as shall be amended by the Secretary of Transportation under the federal Act as the Minimum Safety Standards of the State of Iowa in order to certify compliance with the federal legislation and act as enforcement agent with respect to the Federal Safety Standards as contemplated by section 479.31, the Code 1977.

The rule was adopted under the provisions of section 17A.4(2) upon the finding that the federal compliance contemplated by section 479.31, effectively established a minimum standard which could only be made more stringent and therefore public participation as to whether to adopt such standards and the specific terms thereof was unnecessary.

This rule became effective on July 1, 1977, when filed with the Secretary of State since the safety standards operated to confer a benefit upon the public as well as avoid the public safety being imminently imperiled as contemplated by section 17A.5(2)"b"(2) and (3), Code 1977.

The amendment was adopted on June 29, 1977, by order of the Iowa State Commerce Commission in Docket No. RMU-77-8, "In Re: Iowa State Commerce Commission Rule

Adopting Federal Minimum Safety Standards Relative to Pipelines for Transportation of Natural and Other Gas.”

The rule shall become effective on July 1, 1977, when such is filed with the Secretary of State.

[Published 7/27/77]

EDITOR'S NOTE: For replacement pages for IAC, see Part II of this Supplement.

STATE CONSERVATION COMMISSION[290]

NOTICE OF INTENDED ACTION

Twenty-five interested persons, a governmental subdivision, an agency or an association of 25 or more persons may demand an oral presentation hereon as provided in §17A.4(1)"b" of the Code.

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The State Conservation Commission, under the authority of sections 107.24 and 17A.4 of the Code, proposes the adoption of the following rules relating to endangered and threatened species of animals and plants in Iowa.

A public hearing for oral presentation will be conducted at the commission's tenth floor conference room, Valley Bank Building, Des Moines, 50319, at 10:00 a.m. on August 22, 1977; consideration will be given to written data, views or arguments thereto received by the Director, State Conservation Commission, Valley Bank Building, Des Moines, Iowa 50319, on or before August 22, 1977.

DIVISION OF FISH AND GAME CHAPTER 19

ENDANGERED OR THREATENED PLANTS AND ANIMALS

290—19.1(107) Endangered animal species.

19.1(1) The conservation commission, in consultation with scientists with specialized knowledge and experience has determined the following animal species to be endangered in Iowa:

Mammals

| | |
|--|---------------------|
| <u>Myotis sodalis</u> | Indiana Bat |
| <u>Perognathus flavescens</u> (peripheral) | Plains Pocket Mouse |
| <u>Onychomys leucogaster</u> (peripheral) | Grasshopper Mouse |
| <u>Clethrionomys gapperi</u> (relict) | Red-backed Vole |
| <u>Microtis pinetorum</u> | Woodland Vole |
| <u>Ursus americana</u> (endangered, possibly extirpated) | Black Bear |
| <u>Lynx rufus</u> | Bobcat |

Birds

| | |
|--|---------------------|
| <u>Buteo lineatus</u> | Red-shouldered Hawk |
| <u>Circus cyaneus</u> | Northern Harrier |
| <u>Falco peregrinus</u> | Peregrine Falcon |
| <u>Charadrius melodus</u> | Piping Plover |
| <u>Bartramia longicauda</u> | Upland Sandpiper |
| <u>Speotyto cunicularia</u> (peripheral) | Burrowing Owl |
| <u>Sterna albifrons</u> | Least Tern |

Fish

| | |
|--|---------------------|
| <u>Acipenser fulvescens</u> (peripheral) | Lake Sturgeon |
| <u>Scaphirhynchus albus</u> | Pallid Sturgeon |
| <u>Hybopsis meeki</u> | Sicklefin Chub |
| <u>Couesius plumbeus</u> (relict) | Lake Chub |
| <u>Notropis heterolepis</u> | Blacknose Shiner |
| <u>Notropis shumardi</u> | Silverband Shiner |
| <u>Semotilus margarita</u> (peripheral) | Pearl Dace |
| <u>Moxostoma dugesnei</u> | Black Redhorse |
| <u>Fundulus notti</u> | Starhead Topminnow |
| <u>Fundulus sciadicus</u> | Plains Topminnow |
| <u>Lepomis megalotis</u> (relict) | Longear Sunfish |
| <u>Etheostoma microperca</u> | Least Darter |
| <u>Etheostoma spectabile</u> | Orangethroat Darter |

Reptiles and Amphibians

| | |
|--|------------------------------|
| <u>Kinosternon flavescens spooneri</u> | Illinois Mud Turtle |
| <u>Clemmys insculpta</u> | Wood Turtle |
| <u>Eumeces obsoletus</u> (peripheral) | Great Plains Skink |
| <u>Ophiosaurus attenuatus</u> | Western Slender Glass Lizard |
| <u>Lampropeltis getulus</u> | Speckled Kingsnake |
| <u>Agkistrodon contortrix</u> (peripheral) | Northern Cooperhead |
| <u>Crotalus viridis</u> (peripheral) | Prairie Rattlesnake |
| <u>Ambystoma laterale</u> (relict) | Blue-spotted Salamander |
| <u>Notophthalmus viridescens</u> | Central Newt |

19.1(2) Threatened animal species. The conservation commission, in consultation with scientists with specialized knowledge and experience, has determined the following animal species to be threatened in Iowa:

Mammals

| | |
|-----------------------------|----------------|
| <u>Myotis keenii</u> | Keene's Myotis |
| <u>Nycticeius humeralis</u> | Evening Bat |
| <u>Lutra canadensis</u> | River Otter |

Birds

| | |
|---------------------------------------|---------------------|
| <u>Podiceps caspicus</u> (peripheral) | Eared Grebe |
| <u>Accipiter cooperi</u> | Cooper's Hawk |
| <u>Buteo platypterus</u> | Broad-winged Hawk |
| <u>Asio otus</u> (peripheral) | Long-eared Owl |
| <u>Sayornis saya</u> (peripheral) | Say's Phoebe |
| <u>Lanius ludovicianus</u> | Loggerhead Shrike |
| <u>Vermivora pinus</u> | Blue-winged Warbler |

Fish

| | |
|--|------------------------|
| <u>Ichthyomyzon unicuspis</u> (peripheral) | Silver Lamprey |
| <u>Lampetra lamottei</u> | American Brook Lamprey |
| <u>Alosa chrysochloris</u> | Skipjack Herring |
| <u>Esox americanus vermiculatus</u> | Grass Pickerel |
| <u>Hybopsis x-punctata</u> | Gravel Chub |
| <u>Notropis anogenus</u> | Pugnose Shiner |
| <u>Notropis texanus</u> | Weed Shiner |
| <u>Notropis topeka</u> | Topeka Shiner |
| <u>Ammocrypta clara</u> | Western Sand Darter |
| <u>Etheostoma asprigene</u> | Mud Darter |
| <u>Etheostoma chlorosomum</u> (peripheral) | Bluntnose Darter |

Reptiles and Amphibians

| | |
|---|----------------------------|
| <u>Sternotherus odoratus</u> (peripheral) | Stinkpot |
| <u>Terrapene ornata</u> | Ornate Box Turtle |
| <u>Chrysemys scripta</u> | Red-eared Turtle |
| <u>Emydoidea blandingi</u> | Blanding's Turtle |
| <u>Eumeces fasciatus</u> | Five-lined Skink |
| <u>Natrix rhombifera</u> (peripheral) | Diamondback Water Snake |
| <u>Natrix erythrogaster</u> (peripheral) | Yellow-bellied Water Snake |
| <u>Natrix grahami</u> | Graham's Water Snake |
| <u>Virginia valeriae</u> | Western Earth Snake |
| <u>Elaphe obsoleta</u> | Black Rat Snake |
| <u>Sistrurus catentatus</u> | Massasauga |
| <u>Ambystoma texanum</u> | Small-mouthed Salamander |
| <u>Scaphiopus bombifrons</u> (peripheral) | Western Spadefoot |
| <u>Hyla crucifer</u> | Spring Peeper |

290—19.2(107) Endangered plant species.

19.2(1) The state conservation commission, in consultation with scientists with specialized knowledge and experience, has determined the following plant species to be endangered in Iowa:

| | | |
|---------------------------------|--------------|-----------------------|
| <u>Aconitum novaborecense</u> | | Monkshood |
| <u>Agastache foeniculum</u> | | * n.c.n. |
| <u>Allium cernuum</u> | | Nodding Wild Onion |
| <u>Amorpha nana</u> | | Fragrant False Indigo |
| <u>Arctostaphylos uva-ursi</u> | (peripheral) | Bearberry |
| <u>Asclepias lanuginosa</u> | | n.c.n. |
| <u>Asclepias meadii</u> | | Mead's Milkweed |
| <u>Asclepias auriculata</u> | (peripheral) | n.c.n. |
| <u>Aster furcatus</u> | | n.c.n. |
| <u>Astragalus striatus</u> | (peripheral) | Rattle Vetch |
| <u>Bidens beckii</u> | (peripheral) | Water Marigold |
| <u>Botrychium multifidum</u> | | Leather Grape Fern |
| <u>Botrychium simplex</u> | | Least Grape Fern |
| <u>Buchloe dactyloides</u> | (peripheral) | Buffalo Grass |
| <u>Brasenia schreberi</u> | | Water Shield |
| <u>Carex aggregata</u> | | n.c.n. |
| <u>Carex crawfordii</u> | | n.c.n. |
| <u>Carex leptalea</u> | | n.c.n. |
| <u>Carex media</u> | (peripheral) | n.c.n. |
| <u>Carex saximontana</u> | (peripheral) | n.c.n. |
| <u>Carex tonsa</u> | (peripheral) | n.c.n. |
| <u>Cerastium arvense</u> | | Field Chickweed |
| <u>Chinaphila umbellata</u> | (peripheral) | Prince's Pine |
| <u>Chrysosplenium ioense</u> | | Golden Saxifrage |
| <u>Cornus canadensis</u> | (peripheral) | Bunchberry |
| <u>Corydalis aurea</u> | | Golden corydalis |
| <u>Cristatella jamesii</u> | | n.c.n. |
| <u>Crypripedium reginae</u> | | Showy Lady Slipper |
| <u>Decodon verticillatus</u> | (peripheral) | Water Willow |
| <u>Drosera rotundifolia</u> | (relict) | Sundew |
| <u>Dryopteris intermedia</u> | | Glandular Wood Fern |
| <u>Dryopteris marginalis</u> | | Marginal Shield Fern |
| <u>Elatine triandra</u> | | Waterwort |
| <u>Eleocharis atropurpurea</u> | | Purple Spike Rush |
| <u>Eleocharis coloradoensis</u> | | Dwarf Spike Rush |
| <u>Equisetum scirpoides</u> | | Dwarf Scouring Rush |
| <u>Equisetum sylvaticum</u> | | Woodland Horsetail |
| <u>Eriophorum angustifolium</u> | | Cotton grass |
| <u>Eriophorum gracile</u> | | Slender Cotton-grass |
| <u>Fimbristylis autumnalis</u> | | Slender Fimbristylis |
| <u>Gerardia gattingeri</u> | | n.c.n. |
| <u>Gerardia skinneriana</u> | | n.c.n. |
| <u>Gymnocarpium robertianum</u> | | Limestone Oak Fern |

* n.c.n. denotes 'no common name'

| | | |
|----------------------------------|--------------|-------------------------|
| <u>Habenaria flava</u> | | Tuberclcd Orchid |
| <u>Habenaria leucophaea</u> | | Prairie Fringed Orchid |
| <u>Heteranthera limosa</u> | | Mud Plantain |
| <u>Hippuris vulgaris</u> | | Mare's Tail |
| <u>Hudsonia tomentosa</u> | (peripheral) | Poverty Grass |
| <u>Hybanthus concolor</u> | | Green Violet |
| <u>Hypericum boreale</u> | | St. John's Wort |
| <u>Jeffersonia diphylla</u> | | Twinleaf |
| <u>Juncus alpinus</u> | | n.c.n. |
| <u>Juncus greenei</u> | | n.c.n. |
| <u>Justicia americana</u> | | Water Willow |
| <u>Lechea intermedia</u> | | Pinweed |
| <u>Lespedeza leptostachya</u> | | Prairie Bush Clover |
| <u>Linnaea borealis</u> | (peripheral) | Twinflower |
| <u>Lycopodium clavatum</u> | | Running Clubmoss |
| <u>Lycopodium dendroideum</u> | (peripheral) | Round-branched Clubmoss |
| <u>Lycopodium flabelliforme</u> | | Crowfoot Clubmoss |
| <u>Lycopodium porophilum</u> | (peripheral) | Rock Clubmoss |
| <u>Menyanthes trifoliata</u> | (peripheral) | Buckbean |
| <u>Mertensia paniculata</u> | (peripheral) | Northern Lungwort |
| <u>Mitchella paniculata</u> | (peripheral) | Partridge berry |
| <u>Myriophyllum pinnatum</u> | | Water Milfoil |
| <u>Ophioglossum pseudopodium</u> | | Adder's tongue Fern |
| <u>Oryzopsis pungens</u> | (peripheral) | n.c.n. |
| <u>Osmunda cinnamomea</u> | | Cinnamon Fern |
| <u>Panicum linearifolium</u> | | n.c.n. |
| <u>Pellaea atropurpurea</u> | | Purple Cliff brake |
| <u>Peltandra virginica</u> | (peripheral) | Arrow Arum |
| <u>Petalostemon villosum</u> | | Silky Prairie Clover |
| <u>Polygala incarnata</u> | | n.c.n. |
| <u>Poa languida</u> | (peripheral) | n.c.n. |
| <u>Proserpinaca palustris</u> | | Mermaid Weed |
| <u>Pyrola secunda</u> | (peripheral) | Shinleaf |
| <u>Rhexia virginica</u> | | Meadow Beauty |
| <u>Ribes hudsonianum</u> | (disjunct) | n.c.n. |
| <u>Salix lucida</u> | | Shining Willow |
| <u>Salix pedicellaris</u> | | Bog Willow |
| <u>Schedonardus paniculatus</u> | | Tumblegrass |
| <u>Scirpus paludosus</u> | | Prairie Bulrush |
| <u>Selaginella apoda</u> | (peripheral) | Meadow Spike-moss |
| <u>Solidago patula</u> | | n.c.n. |
| <u>Stipa comata</u> | (peripheral) | Spear Grass |
| <u>Spiranthes romanzoffiana</u> | | Hooded Lady's Tresses |
| <u>Talinum parviflorum</u> | (peripheral) | Fame Flower |
| <u>Talinum rugospermum</u> | (peripheral) | n.c.n. |
| <u>Utricularia gibba</u> | | Bladderwort |
| <u>Utricularia intermedia</u> | | n.c.n. |
| <u>Utricularia minor</u> | | Small Bladderwort |

| | | |
|--------------------------------|--------------|-----------------------|
| <u>Vaccinium angustifolium</u> | | Low Sweet Blueberry |
| <u>Vaccinium myrtilloides</u> | (peripheral) | Velvet-leaf Blueberry |
| <u>Vallisneria americana</u> | (peripheral) | Tapegrass |
| <u>Veronica americana</u> | | Americana Brookline |
| <u>Vitis aestivalis</u> | | Summer Grape |
| <u>Woodsia ilvensis</u> | | Rusty Cliff Fern |
| <u>Woodsia oregana</u> | (peripheral) | Western Cliff Fern |
| <u>Wulfenia bullii</u> | | n.c.n. |

* denotes 'no common name'

19.2(2) Threatened plant species. The state conservation commission, in consultation with scientists with specialized knowledge and experience, has determined the following plant species to be threatened in Iowa:

| | | |
|---|--------------|--------------------------|
| <u>Adoxa moschatellina</u> | | Adoxa |
| <u>Aplectrum hyemale</u> | | Putty Root |
| <u>Asclepias speciosa</u> | | n.c.n. |
| <u>Blephila ciliata</u> | | Pagoda Plant |
| <u>Callirhoe triangulata</u> | | Poppy Mallow |
| <u>Callitriche heterophylla</u> | | Water Starwort |
| <u>Carex careyana</u> | (peripheral) | n.c.n. |
| <u>Corydalis curvisiliqua</u> | (peripheral) | n.c.n. |
| <u>Commelina erecta</u> | (peripheral) | Erect Dayflower |
| <u>Cypripedium candidum</u> | | Small Whiet Lady Slipper |
| <u>Diospyros virginiana</u> | (peripheral) | Persimmon |
| <u>Equisetum fluviatile</u> | | Water Horsetail |
| <u>Equisetum pratense</u> | | Meadow Horsetail |
| <u>Fraxinus quadrangulata</u> | (peripheral) | Blue Ash |
| <u>Gaylussacia baccata</u> | (peripheral) | Huckleberry |
| <u>Gentiana crinita</u> | | Fringed Gentian |
| <u>Gymnocarpium dryopteris</u> | | Oak Fern |
| <u>Habenaria hookeri</u> | (peripheral) | Round-leaved Orchid |
| <u>Habenaria hyperborea</u> | (peripheral) | Green Orchid |
| <u>Habenaria psycodes</u> | (peripheral) | Purple Fringed Orchid |
| <u>Hydrastis canadensis</u> | | Golden Seal |
| <u>Krigia virginica</u> | | Dwarf Dandelion |
| <u>Lechea villosa</u> | | Pinweed |
| <u>Lobelia kalmii</u> | | Kalm's Lobelia |
| <u>Lomatium orientale</u> | | n.c.n. |
| <u>Lycopodium lucidulum</u> | | Shining Clubmoss |
| <u>Mimulus glabratus</u> var <u>fremontii</u> | | Yellow Monkey Flower |
| <u>Mimulus alatus</u> | | Winged Monkey Flower |
| <u>Napaea dioica</u> | | Glade Mallow |
| <u>Panicum philadelphicum</u> | | n.c.n. |
| <u>Parnassia glauca</u> | | Grass of Parnassus |
| <u>Penstemon gracilis</u> | | Beard tongue |

| | | |
|--------------------------------|--------------|--------------------------|
| <u>Potamogeton amplifolius</u> | | Large-leaved Pondweed |
| <u>Potamogeton praelongus</u> | | White-stemmed Pondweed |
| <u>Potamogeton vaseyi</u> | | Vasey's Pondweed |
| <u>Potentilla tridentata</u> | | Three-toothed Cinquefoil |
| <u>Quercus stellata</u> | | Post Oak |
| <u>Prunus nigra</u> | (peripheral) | Canada Plum |
| <u>Rynchospora capillacea</u> | | Beak Rush |
| <u>Rorippa sinuata</u> | | Spreading Yellow Cress |
| <u>Selaginella rupestris</u> | | Rock Spike-moss |
| <u>Shepherdia argentea</u> | | Buffalo berry |
| <u>Streptopus roeueus</u> | | Rosy Twisted Stalk |
| <u>Sphaeralcea coccinea</u> | (peripheral) | Red False Mallow |
| <u>Sullivantia renifolia</u> | | Sullivantia |
| <u>Thalictrum revolutum</u> | | Waxy Meadow Rue |
| <u>Triglochin maritima</u> | | Arrowgrass |
| <u>Triglochin palustris</u> | | Arrowgrass |
| <u>Veratrum virginicum</u> | | Bunchflower |
| <u>Vitis cinerea</u> | | Winter Grape |
| <u>Zizania aquatica</u> | | Wild Rice |

19.3(107) Revision of lists. The endangered and threatened species lists will be continuously monitored by the commission and may be amended as needed. In accordance with section 109A.3 of the Code, the lists will be revised at a minimum of every two years.

This rule is intended to implement Chapter 109A.3 of the Code.

The following information is being furnished to you for your information and is not intended to constitute an offer of insurance or any other financial product. It is intended to provide you with the information you need to make an informed decision about whether to purchase the product described herein.

The information contained herein is for informational purposes only and is not intended to constitute an offer of insurance or any other financial product. It is intended to provide you with the information you need to make an informed decision about whether to purchase the product described herein.

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CONSERVATION COMMISSION[290]

The state conservation commission, under the authority of sections 107.24 and 106.3, Code, 1977, has adopted the following additions to the Division of Lands and Waters, chapter 30, Zoning and Watercraft Use, appearing Iowa Administrative Code, relating to vessel operation. [30.17(106), Red Rock Lake, Marion County—zoned areas.]

For complete text of chapter 30, see Part II of this Supplement.

[Filed 7/7/77]

These rules are intended to implement section 106.31, Code of Iowa, 1975.

The notice of intended action was published March 23, 1977. There were no comments received and the rule is exactly as published in that notice. The rule shall become effective August 31, 1977.

[Published 7/27/77]



EMPLOYMENT SECURITY[370]

DEPARTMENT OF JOB SERVICE

NOTICE OF INTENDED ACTION

Twenty-five interested persons, a governmental subdivision, an agency or an association of 25 or more persons may demand an oral presentation hereon as provided in §17A.4(1)“b” of the Code.

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The Iowa Department of Job Service, pursuant to the authority of sections 97B.3, 97B.15 and Sections 17A.3, 17A.4 and 17A.5 of the Iowa Code, proposes to rescind Chapter 8 appearing in the Iowa Administrative Code dated December 1, 1975 and adopt the following new rules relating to the administration of chapter 97B of the Iowa Code.

Interested persons, governmental agencies and associations may present written comments or statements of the amendments not later than 4:30 p.m., August 16, 1977, to the Iowa Department of Job Service, 1000 East Grand Avenue, Des Moines, Iowa 50319, in care of Harold D. Keenan. A public hearing will be held at 9:30 a.m., August 16, 1977, at the above-named address. All interested persons should understand that these proposed rules are subject to revision after the department considers all written and oral presentations.

Pursuant to said authority, Chapter 8 of rules appearing in the IAC, relating to the Iowa public employees' retirement system are amended as follows:

**IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
CHAPTER 8****370—8.1(97B) Iowa Public Employees' Retirement System.**

8.1(1) Organization. The public employees' retirement system was created by Chapter 97B of the Code, and is administered by the Iowa department of job service. Its chief executive officer is known as director who is appointed by the director of the job service department. The IPERS director has the power and authority to make rules, employ persons, make expenditures, reports, investigations, and take other such action suitable to that end.

8.1(2) Advisory investment board (AIB). The advisory investment board advises and confers with the department in matters relating to the investment of the trust funds of the system. The board shall consist of seven members. Five members shall be appointed by the governor: One executive of a domestic life insurance company, one executive of a state or national bank operating in Iowa, one executive of a major industrial corporation in Iowa, and two active members of the system (one employee of a school system and one employee other than an employee of a school system). The president of the senate shall appoint one member from the membership of the senate and the speaker of the house of representatives shall appoint one member from the membership of the house. Governor-appointed members shall serve for a term of six years. All appointees must be approved by two-thirds of the senate.

a. Organization of board. At the first meeting in each fiscal year the members elect a chair, vice chair and executive secretary, each to serve a two year term. All meetings and the principal place of business of the board are located at 1000 East Grand Avenue, Des Moines, Iowa 50319.

b. Petition for adoption, amendment or repeal of rule. Such petitions shall be in writing filed with the board and shall include:

(1) The name and address of the person requesting the adoption, amendment or repeal of the rule.

(2) A statement of the proposed rule, amendment or identification of the rule to be repealed.

(3) A statement of why the rule is being proposed, amended or repealed. Within ninety days of the board's receipt of the proposed rule, amendment or request for repeal of an existing rule, the board shall either deny the petition in writing, stating its reasons for the denial or shall initiate rulemaking.

c. Location and methods of obtaining information. All available information may be obtained by written request to the board in care of the following address: Advisory Investment Board, Iowa Public Employees Retirement System, 1000 East Grand Avenue, Des Moines, Iowa 50319.

d. Board's agenda. A person who wishes to be placed upon the board's agenda for its next meeting should file a verbal or written request with the executive secretary at least twenty-four hours prior to the meeting. The board may take up matters not included on its agenda.

e. Costs of copies. The board may charge persons requesting copies of statements and reports, the actual cost of the reproduction but the rate charged shall not exceed twenty-five cents per page.

370—8.2(97B) Records to be kept by the employer.

8.2(1) Definition. Each employing unit having employment performed for it shall maintain records to show the information hereinafter indicated. Such records shall be kept in such form and manner that it will be possible from an inspection thereof to obtain the facts necessary to determine the eligibility of each employee to coverage. Such records shall be open to inspection and be subject to be copied by the department and its authorized representatives at any reasonable time.

8.2(2) Such records shall show with respect to each employee: The employee's name, address and social security account number; each date the employee was paid wages or other wage equivalent (room, board, etc.); the total amount of wages paid on each date including noncash wage equivalent; the total amount of wages including wage equivalent on which IPERS contributions are payable; the amount withheld from wages or wage equivalent for the employee's share of IPERS contributions.

8.2(3) Reports. Each employing unit shall make such reports at such times as the IPERS office may require, and shall comply with the instructions printed upon any report form issued by the IPERS office pertaining to the preparation and return of such report.

370—8.3(97B) Liable employers.

8.3(1) Definition. All public employers in the state of Iowa, its cities, counties, townships, and public schools are required to participate in IPERS, if any employee meets the minimum calendar quarter requirement. Some employers included are: The state of Iowa and its administrative agencies; counties, including their hospitals and county homes; cities including their hospitals; park boards and commissions; recreation commissions; townships; public libraries; cemetery associations; municipal utilities including water works, gas works, electric light and power; school districts including their lunch and activity programs; state colleges and universities; and state hospitals and institutions. Any employing unit, not already reporting to the IPERS office, which fulfills the conditions with respect to becoming an employer, shall immediately give notice to the IPERS office of that fact. Such notice shall set forth the name and address of the employing unit.

8.3(2) Name change. Any employing unit which has a change of name, address, or title of such unit or its reporting official, or any other identifying information, shall immediately give notice in writing to the IPERS office of that fact. Such notice shall set forth the former

name, address and IPERS account number of the employing unit, the new name and address of the employing unit, and the reason for such change if other than a change of reporting official.

8.3(3) Termination. Any employing unit which terminates for any reason whatsoever shall provide the IPERS office with the following:

- a. Complete name and address of the dissolved entity.
- b. Assigned IPERS account number.
- c. Last date on which wages were paid.
- d. Date on which the entity dissolved.
- e. Reason for the dissolution.
- f. Whether or not the entity expects to pay wages in the future.
- g. Name and address of absorbed employing unit if applicable.

8.3(4) Reports of dissolved or absorbed employers. An employing unit that has been dissolved or entirely absorbed by another employing unit is required to file a quarterly or monthly report with IPERS through the last date on which it legally existed. Any wages paid after the legal date of dissolution are reported under the account number assigned to the new or successor employing unit, if any.

8.3(5) IPERS account number. Each reporting unit is assigned an IPERS account number. This number should be used on all correspondence and reporting forms directed to the IPERS office.

370—8.4(97B) Definition of wages for employment during the calendar quarter—other definitions. Unless the context otherwise requires, terms used in these rules, regulations, interpretations, forms and other official pronouncements issued by the IPERS office shall have the following meaning:

8.4(1) Wages means all compensation earned by employees, including vacation pay, sick pay, bonus payments, dismissal pay, amounts deducted from employee's pay for tax-sheltered annuities, and the cash value of wage equivalents.

a. **Vacation pay.** The amount paid an employee during a period of vacation. Payment in lieu of vacation pay and vacation payments to an employee upon termination of employment are included and taxable as wages by IPERS.

b. **Sick pay.** Payments made for sick leave which are a continuation of salary payments.

c. **Bonus payments.** Allowance paid to an employee in addition to salary.

d. **Dismissal pay.** Pay by an employer to an employee whose services are ended independently of the employee's will or wishes.

e. **Wage equivalents.** Items such as food, lodging and travel pay which are includable as employee income, if they are paid as compensation for employment. The basic test is whether or not such wage equivalent was given for the convenience of the employee or employing unit. Wage equivalents are not taxable under IPERS if given for the convenience of the employing unit. Wages paid in any other form than money are measured by the fair market value of the meals, lodging, travel or other wage equivalents.

8.4(2) Wages are taxable in the quarter in which they are actually paid to the employee.

8.4(3) Wages which do not equal or exceed the sum of three hundred dollars in any calendar quarter shall be excluded from IPERS coverage unless this amount is necessary to bring the employee's taxable wages up to the annual covered wage maximum. See rule 8.6(2).

a. **Covered wages means** wages of a member during the period of membership service up to the annual covered wage maximum. Effective January 1, 1976, the annual covered wage maximum is twenty thousand dollars (\$20,000).

(1) Effective July 1, 1973, covered wages shall not include wages to a member after the first day of the month coinciding with or next following such member's seventieth birthday.

(2) If a member is employed by more than one employer during the calendar year, the total amount of wages paid to such member by such member's employers shall be included in determining the annual covered wage maximum. If the amount of wages paid to a

member by such member's several employers during a calendar year exceeds the covered wage limit, the amount of such excess shall not be subject to contributions required by Iowa Code section 97B.11. See rule 8.8(1)"d".

370—8.5(97B) Identification of employees covered by the Iowa public employees' retirement law.

8.5(1) Definition of employee.

a. An individual is an employee if such individual is subject to control by the agency for whom such individual performs services for wages. The term control refers only to employment and includes control over the way the employee works, where the employee works and the hours the employee works. The control need not be actually exercised for an employer-employee relationship to exist; the right to exercise control is sufficient. A public official may be an "employee" as defined in the agreement between the state of Iowa and the secretary of health, education and welfare, without the element of direction and control. However, there are certain employees who are not included in the IPERS program. The following lists some public employee groups which may raise questions and gives the rule concerning inclusion or exclusion.

(1) Full-time officials elected at a public election by a public vote are included; but elected officials of townships, members of the Iowa general assembly, election clerks and judges, and part-time officials elected at a public election by public vote are excluded.

(2) County and municipal court bailiffs who receive compensation for their duties are included.

(3) City attorneys are included.

(4) Magistrates are included.

(5) Office and clerical staff of a county medical examiner's office are included; but county medical examiners and deputy county medical examiners are excluded.

(6) Police officers and fire fighters in towns of less than eight thousand population are included, as are the traffic control officer and special police officers; but police officers and fire fighters in towns over eight thousand population are excluded.

(7) County social welfare employees are included.

(8) Members of county soldiers relief commissions and their administrative or clerical employees are included.

(9) Mayors in mayor-council forms of government may or may not be included, depending on whether a mayor under the mayor-council form of municipal government is in full- or part-time employment. An individual determination must be made by IPERS on a case-by-case basis. Among factors considered are the amount of time such mayor devotes to official duties, the number of outside jobs such mayor holds and the agreement on the execution of official duties between such mayor and the council.

(10) Field assessors are included.

(11) Members of county boards of supervisors who receive an annual salary are included; but members of county boards of supervisors paid on a per diem basis are excluded.

(12) Part-time employees who earn three hundred dollars or more in a calendar quarter are included; but part-time employees who earn less than three hundred dollars in a calendar quarter are excluded, unless such part-time employee works for more than one public employing unit and the employee's services are under the direction and control of a single authority and the combined quarterly earnings equal or exceed three hundred dollars.

(13) Employees hired for temporary employment for six months or less are excluded.

(14) Drainage district employees who have vested rights to IPERS through earlier participation or employees of drainage districts who elect IPERS coverage by submitting a formal application are included.

(15) Employees below age seventy years receiving IPERS benefits or old-age or disability benefits are included; employees age seventy years or over are excluded on the first day of the month coinciding with or next following such employee's seventieth birthday.

(16) Tax study committee employees are included.

(17) Appointed officials of school districts such as secretaries or treasurers who work

part-time or full-time and receive three hundred dollars or more during a calendar quarter are included; but elective officials of school districts are excluded.

(18) School bus drivers paid three hundred dollars or more in a calendar quarter are included; but school bus drivers who are independent contractors are excluded. A determination must be made by the IPERS office on the facts presented on a case-by-case basis.

(19) Student employees are excluded.

(20) Foreign exchange teachers and visitors including alien scholars, trainees, professors, teachers, research assistants, and specialists in their field of specialized knowledge or skill are all excluded from coverage.

(21) Members of any other retirement system in Iowa maintained in whole or part by public funds are excluded.

(22) Members of the federal civil service retirement system in Iowa maintained in whole or part by public funds are excluded.

(23) Employees of credit unions without capitol stock organized and operated for mutual purposes without profit are excluded.

(24) Members of the ministry, rabbinate or other religious order who perform full- or part-time religious service for Iowa or its political subdivisions and earn three hundred dollars or more in a calendar quarter are included; but members of the ministry, rabbinate or other religious order who have taken the vow of poverty are excluded.

(25) Any physician, surgeon, dentist or member of other professional groups employed full-time by Iowa or its political subdivisions is included; but any member of a professional group who performs part-time service for any public agency but whose private practice provides the major source of income is excluded, except for city attorneys and health officials.

(26) Interns and resident doctors in the employ of a state or local hospital, school or institution are excluded.

(27) Professional personnel who acquire the status of an officer of the state of Iowa or a political subdivision thereof, even though they engage in private practice and render government service only on a part-time basis are included.

(28) Volunteer firefighters are included when wages are substantial and intended as compensation for work performed; they are excluded if wages are nominal and intended as reimbursement for expenses incurred in the performance of volunteer service.

(29) Residents or inmates of county homes are excluded.

(30) Intermittent employees are excluded until the intermittent employee works for a period in excess of that provided for intermittent employment as defined by the state merit employment department.

b. Each employer shall ascertain the federal social security account number of each worker in employment subject to the Iowa public employees' retirement system.

c. For the purposes of Iowa Code chapter 97B, substitute teachers are deemed to begin a new period of temporary employment of six months or less each time they are called to substitute, unless such period of substitution is expected to be longer than six months.

d. Part-time employees of covered employers who work on a continuous basis for more than six months are included in IPERS. Service credit will be granted to part-time employees for each calendar quarter in which they earn an amount equal to or greater than the qualifying wage requirement.

8.5(2) The employer shall report the worker's federal social security account number in making any report required by the Iowa public employees' retirement system with respect to the worker.

8.5(3) If any employer hires a worker who does not have an account number, such employer shall request the worker to show such employer a receipt issued by an officer of the social security office acknowledging that the worker has filed an application for an account number. The receipt shall be retained by the worker. In making any report required by the Iowa public employees' retirement system with respect to such a worker, the

employer shall report the date of issue of the receipt, its termination date, the address of the issuing office, and the name and address of the worker exactly as shown on the receipt.

8.5(4) If a worker fails to report to the employer such worker's correct federal social security number or fails to show the employer a receipt issued by an officer of the social security office acknowledging that such worker has filed an application for an account number, the employer shall inform the worker that regulation 106 of the bureau of internal revenue, United States treasury department, under the Federal Insurance Contribution Act provides that:

a. Each worker shall report to every employer for whom such worker engaged in employment, such worker's federal social security account number and name exactly as shown on the account number issued to such worker by the social security office.

b. Each worker who has not secured an account number shall file an application for a federal social security account number on form SS-5 of the treasury department, bureau of internal revenue. The application shall be filed on or before the seventh day after the date on which the worker first performs employment for wages, except that the application shall be filed on or before the date the worker leaves the employ of such worker's employer if such date precedes such seventh day. Copies of form SS-5, application for a social security account number, can be secured at the field office of the social security administration nearest the worker's place of employment or the local post office.

c. If, within fourteen days after the date on which the worker first performs employment for wages for the employer, or on the day on which such worker leaves the employ of the employer, whichever is the earlier, the worker does not have a federal social security account number, and has not shown the employer a receipt issued to the worker by an officer of the social security office acknowledging that such worker has filed an application for an account number, the worker shall furnish the employer an application on form SS-5, completely filled in and signed by the worker. If a copy of form SS-5 is not available, the worker shall furnish the employer a written statement, the worker's full name, present address, date and place of birth, father's full name, mother's full name before marriage, worker's sex, and a statement as to whether the worker had previously filed an application of form SS-5, and if so the date and place of such filing. Furnishing the employer with an executed form SS-5, or statement in lieu thereof, does not relieve the worker of the obligation to make an application on form SS-5 as required in 8.5(4)"b".

8.5(5) The employer shall inform the worker, in instances in which the information is pertinent, that in accordance with the regulation 106 of the bureau of internal revenue, United States treasury department:

a. Any worker who has lost such worker's federal social security account number card may secure a duplicate card by applying at the field office of the social security administration nearest the worker's place of employment.

b. Any worker whose name is changed by marriage or otherwise, or who has stated incorrect information on form SS-5, should report such change or correction to a field office of the social security administration. Copies of the form OAAAN-7003, employee's request for change in records, for making such reports may be obtained from any field office of the social security administration.

c. Any worker who has more than one social security account number shall report all numbers to the field office of the social security administration nearest the worker's place of employment.

8.5(6) If the worker fails to comply with the requirements enumerated in 8.5(4), the employer shall execute a form SS-5, application for a social security account number, or statement, signed by the employer, setting forth as fully and as clearly as practicable the worker's full name, present or last-known address, date and place of birth, father's full name, mother's full name before marriage, the worker's sex, and a statement as to whether an application for an account number has previously been filed by the worker, and if so, the date and place of such filing. This statement, or the executed form SS-5 signed by the

employer, shall be attached to any report required by the Iowa public employees' retirement system with respect to such a worker.

370—8.6(97B) Wage reports and contributions by employers.

8.6(1) Any public employing unit whose combined employee-employer IPERS contribution tax equals or exceeds one hundred dollars per month is required to pay the tax on a monthly basis. All other employing units are required to file wage reports and pay the contribution tax on a quarterly basis. An employing unit who meets the monthly requirement but does not now pay the contribution tax on a monthly basis should contact the IPERS office by letter or telephone. When notified, the IPERS office will send to the reporting official a supply of form IPERS 581, monthly remittance form.

8.6(2) Each quarterly or monthly wage report must include all employees who earned taxable wages or wage equivalents under IPERS. Individuals who did not earn a taxable wage should not be listed, and employees who earn less than three hundred dollars in a calendar quarter do not have taxable wages. However, if an employee earns an amount equal to or greater than three hundred dollars in a calendar quarter but an amount of less than three hundred is necessary to increase the employee's taxable wages to the maximum amount for the calendar year, such wages shall be reported and taxable up to the annual covered wage maximum.

8.6(3) All checks received in payment of the employer-employee contribution tax shall be made payable to the Iowa Public Employees' Retirement System and mailed, along with the completed wage report form, to the IPERS office, 1000 East Grand Avenue, Des Moines, Iowa 50319.

8.6(4) For employers filing quarterly wage reports, contributions shall become due and be payable on or before the fifteenth day of the month following the close of the calendar quarter in which the wages were paid.

For employers filing monthly wage reports, contributions shall become due and be payable on or before the fifteenth day of the month following the close of the month in which wages were paid.

8.6(5) Upon request filed with the IPERS office before the due date of any contribution, the IPERS office may, for good cause shown, grant an extension of time for payment of such contribution and the due date, but no extension shall exceed thirty days after end of calendar quarter involved. If an employer who has been granted an extension fails to pay his contribution on or before the termination of the period of such extension, interest shall be payable from the original due date as if no extension had been granted.

8.6(6) When an employer has no taxable wages or no wages to report during the applicable reporting period, the employer's wage report form, IPERS 552 or 581, should be marked "no taxable wages" or "no wages" and returned to IPERS. When no employer's wage report is made, the employing unit's account is considered delinquent for the reporting period until such report is filed.

8.6(7) Substitute forms may be used if they meet all the IPERS reporting requirements and the employing unit receives advance approval from the IPERS office.

8.6(8) Magnetic tape reporting may be used by an employer after submitting a written request to the IPERS office. When the request is received, the IPERS office will send the employer a copy of the specifications for this type of reporting.

370—8.7(97B) Accrual of interest. Interest as provided under section 97B.9 shall accrue on any contributions not paid by the due date, except that interest may be waived by the IPERS office upon request prior to the due date by the employing unit, if such cause is due to circumstances beyond the control of the employing unit.

370—8.8(97B) Refunds.

8.8(1) Termination of employment and refund of contributions.

a. Three months after termination of public employment, any member is eligible for a refund of accumulated contributions.

b. To obtain a refund a member must file a claim on form IPERS 56, refund claim form, available at the administrative office of the Iowa public employees' retirement system.

c. Employers who report wages erroneously may secure a refund by filing refund claim form IPERS 58, available on request from the IPERS office. A warrant will be issued to the employer for both the employee's and employer's share of any overpayment. The employer is responsible for returning the employee's share. Under no circumstances can the employer take credit on a future wage report for an erroneous or excess payment on a previous report.

d. Employees who overpay contributions because of working for two or more public employers should file for a refund on refund claim form, IPERS 57, available from the employer or IPERS office. If the employee's claim is allowed, a refund check for the employer's share of any tax overpayment will be sent to the employer. The IPERS office shall determine which employing unit will receive the refund.

(1) Where the member has two or more primary employers during the year, at different intervals, and as a result pays contributions on wages in excess of the maximum annual covered wage limit, the last employer who paid contributions on wages earned by such member after the maximum had been paid will be entitled to a refund of contributions paid on behalf of such member not in excess of the amount of employer contributions.

(2) Where a member has a primary employer and a secondary employer and as a result pays contributions on wages in excess of the annual covered wage maximum, the secondary employer shall be entitled to a refund of contributions paid on behalf of such member not in excess of the amount of such employer's contributions.

(3) Where a member has simultaneous employment with two or more primary employers and as a result pays contributions on wages in excess of the annual covered wage maximum, each employer shall be entitled to a refund made in proportion to the amount of contributions paid by such employer.

8.8(2) Employee transfer to another retirement system. Any IPERS member who transfers to another retirement system supported in whole or in part by public funds may file a refund claim form, IPERS 56, to withdraw such member's contributions, provided such member had established membership in IPERS and decides to participate in another retirement system. The member must complete the refund form and send it to the Refund Section, Iowa Public Employees' Retirement System, Iowa Department of Job Service, 1000 East Grand Avenue, Des Moines, Iowa 50319.

8.8(3) If an employee hired for permanent employment resigns within six months of the date such employment began, the employer may file a claim for a refund of employee-employer contributions. It is the responsibility of the employer to forward the employee's share.

8.8(4) A refund of accumulated contributions shall be made to a member after the first of the month coinciding with or next following the member's seventieth birthday, upon application only. Such member may apply for the refund even though still engaged in covered employment.

370—8.9(97B) Appeals.

8.9(1) Procedures.

a. A party appealing from a decision of a deputy shall within thirty days after notification was mailed to such party's last known address, file with the Iowa public employees' retirement system at the administrative office in Des Moines a notice of appeal in writing setting forth:

- (1) The name, address and social security number of applicant;
- (2) A reference to the decision from which the appeal is being taken;
- (3) The fact that an appeal from such decision is being made;
- (4) The grounds upon which such appeal is based.

a. Upon the scheduling of a hearing on an appeal, notice of hearings shall be mailed to the applicant at least seven days before the date of hearing, specifying the place and time of hearing.

8.9(2) *The determination of appeals.* Following the conclusion of a hearing of an appeal, the hearing officer shall announce the findings of fact. The decision shall be in writing, signed by the hearing officer and filed with the department and a copy mailed to the applicant. Such decision shall be deemed the final decision of the department unless, within thirty days after the date of notification or mailing of such decision, further appeal is initiated pursuant to section 97B.27.

8.9(3) *Appeal board.* A party appealing from a decision of a hearing officer shall file a notice with the Appeal Board, Iowa Department of Job Service, 1000 East Grand Avenue, Des Moines, Iowa 50319, petitioning the appeal board for review of such hearing officer's decision.

8.9(4) *Judicial review.* The appeal board's decision shall be final and without further review thirty days after the decision is mailed to all interested parties of record unless within that thirty days a petition for rehearing is filed with the appeal board or a petition for judicial review is filed in the appropriate district court.

370—8.10(97B) Beneficiaries.

8.10(1) *Designation of beneficiaries.* To designate a beneficiary the member must complete form IPERS 503, designation of beneficiary, and file same with the Iowa department of job service. To be valid, the beneficiary designation form must be recorded before the death of the IPERS member.

8.10(2) *Change of beneficiary.* The beneficiary may be changed by the member by filing a new designation of beneficiary form, IPERS 503, with the department. The latest dated designation of beneficiary form on file shall determine the identity of the beneficiary. Payment of a refund to a terminated member cancels the designation of beneficiary on file with the department.

8.10(3) *Payments to a beneficiary.* Before payments can be made to a beneficiary under an option after the death of the member, the beneficiary must submit a copy of the member's death certificate, together with information identifying the beneficiary as the person designated to receive whatever payments are due. The beneficiary must complete form IPERS 504, application for refund, based on deceased member's account.

8.10(4) *Where the designated beneficiary is an estate, trust, church, charity or other like organization,* payment of benefits shall be made in a lump sum only.

8.10(5) *Where the monthly benefit option chosen by the member pursuant to section 97B.51 conflicts with the payment form specified on form IPERS 503, designation of beneficiary,* the choice of the monthly benefit option shall control.

8.10(6) *Where multiple beneficiaries have been designated by the member,* payment shall be made in a lump sum only. Such lump sum payment shall be paid to the multiple beneficiaries in equal shares unless a different proportion is stipulated.

8.10(7) *Payment of the death benefit when no designation of beneficiary card is on file at the IPERS office shall be made in one of the following ways:*

a. Where the estate is open, payment shall be made to the administrator (administratrix) or executor (executrix).

b. Where there is a will and the estate is closed prior to the beneficiary's application for death benefits, payment will be made to the executor (executrix) or administrator (administratrix) as agent for the estate. The following documents shall be presented as supporting evidence:

(1) Copy of the will.

(2) Copy of any letters of appointment.

(3) Copy of the court order closing the estate and discharging the executor (executrix) or administrator (administratrix).

c. Where no estate is probated, payment will be made to the heirs-at-law as determined by the intestacy laws of the state of Iowa.

8.10(8) *Where the member was active or vested at the time of death,* the refund of accumulated contributions made to the beneficiary shall include the employer's and employee's shares.

Where the member was neither active nor vested at the time of death, the refund of accumulated contributions made to the beneficiary shall include the employee's share only.

370—8.11(97B) Application for benefits.

8.11(1) Form used. Form IPERS 502, application for monthly benefits, is obtainable from the Iowa Public Employees' Retirement System, Iowa Department of Job Service, 1000 East Grand Avenue, Des Moines, Iowa 50319. Such printed application form shall be completed by each person applying for benefits and shall be mailed or brought in person to the IPERS address above. Option choice and date of retirement shall be clearly stated on the application and all questions shall be answered in full. It is the responsibility of the member to notify the IPERS office of the intentions to retire. This should be done sixty days before the expected retirement date. If an optional allowance is chosen by the member in accordance with section 97B.51, such election becomes binding when the retiring member cash a monthly allowance check.

8.11(2) Proofs required in connection with application. Proof of date of birth to be submitted with an application for benefits shall be in the form of a birth certificate or an infant baptismal certificate. If no such records exist, the applicant shall submit two other documents or records ten or more years old, or certification from the custodians of such records, which will verify the day, month and year of birth. The following records or documents are among those deemed acceptable to the department as proof of date of birth:

- a. United States census record.
- b. Military record.
- c. Naturalization record.
- d. A marriage license showing age of applicant in years, months and days on date of issuance.
- e. A life insurance policy.
- f. Records in a school's administrative office.
- g. A family Bible record. A photostatic copy will be accepted with certification by a notary that the record appears to be genuine.

8.11(3) A member shall be eligible to receive full monthly retirement benefits on the first of the month coinciding with or next following such member's sixty-fifth birthday, unless such member is in any full-time employment, whether or not such employment is covered by chapter 97B of the Code.

8.11(4) A member shall be eligible to receive full monthly retirement benefits on the first day of the month coinciding with or next following the member's seventieth birthday, even though such member continues to be employed.

370—8.12(97B) Definition of year of membership service. An employee working in a position for a school district, or other institution which operates on a nine-month basis shall be credited with a year of service for each year in which three quarters of coverage are recorded and an individual employed on a fiscal or calendar year basis shall be credited with a year of service for each year in which four quarters of coverage are recorded. Earnings of \$200 or more would constitute a quarter of coverage before July, 1965 and earnings of \$300 or more after July, 1965 would count as a quarter of coverage.

8.12(1) Prior service.

a. A member shall receive prior service credit if such member was a public employee in service on July 4, 1953, made contributions under the abolished Iowa Old-Age and Survivorship Insurance System (IOASI), has not qualified for IOASI benefits and has made an election in writing prior to October 1, 1953, authorizing the department to transfer such member's IOASI balance to the IPERS retirement fund for prior service credit rather than apply for a refund based upon IOASI contributions.

b. Such public employment must have been for the state of Iowa, or a county, city, township, or school district of the state of Iowa, or a political subdivision provided such employment was not in an elective position, and provided further that the employee is not covered by another retirement plan funded in whole or in part by the state of Iowa or a political subdivision.

c. For the purposes of this rule, public school teachers are considered to have been in service on July 4, 1953, if they were under contract at the end of the school year 1952-1953 or if they signed a contract for the 1953-1954 school year on or before July 4, 1953.

8.12(2) *Prior service credit for vacation or leave of absence.*

a. Prior service credit shall be given for a period of vacation or leave of absence authorized by the employer not to exceed twelve months. If a period of vacation or leave of absence exceeds twelve months, prior service credit shall be given for the first twelve months only. However, if a period of vacation or leave of absence was granted for twelve months or less, and renewed for twelve months or less, all periods of vacation or leave of absence shall be included as prior service, even though all periods added together exceed twelve months.

b. Re-entry into public employment by an employee on leave of absence can be achieved by the employee by accepting employment with any public employer, provided there is no interruption between the end of the period of the leave of absence and such re-entry into public employment.

c. Verification. The employer must verify the inclusive dates of the period of vacation or leave of absence before prior service can be given.

8.12(3) *Prior service credit for military service.*

a. Prior service credit shall be given for the entire period of military service during a war or national emergency, provided the employee was employed by the employer immediately prior to entry into military service and the employee returned to work for the same employer within ninety days after release from service.

b. Verification. The employer must verify the inclusive dates of the period of absence from work. A copy of the enlistment and discharge record must also be provided to the IPERS office to verify enlistment and discharge dates.

8.12(4) *Prior service credit for interruption in service.* Prior service credit shall be given for periods of temporary or seasonal interruption in service where the temporary suspension of service does not terminate the period of employment of the employee. Verification from the employer is needed stating the dates of employment, periods of interruption and that employment was not terminated during those periods.

8.12(5) *Prior service credit for part-time employment.* Prior service credit for part-time employment shall be granted on the basis of actual time worked. A ratio determined either by dividing the actual average time worked per day by the normal full-time day or by some other reasonable method shall be used to calculate the actual time worked.

8.12(6) *Prior service credit for position of set period of time.* Full prior service credit shall be given for periods of employment which required the employee to be available for as much work as required, even though the employee may not have actually worked full time. This includes the employment of town clerks, secretaries of school districts, school bus drivers and school lunch employees.

8.12(7) *Prior service credit for school year.* A public school teacher who worked full time the entire school year shall be given a full year of prior service credit.

a. Where a regular school year is twelve months, such as for university, college or state institution teachers, twelve months of employment are required to count as one year of prior service credit.

b. For public school teachers who worked less than a full-time school year, prior service credit shall be given by counting each full term worked during the school year and dividing this sum by the total number of terms in the full school year, or by computing the actual time worked as in 8.12(5), whichever fraction is greater counting as a fractional year of prior service credit for such public school teacher. For temporary and substitute public school teachers, prior service credit shall be given on the basis of actual time worked, using one hundred eighty school days as a full school year.

8.12(8) *Proof of prior service.*

a. A statement showing the inclusive dates of employment and the position(s) the member held shall be signed by the present custodian of such employment records. Form IPERS 507 or a statement containing similar information may be used for this purpose. This statement does not require notarization.

b. If such employment record is not available for any reason, notarized affidavits of two individuals having knowledge of the employment for which prior service credit is sought must be submitted. Form IPERS 507-A or an affidavit containing similar information may be used.

c. Proof of prior service will be scrutinized to ensure that:

- (1) It refers to covered employment in Iowa.
- (2) It is signed by the proper authority.
- (3) It refers to the member in question.
- (4) The position held is one for which prior service credit can be given.
- (5) Any corrections, deletions, or additions in dates of service are initialed by the signer of the document.
- (6) Anything on the reverse side of the form is taken into consideration.
- (7) Certification showing the highest gross wage earned in any twelve consecutive month period before July 4, 1953, refers to a period ending before that date. IOASI records may be used for verification of wages, if necessary, and such information may be noted on the face of IPERS 502, application for monthly retirement allowance.

d. The amount of prior service credit due on each proof of service will be computed in years, months and days.

370—8.13(97B) Formula benefits for monthly payment of allowance.

8.13(1) If a member has four or more complete years of service credit in IPERS, and was at least 55 years of age at the time of termination, a monthly payment allowance will be paid beginning with the first full month from the effective date of retirement. This allowance will be paid in accordance with the applicable paragraph of this rule and any option the member may elect pursuant to Code section 97B.51. If a member has less than four complete years of service credit or was less than 55 years of age at the time of termination from public employment, the benefit receivable will be computed on a money purchase basis, with reference to annuity tables used by the department in accordance with the member's age.

8.13(2) If a member is less than sixty-five years of age as of the first day of the month coinciding with or next following the member's retirement date, the benefit payment formula will be reduced by a percentage equal to five-tenths of one per cent per month for each month that the early retirement date precedes the normal retirement date, as defined in Code section 97B.45.

8.13(3) If a member is eligible to receive a monthly benefit allowance as computed under two or more paragraphs in this rule, the member will automatically be entitled to receive the highest allowance such member is eligible to receive.

8.13(4) Members employed before January 1, 1976 and retiring after January 1, 1976, with four or more complete years of membership service shall be eligible to receive a monthly formula benefit equal to the member's total covered wages multiplied by one-twelfth of one and fifty-seven hundredths per cent, multiplied by the percentage calculated in 8.13(2), if applicable. See Code section 97B.49(1).

8.13(5) Members employed before January 1, 1976 who qualified for prior service credit shall be eligible to receive a monthly formula benefit of eight-tenths of one per cent multiplied by each year of prior service multiplied by the monthly rate of the member's total remuneration during the twelve consecutive months of prior service for which such total remuneration was the highest, disregarding any monthly rate amount in excess of two hundred fifty dollars, plus three-tenths of one per cent of such monthly rate amount not in excess of two hundred fifty dollars for each year in which accrued liability for benefit payments created by the abolished system is funded by appropriation from the general fund of the state of Iowa as provided in Code section 97B.56.

8.13(6) Members retiring on or after January 1, 1976 with four or more complete years of service are eligible for a monthly benefit equal to one-twelfth of an amount equal to forty per cent of the final five-year average wage multiplied by a fraction of years of service.

8.13(7) Final five-year-average wage means the average annual salary for the highest five consecutive years out of the last ten years of service, or if the member has worked less than ten years in covered employment, the average annual salary for the highest five consecutive years of employment.

8.13(8) First benefit check. After receipt of the application for benefits and required proofs, the benefit will be calculated based on covered wages posted to the member's account. If this does not include the final quarter or quarters, a recalculation will be made within six months following the end of the final quarter for which wages are expected to be reported. If the recalculation results in a higher monthly benefit, adjustment will be made retroactive through the first month of entitlement.

370—8.14(97B) Interest on accumulated contributions.

8.14(1) The term interest as used in this rule means statutory interest plus the interest dividend. Statutory interest is a credit to the accumulated contributions of active members and inactive vested members at a rate of two per cent per annum. The interest dividend is a credit to the accumulated contributions of active members and inactive vested members which equals the excess of the average rate of interest earned on the retirement fund through investment during a calendar year over the statutory interest plus twenty-five hundredths of one per cent.

8.14(2) Interest shall be credited to a vested member's account from the date the member terminates employment until such member's first month of entitlement to benefits, or in the case of a refund of accumulated contributions, interest will be credited until the date of refund payment.

8.14(3) When there is a refund of accumulated contributions to a nonvested member, interest shall be credited to the nonvested member's account until the last day of the month which precedes the month in which such member terminates employment.

8.14(4) No interest can be credited to any member's account beyond the last day of the year in which such member's death occurs, and only if the member made contributions at any time during the year and had not received or applied for a refund of accumulated contributions before the last calendar day of such year.

370—8.15(97B) Forgery procedure. Where a forgery of any refund, benefit or other check issued by IPERS is alleged, the payee must complete and sign form IESC 1593, affidavit as to forged endorsement, setting forth the details and circumstances of the alleged forgery. Such form must be signed by a notary who shall affix a notary seal to such affidavit. In addition, the payee must prepare and submit handwriting specimens, which shall include twenty-five signatures and words of any kind written by the payee between each such signature.

370—8.16(97B) Authorized leave period.

8.16(1) A member's service is not deemed interrupted while such member is on military leave or during an authorized leave of absence not exceeding twelve months.

8.16(2) A re-entry into public employment by an employee on leave of absence or military leave can be achieved if such individual accepts employment either with the same political subdivision the individual left when such leave began or a different political subdivision with which the individual has no previous connection, provided that:

a. In the case of a leave of absence, re-employment begins immediately after the authorized leave period ends.

b. In the case of a military leave, re-employment begins within ninety days of the individual's discharge from military service.

Upon a re-entry achieved in accordance with this rule, the member shall retain the service credits earned prior to such authorized leave period.

370—8.17(97B) Membership status.

8.17(1) The vested status of a member shall be determined when the member's contribution payments cease. At that time a comparison of the membership date and termina-

tion date will be made. If service sufficient to indicate vested status is present, after any periods of interruption in service have been taken into consideration, the member shall receive all the rights and benefits of a vested member in IPERS until or unless such member files for a refund of accumulated contributions. See Code section 97B.41(11).

8.17(2) For the purposes of this rule, four quarters of coverage shall constitute a year of membership service for a member employed on a fiscal or calendar year basis. A member working for a school district or other institution which operates on a nine-month basis shall be granted for a year of membership service for each year in which the member has three or more quarters of coverage, provided that only one year of membership service credit shall be granted for any twelve-month period.

8.17(3) An employee who makes no contributions to the IPERS fund because such employee earned less than the qualifying wage limit in any calendar quarter is an inactive member, unless and until such member either earns an amount equal to or greater than the qualifying wage limit in a succeeding calendar quarter or applies for a refund of accumulated contributions.

370—8.18(97B) Retirement dates.

8.18(1) The first month of entitlement of a member who qualifies for retirement benefits shall be the first month coinciding with or next following the member's termination date from the payroll of the employing unit, except as provided in 8.18(2).

8.18(2) The first month of entitlement of a teacher who qualifies for retirement benefits shall be the first month after such teacher's termination date. The fact that such teacher may have one or two months salary payable after the date of termination does not affect the retirement date.

370—8.19(97B) Wage-earning disqualification for retired members.

8.19(1) Monthly benefit payments for retired members under age sixty-five years shall cease in the month the member earns an amount in covered employment sufficient to increase such member's calendar year earnings up to or greater than two thousand one hundred dollars. Amounts earned outside of covered employment are disregarded for the purpose of this rule.

8.19(2) Monthly benefit payments shall resume for any month in which a member, previously disqualified pursuant to 8.19(1), earns no covered wages.

8.19(3) Monthly benefit payments to the member shall resume for the first month of a new calendar year regardless of the member's covered earnings in any previous calendar year, unless the member is disqualified pursuant to 8.19(1).

8.19(4) A member over the age of 65 years who has completed a year of bona fide retirement and is subsequently re-employed in covered employment shall not be subject to any wage earning disqualification.

8.19(5) In order for a member to be eligible for monthly benefit payments, such member must have completed a period of bona fide retirement.

ENVIRONMENTAL QUALITY[400]

WATER QUALITY COMMISSION

Pursuant to the authority of section 455B.32 of the Code, 1977, the rules of the Water Quality Commission appearing in the Iowa Administrative Code are hereby amended.

Adopt a new chapter 15* as follows:

CHAPTER 15 DEFINITIONS

400—15.1(455B) **Definitions.** As used in chapters 16 through 19:

15.1(1) *"Act"* means the Federal Water Pollution Control Act as amended by the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500, 86 Stat. 816), 33 U.S.C. §1251 et seq.

15.1(2) *"Administrator"* means the administrator of the United States Environmental Protection Agency (EPA), 401 "M" Street, S.W., Washington, D.C. 20460.

15.1(3) *"ASTM"* means "Annual Book of Standards, Part 31, Water, 1975". The publication is available from the American Society for Testing and Materials, 1916 Race St., Philadelphia, Pennsylvania 19103.

15.1(4) Reserved.

15.1(5) *"Biochemical oxygen demand (five-day)"* means the amount of oxygen consumed in the biological processes that break down organic matter in water by aerobic biochemical action in five days at 20°C.

15.1(6) Reserved.

15.1(7) *"CFR"* means the Code of Federal Regulations as published by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

15.1(8) *"Department"* means the department of environmental quality.

15.1(9) *"EPA Methods"* means "Methods for Chemical Analysis of Water and Wastes", 1974, Methods Development and Quality Assurance Research Laboratory, National Environmental Research Center, Cincinnati, Ohio 45268; U.S. Environmental Protection Agency, Office of Technology Transfer, Industrial Environmental Research Laboratory, Cincinnati, Ohio 45268. This publication is available from the Office of Technology Transfer.

15.1(10) Reserved.

15.1(11) *"FR"* means the Federal Register, published daily by the Office of the Federal Register, National Archives and Record Service, General Services Administration, Washington, D.C. 20408 and distributed by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

15.1(12) *"Industrial wastes"* means any solid, liquid, or gaseous wastes or excess energy in the form of heat resulting from any process of industry, manufacturing, trade, or business, or from the development, processing or recovery, except for agricultural crop raising, of any natural resources.

15.1(13) *"Major contributing industry"* means an industrial user of a treatment works that:

- a. Has a flow of 50,000 gallons or more per average work day;
- b. Has a flow greater than five percent of the flow carried by the treatment works receiving the waste;
- c. Has in its waste a toxic pollutant in toxic amounts as defined in standards issued under section 307(a) of the Act and adopted by reference in 17.5(455B); or
- d. Is found by the department in connection with the issuance of an NPDES permit to have a significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

*See also rules filed, 15.1(4)-15.1(28), IAC Supp. 7/27/77.

15.1(14) Reserved.

15.1(15) "*Navigable water*" means a water of the United States.

15.1(16) Reserved.

15.1(17) Reserved.

15.1(18) "*NPDES permit*" means an operation permit, issued after the department has obtained approval of its NPDES program from the administrator, that authorizes the discharge of any pollutant into a navigable water.

15.1(19) to 15.1(22) Reserved.

15.1(23) "*Records of operation*" means department of environmental quality report forms or such other report forms, letters or documents which may be acceptable to the department that are designed to indicate specific physical, chemical or biological values for waste water during a stated period of time.

15.1(24) "*Regional administrator*" means the regional administrator of the United States Environmental Protection Agency, Region VII, 1735 Baltimore, Kansas City, Missouri 64108.

15.1(25) Reserved.

15.1(26) "*Standard Methods*" means "Standard Methods for the Examination of Water and Waste Water", 14th Edition, 1975. This publication is available from the American Public Health Association, 1015 18th St. N.W., Washington, D.C. 20036.

15.1(27) Reserved.

15.1(28) Reserved.

These rules are intended to implement section 455B.32 of the Code.

[Filed 7/1/77]

Notice of intended action on these proposed rules was published in the March 23, 1977 IAC Supplement. These rules are substantially the same as the proposed notice. However, these rules contain only the definitions that are used in connection with chapters 17 to 19. The reserved definitions are used in connection with chapter 16 and are being adopted separately.

These rules were adopted by the Water Quality Commission on June 29, 1977, and were approved by the Executive Committee on June 30, 1977.

These rules shall become effective August 31, 1977.

[Published 7/27/77]

EDITOR'S NOTE: For replacement pages for IAC, see Part II of this Supplement.

ENVIRONMENTAL QUALITY[400]

WATER QUALITY COMMISSION

Pursuant to the authority of section 455B.32 of the Code, 1977, the rules of the Water Quality Commission appearing in the Iowa Administrative Code, relating to water quality standards, are hereby amended.

ITEM 1. Adopt a new chapter 15* as follows:

CHAPTER 15 DEFINITIONS

400—15.1(455B) **Definitions.** As used in chapters 16 through 19:

15.1(1) to 15.1(3) Reserved.

15.1(4) "*Best management practice*" (BMP) means a practice or combination of practices that is determined, after problem assessment, examination of alternative practices, and appropriate public participation, to be the most effective, practicable (including technological, economic and institutional considerations) means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

15.1(5) Reserved.

15.1(6) "*Continuing planning process*" (CPP) means the continuing planning process, including any revision thereto, required by sections 208 and 303(e) of the Federal Water Pollution Control Act as amended (33 U.S.C. §§1288 and 1313(e)) for state water pollution control agencies. The continuing planning process is a time phased process by which the department, working co-operatively with designated area wide planning agencies:

a. Develops a water quality management decision-making process involving elected officials of state and local units of government and representatives of state and local executive departments that conduct activities related to water quality management.

b. Establishes an intergovernmental process (such as co-ordinated and co-operative programs with the state conservation commission in aquatic life and recreation matters, department of soil conservation in nonpoint source pollution control matters, and the natural resources council in water resources matters) which provides for water quality management decisions to be made on an areawide or local basis and for the incorporation of such decisions into a comprehensive and cohesive statewide program. Through this process, state regulatory programs and activities will be incorporated into the areawide water quality management decision process.

c. Develops a broad based public participation (such as utilization of such mechanisms as basin advisory committees composed of local elected officials, representatives of areawide planning agencies, the public at large, and conservancy district advisory committees) aimed at both informing and involving the public in the water quality management program.

d. Prepares and implements water quality management plans, which identify water quality goals and established state water quality standards, define specific programs, priorities and targets for preventing and controlling water pollution in individual approved planning areas and establish policies which guide decision-making over at least a twenty-year span of time (in increments of five years).

e. Based on the results of the statewide (state and area wide) planning process, develops the state strategy to be updated annually, which sets the state's major objectives, approach, and priorities for preventing and controlling pollution over a five-year period.

f. Translates the state strategy into the annual state program plan (required under section 106 of the Federal Act), which establishes the program objectives, identifies the resources committed for the state program each year, and provides a mechanism for reporting progress toward achievement of program objectives.

g. Periodically reviews and revises water quality standards as required under section 303(c) of the Federal Act.

*See also rules filed 15.1(1)-15.1(26), IAC Supp. 7/27/77.

15.1(7) to 15.1(9) Reserved.

15.1(10) "*Fecal Coliform*" means the portion of the coliform group which is present in the gut or the feces of warm-blooded animals. It includes organisms which are capable of producing gas from lactose broth in a suitable culture medium within 24 hours at 44.5 + 0.2°C.

15.1(11) to 15.1(13) Reserved.

15.1(14) "*Milligrams per liter (mg/l)*" means milligrams of solute per liter of solution (equivalent to parts per million—assuming unit density). A microgram (ug) is 1/1000 of a milligram.

15.1(15) Reserved.

15.1(16) "*Nephelometric*" means the nephelometric method of determining turbidity as stated in Standard Methods, pp. 132-134.

15.1(17) "*Nonpoint source*" means a source of pollutants that is not a point source.

15.1(18) Reserved.

15.1(19) "*Pathogen*" means any micro-organism or virus that can cause disease.

15.1(20) "*pH*" means the hydrogen ion activity of a solution expressed as the logarithm of the reciprocal of the hydrogen ion activity in moles per liter at 25°C. pH is a measure of the relative acidity or alkalinity of the solution. The range extends from 0 to 14; 7 being neutral, 0 to 7 being acidic, and 7 to 14 being alkaline.

15.1(21) "*Point source*" means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

15.1(22) "*Primary contact*" means any recreational or other water use in which there is prolonged and intimate contact with the water involving considerable risk of ingesting water in quantities sufficient to pose a significant health hazard, such as swimming and waterskiing.

15.1(23) to 15.1(24) Reserved.

15.1(25) "*Secondary contact*" means any recreational or other water use in which contact with the water is either incidental or accidental and in which the probability of ingesting appreciable quantities of water is minimal, such as fishing, commercial and recreational boating and any limited contact incidental to shoreline activity.

15.1(26) Reserved.

15.1(27) "*Temperature*" means a measure of the heat content of water.

15.1(28) "*Turbidity*" is a measure of the optical property of the particles of mud, clay, silt, finely divided organic matter, or microscopic organisms suspended in water that interfere with light transmission, causing the light to be scattered and absorbed rather than transmitted through the water in straight lines.

These rules are intended to implement section 455B.32(2) of the Code, 1977.

Notice of intended action on these proposed rules was published in the February 23, 1977 IAC Supplement. It was subsequently decided to bring the definitions of chapters 16, 17, 18 and 19 into a new chapter 15. This chapter 15 contains: Items 1 through 4 of the February 23 notice; changes made to items 1 through 4 of that notice; and the existing definitions of rule 16.1(455B) that were not affected by Items 1 through 4. The reserved definitions are for definitions not used in chapter 16, i.e., for: Existing definitions in chapters 17, 18 and 19; and definitions in chapters 17, 18 and 19 that were proposed in the March 23, 1977 IAC Supplement.

These definitions are for the most part unchanged from their existing form or from the February 23 notice. However, the numbering has, obviously, been changed. And the definitions of "best management practice" and "continuing planning process" were modified as a result of public participation.

These rules were adopted by the Water Quality Commission on June 29, 1977, and approved by the Executive Committee on June 30, 1977.

These rules shall become effective August 31, 1977.

ENVIRONMENTAL QUALITY[400]

WATER QUALITY COMMISSION

Pursuant to the authority of section 455B.32 of the Code, 1977, the rules of the Water Quality Commission appearing in the Iowa Administrative Code relating to water quality standards, are hereby amended. [Rescind 16.1, amend 16.2 and 16.3]

For complete text of these rules, see replacement pages for IAC in Part II of this Supplement.

[Filed 7/1/77]

These rules are intended to implement section 455B.32(2) of the Code.

Notice of intended action on these rules was published in the February 23, 1977 IAC Supplement. The rules are substantially the same as Items 5 through 29 in the proposal. However, the definitions, as amended by Items 1 to 4 of the notice and as amended as a result of public participation, have been moved to a new chapter 15. Also: A paragraph adopting the rationale of "Quality Criteria for Water" was added to 16.2(1); the proposed designation of waters which constitute an "outstanding national resource" was not adopted in 16.2(2), but a new paragraph "c" was adopted in lieu thereof; fourteen waters were added to the designation of "high quality waters" in 16.2(2); the proposed new paragraph in 16.2(3) was modified to clarify that the "best management practices" will be defined in the continuing planning process; a new paragraph 16.2(4)"j" was added; 16.3(1)"a" was clarified to apply only to sludges from point sources; the ammonia standard of 16.3(3)"b" for class B waters was modified to recognize differences in toxicity related to temperature changes; the limitation on phenols in 16.3(3)"b" and 16.3(4)"b" was changed to 0.1 mg/l from 0.001 mg/l from other than natural sources; the limitation on total chromium was deleted from 16.3(3)"b"; the limitation in 16.3(4)"b" on copper was clarified to be on total copper; and numerous changes were made in the stream designations in 16.3(5).

These rules were adopted by the Water Quality Commission on June 29, 1977, and approved by the Executive Committee on June 30, 1977.

These rules shall become effective August 31, 1977.

[Published 7/27/77]



The following information was obtained from the records of the
 Department of the Interior, Bureau of Land Management, on
 the subject of the above-captioned tract of land.
 The tract of land described in the above-captioned
 instrument is situated in the County of [County Name],
 State of [State Name], and is more particularly
 described as follows: [Detailed description of the land tract, including acreage, location, and any relevant survey information.]

This tract of land is owned by [Owner Name], who is
 the holder of the title to the same. The title to
 the above-captioned tract of land is being
 transferred to the [Recipient Name] by the above-
 captioned instrument.

The above-captioned instrument is a true and correct
 copy of the original instrument as the same appears
 in the records of the Department of the Interior,
 Bureau of Land Management.

ENVIRONMENTAL QUALITY[400]

WATER QUALITY COMMISSION

Pursuant to the authority of section 455B.32 of the Code, 1977, the rules of the water quality commission appearing in the Iowa Administrative Code relating to records of operation are hereby amended.

Amend chapter 17 by striking the chapter and adopting in lieu thereof the following new chapter 17, Effluent and Pretreatment Standards; Other Effluent Limitations or Prohibitions.

For complete text of Chapter 17, see replacement pages for IAC in Part II of the 8/10/77 Supplement.

[Filed 7/1/77]

These rules are intended to implement section 455B.32 of the Code.

Notice of intended action on these rules was published in the March 23, 1977, IAC Supplement. The rules are substantially the same as the proposed rules. However, changes in Federal standards (adopted by reference in 17.4(455B)) that have occurred since the publication of the notice have been incorporated; 17.6(3)"b"(2), 17.6(4)"a", 17.6(4)"c", and 17.8(3) were modified as a result of comments received; the date in 17.9(455B) was changed from July 1, 1977, to September 1, 1977; and various editorial changes were made.

These rules were adopted by the Water Quality Commission on June 29, 1977, and were approved by the Executive Committee on June 30, 1977.

These rules shall become effective August 31, 1977.

[Published 7/27/77]



ENVIRONMENTAL QUALITY[400]

WATER QUALITY COMMISSION

Pursuant to the authority of section 455B.32 of the Code, 1977, the rules of the Water Quality Commission appearing in the Iowa Administrative Code, Chapter 18, relating to records of operation of waste water disposal systems and the effluent quality analysis program are hereby amended.

Amend the title of chapter 18 by striking the words "Effluent Quality Analysis Program" and inserting in lieu thereof the words "Monitoring, Analytical And Reporting Requirements". [Amend rules 18.1 and 18.3 and add new rules, 18.8 to 18.18]

For complete text of these rules, see replacement pages for IAC in Part II of the 8/10/77 Supplement.

[Filed 7/1/77]

These rules are intended to implement section 455B.32 of the Code.

Notice of intended action on these rules was published in the March 23, 1977, IAC Supplement. These rules are substantially the same as the proposed rules except that 18.9(1) was added to conform with 40 CFR §124.62(a), 18.10(455B) has also been made applicable to privately owned domestic sewage treatment works and 18.18(455B) was modified by deleting the second sentence.

These rules were adopted by the Water Quality Commission on June 29, 1977, and were approved by the Executive Committee on June 30, 1977.

These rules shall become effective August 31, 1977.

[Published 7/27/77]

EDITOR'S NOTE: For replacement pages for IAC, see Part II of this Supplement.

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ENVIRONMENTAL QUALITY[400]

WATER QUALITY COMMISSION

Pursuant to the authority of section 455B.32 of the Code, 1977, the rules of the Water Quality Commission appearing in the Iowa Administrative Code, Chapter 19, relating to waste water construction and operation permits are hereby amended.

[Rule 19.3(455B) amended, 19.4(455B) to 19.6(455B) renumbered as 19.13(455B) to 19.15(455B), and new rules, 19.4(455B) to 19.12(455B), added to chapter 19]

For complete Text of these rules, see replacement pages for IAC in Part II of the 8/10/77 Supplement.

[Filed 7/1/77]

These rules are intended to implement section 455B.32 of the Code.

Notice of intended action on these rules was published in the March 23, 1977, IAC Supplement. The rules are substantially the same as the proposed rules. However, 19.3(5)"a"(2) was modified as a result of a staff comment; 19.3(5)"b" was modified by changing the date from January 1, 1978, to March 1, 1978; 19.3(5)"c" was modified by striking the third sentence and by changing the 180 day notice requirement to 60 days; 19.6(5)"b" was modified to correct an incorrect cross-reference; 19.3(2), 19.3(4), 19.3(8), 19.3(11), 19.5(6) and 19.6(2)"g" were modified to more closely conform to requirements of 40CFR Part 124; 19.13(455B) (as renumbered) was modified to make clear that notice and public participation and other requirements of 40 CFR Part 124 were applicable to some animal feeding operations; and several editorial changes were made. 19.3(11)"e" was added and an additional sentence was added to 19.13.

These rules were adopted by the Water Quality Commission on June 29, 1977, and were approved by the Executive Committee on June 30, 1977.

These rules shall become effective August 31, 1977.

[Filed 7/27/77]

MEMORANDUM

TO : SAC, NEW YORK (100-100000)

FROM : SAC, NEW YORK (100-100000)

SUBJECT: [Illegible]

[Illegible text follows]

MEMORANDUM

TO : SAC, NEW YORK (100-100000)

FROM : SAC, NEW YORK (100-100000)

SUBJECT: [Illegible]

[Illegible text follows]

100-100000-1000

ENVIRONMENTAL QUALITY[400]

WATER QUALITY COMMISSION

Pursuant to the authority of section 455B.32(9) of the Code, 1977, the rules of the Water Quality Commission appearing in chapter 22 of the IAC relating to water supplies are hereby amended.

ITEM 1. Amend 22.3(3) by relettering paragraph "b" as paragraph "c" and by adopting a new paragraph "b" as follows:

b. For those public water supply systems required to provide continuous turbidity monitoring by 22.4(2)"b", the average daily turbidity determined from hourly intervals during the plant operational day shall not exceed 1 TU except that 2 or fewer units may be allowed when averaging two consecutive average daily turbidities if the supplier of water can demonstrate that a higher turbidity does not do any of the following:

- (1) Interfere with disinfection;
- (2) Prevent maintenance of an effective disinfectant agent throughout the distribution system; or
- (3) Interfere with microbiological determinations.

ITEM 2. Amend 22.4(2) by relettering paragraphs "b", "c" and "d" as paragraphs "c", "d" and "e", respectively, and by adopting a new paragraph "b" as follows:

b. A supplier of water serving a population or population equivalent of greater than 10,000 persons shall provide a continuous or rotating cycle turbidity monitoring and recording device or take hourly grab samples to determine compliance with 22.3(3)"b".

ITEM 3. Amend 22.4(2)"c" (as relettered) by adding the words "(except systems required to be monitored under 22.4(2)"b")" before the comma in the first sentence.

ITEM 4. Amend 22.4(2)"d" (as relettered), by inserting the words "(other than results monitored under 22.4(2)"b")" in line 1 between the word "results" and the word "of", and by inserting the words "or, for a system required to be monitored under 22.4(2) "b", if the average of the daily turbidity exceeds 2TU" between the words "STU" and the word "the."

These rules are intended to implement section 455B.32 of the Code.

[Filed 7/1/77]

Notice of intended action on these proposed rules was published in the March 23, 1977, IAC Supplement. The rules are substantially the same as the proposed rules except that hourly grab samples can be accepted in lieu of continuous monitoring.

The rules were adopted by the Water Quality Commission on June 29, 1977, and approved by the executive committee on June 30, 1977.

These rules shall become effective August 31, 1977.

[Published 7/27/77]

EDITOR'S NOTE: For replacement pages for IAC, see Part II of this Supplement.

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 309

LECTURE 1

1.1

1.2

1.3

1.4

ENVIRONMENTAL QUALITY[400]

EXECUTIVE COMMITTEE

Pursuant to the authority of sections 17A.3(1), 17A.22 and 455B.7(1) of the Code, 1977, the rules of the Executive Committee, appearing in chapter 51, relating to public information, are hereby amended.

ITEM 1. Amend 51.1(455B) by adopting a new subrule 51.1(4) as follows:

51.1(4) *Mailing list for NPDES notices and fact sheets.* The department maintains a mailing list of persons who wish to receive the public notice, described in 19.5(2), of an NPDES permit application and the fact sheet, described in 19.5(3), if any, concerning an NPDES permit application. A person who wishes to be mailed notice of all such public notices and fact sheets may request to be included on the mailing list. The request should be submitted to the Permit Section, Water Quality Management Division, Department of Environmental Quality, 3920 Delaware Avenue (or P.O. Box 3326) Des Moines, Iowa 50316. (A person who does not wish to receive copies of all such public notices and fact sheets, may request that the person be mailed the public notice and fact sheet, if any, for a particular permit application.) The department may periodically ask persons on the mailing list whether they wish to remain on the mailing list, and revise the mailing list as appropriate.

These rules are intended to implement sections 455B.7(1) and 455B.36 of the Code, 1977.
[Filed 7/1/77]

Notice of intended action on these rules was published in the April 20, 1977 IAC Supplement. The rules are the same as the proposed rules.

The executive committee adopted these rules on June 30, 1977. These rules shall become effective August 31, 1977.

[Published 7/27/77]

EDITOR'S NOTE: For replacement pages for IAC, see Part II of this Supplement.

ENVIRONMENTAL QUALITY[400]

EXECUTIVE COMMITTEE

Pursuant to the authority of section 455B.7(1) of the Code, 1977, the rules of the Executive Committee, appearing in chapter 52, relating to confidentiality of business information are hereby amended.

ITEM 1. Amend 52.2(455B), line 1, by striking the word "Business" and inserting in lieu thereof the words "Except for business information in an NPDES form, business", and by adding a new sentence as follows: "Business information in an NPDES form for which a request for confidential treatment has been submitted shall be treated as confidential to the extent provided in 52.3(455B)."

ITEM 2. Amend chapter 52 by renumbering 52.3(455B) to 52.9(455B) as 52.4(455B) to 52.10(455B), and by adopting a new rule 52.3(455B) as follows.

52.3(455B) *Business information in NPDES forms.* Business information in an NPDES form for which a request for confidential treatment has been submitted shall be transmitted to the regional administrator of the U.S. Environmental Protection Agency. Such business information shall be treated by the department as confidential until such time as the regional administrator, in accordance with 40 CFR §124.35(b), notifies the executive director that the information should be made available to the public.

These rules are intended to implement sections 455B.7(1) and 455B.36 of the Code, 1977.

[Filed 7/1/77]

Notice of intended action on these rules was published in the April 20, 1977, IAC Supplement. The rules are the same as the proposed rules.

The Executive Committee adopted these rules on June 30, 1977. These rules shall become effective August 31, 1977.

[Published 7/27/77]

EDITOR'S NOTE: For replacement pages for IAC, see Part II of this Supplement.

1. The first part of the document is a list of names and addresses.

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GENERAL SERVICES[450]

Pursuant to the authority of section 18.4 of the Code, chapter 1 of rules appearing in the IAC relating to centralized purchasing are amended as follows:

Amend subrule 1.3(7) by inserting at the end thereof a new sentence as follows: "The department of general services, purchasing division reserves the right to request up to ninety days to award a contract on highly technical equipment if said time period is noted in the request for quotation and supplemental information submitted to prospective bidders."

[Filed 6/29/77]

Notice of intended action regarding these rules was published in IAC supplement November 3, 1976 and were adopted in identical form May 2, 1977. They shall become effective August 31, 1977.

[Published 7/27/77]

EDITOR'S NOTE: For replacement pages for IAC, see Part II of this Supplement.

Faint, illegible text at the top of the page, possibly a header or title. The text is mostly obscured by noise and artifacts.

Several lines of faint text are visible, including a possible date and a line that might read "Page 1 of 1".

CONFIDENTIAL

GENERAL SERVICES[450]

Pursuant to the authority of section 18.4 of the Code, chapter 1 of rules appearing in the IAC relating to centralized purchasing are amended as follows:

Amend chapter 1 by adding a new rule as follows:

450—1.5(18) Vendors appeal. Any vendor whose bid has been timely filed, and who is aggrieved by the award of the purchasing division, may appeal the purchasing division decision by filing a written appeal to the director of general services within three days of the date of the award, exclusive of Saturdays, Sundays and legal holidays. Upon receipt of the director of general services written decision the vendor may, if desired, appeal the directors decision by filing a written appeal with the Iowa executive council within three days of the date of the directors written decision, exclusive of Saturdays, Sundays and legal holidays.

Renumber existing rules 1.5(18) and 1.6(18) as 1.6(18) and 1.7(18).
[Filed 6/29/77]

Notice of intended action regarding these rules was published in IAC supplement May 4, 1977 and they are identical to those published under notice. They shall become effective August 31, 1977.

[Published 7/27/77]

EDITOR'S NOTE: For replacement pages for IAC, see Part II of this Supplement.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that this is crucial for the company's financial health and for providing reliable information to stakeholders.

2. The second part of the document outlines the specific procedures for recording transactions. It details the steps from initial entry to final review, ensuring that all necessary information is captured and verified.

3. The third part of the document discusses the role of the accounting department in ensuring the accuracy and integrity of the financial records. It highlights the importance of regular audits and the use of appropriate accounting software.

4. The final part of the document provides a summary of the key points discussed and offers recommendations for improving the financial reporting process. It concludes by stating that the goal is to ensure that the company's financial records are always up-to-date and accurate.

HISTORICAL DEPARTMENT[490]

DIVISION OF HISTORIC PRESERVATION NOTICE OF INTENDED ACTION

Twenty-five interested persons, a governmental subdivision, an agency or an association of 25 or more persons may demand an oral presentation hereon as provided in §17A.4(1)"b" of the Code.

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under §17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

The Division of Historic Preservation, Iowa State Historical Department proposes action on adoption of new rules relating to the establishment of Historical Preservation Districts. On or before August 16, 1977 at 10:00 a.m., 26 E. Market, Iowa City, interested persons may submit data, views, and arguments orally or in writing, including:

1. The name, address and phone number of person or agency authorizing the comment or request.
2. The title and number of the proposed rule as given in this notice which is the subject of the comment or request. (Comments pertaining to a specific section of a proposed rule shall reference that section by subrule, paragraph, subparagraph, and line as appropriate).
3. With regard to requests to make an oral presentation, the general content shall be indicated.

Pursuant to the authority of section 303.20 through 303.33 of the Code, the following rules are adopted.

CHAPTER 12 HISTORICAL PRESERVATION DISTRICTS

490—12.1(303) Establishment of historical preservation districts. Pursuant to chapter 303, sections 303.20 to 303.33 of the Code, the division of historic preservation is responsible to assist property owners in establishing historical preservation districts.

490—12.2(303) Definitions.

12.2(1) "District" means an historical preservation district established under the authority of chapter 303.

12.2(2) "Commission" is a five-member body elected by the qualified voters residing in the district for purposes of administering the provisions of chapter 303.

12.2(3) "Property owner" means an individual or corporation who is the owner of real estate for taxation purposes in the district. Furthermore, the property owner must reside in the district property in order to be considered a qualified voter.

12.2(4) "Qualified voter" is a person residing in the district. Owners of district properties who reside outside of the district are not eligible qualified voters. A person living in the district does not have to be a property owner to be a qualified voter.

490—12.3(303) Procedures. Property owners desiring to establish an historical preservation district may obtain instructions and assistance by contacting the State Historic Preservation Officer, Division of Historic Preservation, 26 East Market Street, Iowa City, Iowa 52240. Property owners will be provided with instructions for completing formal petitions

upon receipt of a written statement of intent to prepare a formal petition for establishing an historical preservation district.

12.3(1) *Formal petition to establish an historical preservation district.* A formal petition shall be considered complete when it includes the following items:

a. A national register nomination form completed in accordance with national park service guidelines.

b. A typewritten list of all eligible qualified voters presently residing in the proposed district which shall include their mailing addresses and telephone numbers.

c. A typewritten list of the petitioner's, their present mailing addresses and telephone numbers. The accuracy of the list must be ascertained because the petitioner's will have their names, addresses and telephone numbers entered on the formal petition.

12.3(2) *Public hearing and determination relative to any formal petition.* Once a formal petition has been received by the division of historic preservation for consideration, the following actions will be taken:

a. The state nominations review committee shall be given an opportunity to review and comment on the proposed district.

b. The division of historic preservation shall make arrangements to hold a public hearing not less than thirty days nor more than sixty days after receipt of the formal petition.

(1) The division shall publish notice of the hearing in the newspaper with the largest daily circulation in the community where the proposed district is to be located not more than fifteen days prior to the hearing date.

(2) The division shall post notice of the hearing in a reasonable number of places (one notice per ten acres) throughout the proposed district not later than fifteen days prior to the hearing date.

(3) The notices, record, and proceedings shall be as provided in chapter 17A.

c. The public hearing shall be presided over by the state historic preservation officer or his designee. The presiding official shall first hear the petitioner's and receive any additional data or material to supplement their formal petition request. The presiding official shall then comment on the division of historic preservation's position as relates to the district petition. The division shall:

(1) Determine the historical significance of the proposed district.

(2) Determine the boundaries of the proposed district.

(3) Determine which properties are not to be included in the district, however, those property owners affected will be given an opportunity to be heard.

d. At this time any other interested party shall be given an opportunity to present any information that is of relevance to the petition.

e. The presiding official shall then afford an opportunity for any party to present a rebuttal regarding the petition. The presiding official may request additional information if deemed appropriate.

f. After all parties have been heard, the presiding official shall render a decision on the petition or take whatever action is deemed necessary before a final determination can be made.

g. Minutes of the proceedings shall be prepared and maintained by the division of historic preservation. Copies of the proceedings will be furnished to interested parties upon written request to the division.

12.3(3) *Other statements, submissions, or requests.* Any party desiring to make a written request concerning the proposed district which does not come under the provisions of 12.3(1) or 12.3(2), shall first make their request in writing to the division of historic preservation within ten days of the hearing date. The division will within five days, take any appropriate action and so inform the party in writing. The party may request that their written request be included on the hearing agenda if dissatisfied with the action taken by the division. After the request has been included on the hearing agenda and presented to the presiding official, the presiding official shall take whatever action is deemed appropriate.

12.3(4) *Presiding official's decision.* Following the public hearing the petitioner's shall be provided with a written statement concerning the decision rendered by the presiding official. Public notice of the decision shall be published in the newspaper with the largest daily circulation in the community where the proposed district is located.

a. If the presiding official determines that the proposed district meets the criteria for establishing an historical preservation district, he shall provide a list of all property owners and other persons residing in the district to the county commissioner of elections.

b. If the presiding official determines that the proposed district does not meet the criteria for establishing an historical preservation district, he shall inform the petitioner's of his decision.

12.3(5) *Referendum on the establishment of an historical preservation district.* After the presiding official has decided in favor of the proposed district, he shall forward to the county commissioner of elections a list of all property owners and other persons presently residing in the district. Within thirty days after receipt of the list from the presiding official, the county commissioner of elections shall fix a date within forty-five days of receipt of the list for purposes of holding a referendum on the question of establishing an historical preservation district.

490—12.4(303) **The role of the division of historic preservation following the establishment of an historical preservation district.** The division shall upon written request from the district commission provide assistance on all matters relating to the management and preservation of the historical integrity of the district.

The first part of the report deals with the general situation of the country and the progress of the work during the year. It is followed by a detailed account of the various projects and the results achieved.

The second part of the report describes the work done in the various departments and the progress of the different projects. It is followed by a summary of the results achieved and the conclusions drawn from the work.

The third part of the report deals with the financial position of the organization and the progress of the work during the year. It is followed by a summary of the results achieved and the conclusions drawn from the work.

The fourth part of the report deals with the general situation of the country and the progress of the work during the year. It is followed by a summary of the results achieved and the conclusions drawn from the work.

LIVESTOCK HEALTH ADVISORY COUNCIL[565]

Pursuant to the authority of Senate File 351, section 5, subsection 3, Acts of the Sixty-seventh General Assembly, effective date July 1, 1977, the Livestock Health Advisory Council hereby adopts the following recommendation:

CHAPTER 1 RECOMMENDATIONS

565—1.1 (67GA, SF 351) Recommendation for fiscal year 1977-1978. Senate File 351 (Acts of the Sixty-seventh General Assembly, effective date July 1, 1977) made an annual appropriation of \$200,000 to be used by the Iowa State University College of Veterinary Medicine for research into livestock disease. The Livestock Health Advisory Council recommends that the appropriation for fiscal year 1977-1978 be applied in the following manner:

1. \$125,000.00 for Pseudorabies Control Program.
2. \$ 55,000.00 for T.G.E. Research Continuation.
3. \$ 20,000.00 for Pseudorabies Research.

This recommendation is intended to implement Acts of the Sixty-seventh General Assembly, section 5, subsection 3, Senate File 351.

[Filed 7/5/77]

The Council finds that an immediate recommendation is necessary to ensure the continuity of presently-on-going research projects at the Iowa State University College of Veterinary Medicine. Therefore notice and public participation would be impracticable and contrary to the public interest. Code of Iowa, 17A.4(2)(1977).

The Council further finds that this recommendation confers a public benefit inasmuch as it enables application of funds for the conduct of research into the prevention and cure of livestock diseases. Therefore, this recommendation shall become effective upon filing in the office of the Secretary of State as provided in section 17A.5(2)"b"(2) of the Code. The effective date of this recommendation shall be from July 11, 1977 to January 6, 1978.

[Published 7/26/77]

EDITOR'S NOTE: For replacement pages for IAC, see Part II of this Supplement.

THE UNITED STATES OF AMERICA

DEPARTMENT OF JUSTICE

INVESTIGATION OF THE ACTS OF VIOLENCE
COMMITTED BY THE ORGANIZATION OF
BLACK PANTHER PARTY AND ITS
AFFILIATES IN THE UNITED STATES OF AMERICA
AND IN OTHER COUNTRIES

REPORT OF THE ATTORNEY GENERAL
J. EDGAR HOOVER

IN RESPONSE TO A RESOLUTION
PASSED BY THE HOUSE OF REPRESENTATIVES
ON APRIL 18, 1968

WASHINGTON, D. C.
1968

U. S. GOVERNMENT PRINTING OFFICE

1968 O - 348-001

U. S. GOVERNMENT PRINTING OFFICE: 1968

1968 O - 348-001

NATURAL RESOURCES COUNCIL[580]

Pursuant to the authority of section 455A.8 of the Code of Iowa, 1977, as amended by H.F. 277, Acts of the Sixty-seventh General Assembly, 1977 Session, the amendments to subrule 3.1(3) entitled; Storage (surface) and subrule 3.1(7) entitled; Miscellaneous uses appearing in Chapter 3 of the Iowa Natural Resources Council's rules in the Iowa Administrative Code relating to water permits are hereby adopted.

ITEM 1. Amend 3.1(3) by adding the following sentence to the end of the paragraph: A permit authorizing withdrawals of water from an artificial reservoir formed by an officially designated grade stabilization structure which was constructed with federal, state, or local cost-sharing funds shall not be granted unless the person applying for such a permit provides written approval for such withdrawals from the soil conservation district in which the structure is located.

ITEM 2. Amend 3.1(7) by adding the following new paragraph:
e. Nonrecurring minor uses. Any use of water which is a minor, nonrecurring use, including but not limited to highway construction and maintenance, charging of lagoons, drilling wells, and hydrostatic testing of pipelines, shall not require a permit but rather may be registered with the water commissioner on such forms as the water commissioner shall provide. Such registration shall be for up to one year and may be reregistered at the discretion of the water commissioner should the project require more than one year to complete. After an investigation of those registered withdrawals allegedly causing material damage, the water commissioner shall require prompt appropriate action for the alleviation of damages, withdrawals of water pursuant to registration shall cease immediately upon notification by the water commissioner and an application for a permit shall be submitted.

ITEM 3. Amend 3.1(7), lines 2 and 3, by striking the words "including irrigation, highway construction, and maintenance."

[Filed 7/5/77]

Notice of Intended Action on these rules was published in the June 1, 1977, IAC Supplement. Two minor word changes were requested by the Administrative Rules Review Committee and were incorporated in the final rules as adopted.

This rule shall become effective on August 31, 1977.

[Published 7/27/77]

EDITOR'S NOTE: For replacement pages for IAC, see Part II of this Supplement.

1. The first part of the document is a list of names and addresses of the members of the committee.

The names are listed in alphabetical order. The addresses are given in full, including the street name, number, and city.

The list includes names such as Mr. John Doe, Mrs. Jane Smith, and Mr. Robert Brown, with their respective addresses in New York City.

The second part of the document is a list of names and addresses of the members of the committee, similar to the first part.

The names are listed in alphabetical order. The addresses are given in full, including the street name, number, and city.

The list includes names such as Mr. John Doe, Mrs. Jane Smith, and Mr. Robert Brown, with their respective addresses in New York City.

The third part of the document is a list of names and addresses of the members of the committee.

The names are listed in alphabetical order. The addresses are given in full, including the street name, number, and city.

PLANNING AND PROGRAMMING[630]

Pursuant to the authority of section 103A.7 of the Code, the Building Code Commissioner, with the approval of the Advisory Council, hereby adopts these amendments and additions to chapter 5 of the Planning and Programming rules relating to the State Building Code.

For complete text of chapter 5, see part II of this Supplement.

[Filed 7/7/77]

Rules 5.1 thru 5.99 are intended to implement sections 103A.10, 103A.11, 103A.13, 103A.14, 103A.15, 103A.16 and 103A.17 of the Code.

Rules 5.100 thru 5.799 are intended to implement section 103A.7 and 103A.9 of the Code.

Notice of Intended Action was published April 20, 1977 and modified after consideration of comments from public hearings as required by section 103A.11, Code of Iowa.

These additions and amendments, as modified, were adopted by the Building Code Advisory Council at their meeting on May 26, 1977.

Certified to the Iowa Secretary of State July 7, 1977, these rules shall be effective September 1, 1977.

[Published 7/27/77]



The following information was obtained from the records of the
 Department of the Interior, Bureau of Land Management, on
 the subject of the above-captioned matter.
 The Bureau of Land Management has advised that the
 land described in the above-captioned matter is
 owned by the United States of America and is
 located in the State of California.
 The Bureau of Land Management has advised that the
 land described in the above-captioned matter is
 owned by the United States of America and is
 located in the State of California.
 The Bureau of Land Management has advised that the
 land described in the above-captioned matter is
 owned by the United States of America and is
 located in the State of California.

SECRETARY OF STATE[750]

Pursuant to the authority of section 172C.14, of the Code of Iowa, 1977, the secretary of state hereby adopts the amendments to chapter 12 as follows:

ITEM 1. Amend Form AR1, section A, subsection 2 by adding and underlining the words "of an estate, trust, conservatorship, etc".

ITEM 2. For emphasis:

In section A, subsection 7, underline the words "owned and operated".

In section A, subsection 8, underline the words "by" and "to others".

In section A, subsection 9, underline the words "to" and "by others".

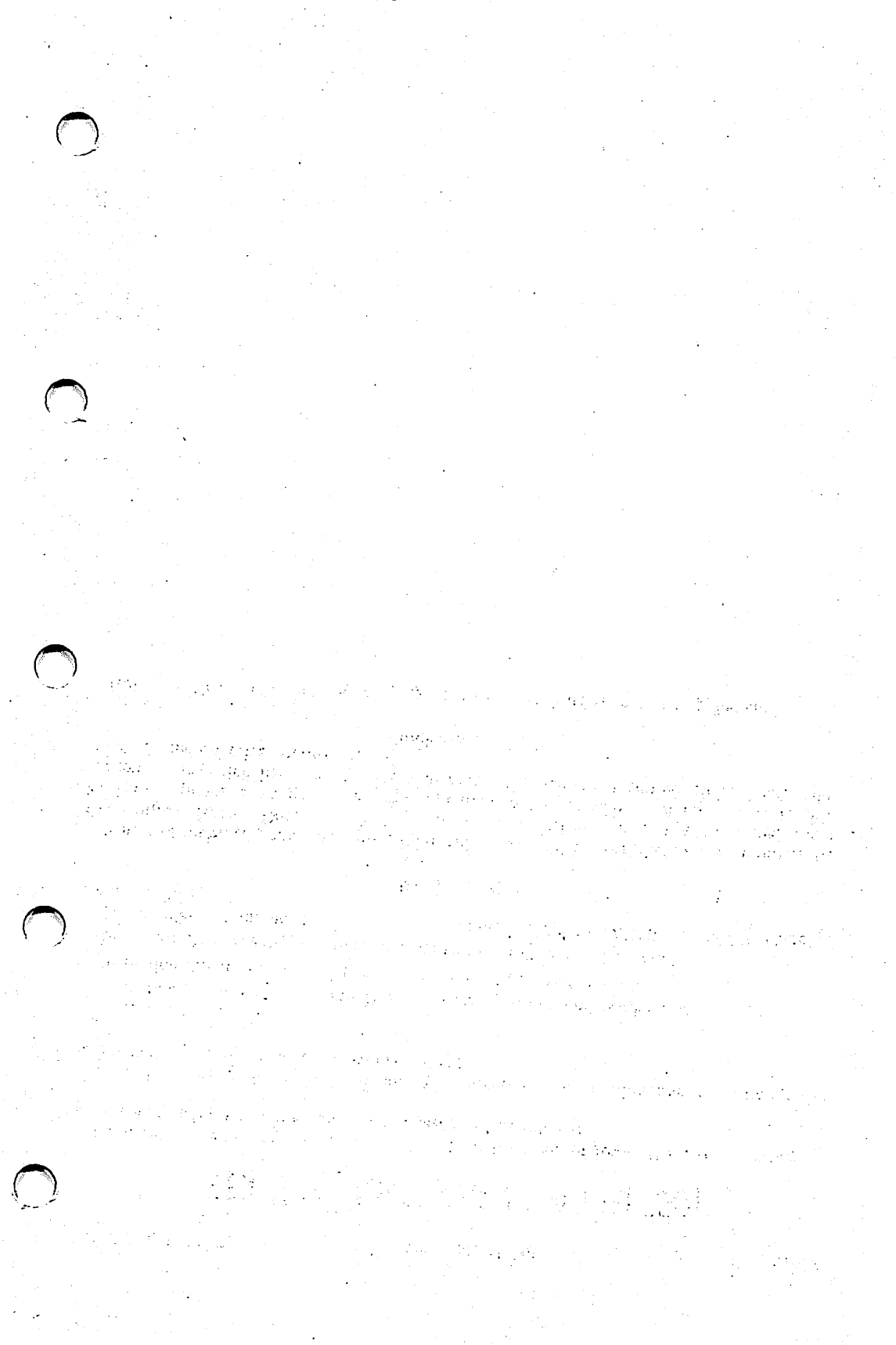
These rules are intended to implement sections 172C.5 to 172C.8 and 567.9, Code of Iowa, 1977.

[Filed 6/30/77]

Notice of intended action regarding these rules was published in the Iowa Administrative Code supplement on December 15, 1976 and are in identical form to that published under Notice except for a typographical error that appeared in number 1 which read Ar1, subsection 7 and which has been corrected to read AR1, section A subsection 2. These rules shall become effective August 31, 1977.

[Published 7/27/77]

EDITOR'S NOTE: For replacement pages for IAC, see Part II of this Supplement.



SOCIAL SERVICES DEPARTMENT[770]

Pursuant to the authority of sections 217.6 and 217.29 of the Code, rules of the department of social services appearing in the IAC, relating to community-based corrections (chapter 25) are hereby amended.

Rule 25.2(217)* is amended by striking the entire rule and inserting a substitute.

For complete text of rule 25.2(217) see replacement pages for IAC in Part II of this Supplement.

[Filed 5/27/77]

Notice of intended action regarding these rules was published in IAC Supplement December 1, 1976, and these rules shall become effective July 20, 1977. These rules are identical to those published in the December 1, 1976 Supplement.

[Published 6/15/77]

*The Administrative Rules Review Committee filed the following objection to rule 25.2(217) on July 12, 1977

The committee objects to rule 25.2, creating an advisory panel for corrections, on the grounds that it exceeds the statutory authority of the department. The committee feels that the authority granted in chapter 217 of the Code is not sufficient to allow the department to expend public monies in the creation and maintenance of an advisory group.

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SOCIAL SERVICES DEPARTMENT[770]

Pursuant to the authority of section 249A.4 of the Code, rules of the department of social services appearing in the IAC relating to medical assistance (chapter 81) are hereby amended.

ITEM 1. Amend Chapter 81* by striking the title and inserting in lieu thereof the following: Intermediate Care Facilities.

ITEM 2. Rescind rules 81.1 to 81.5 implementing chapter 249A and insert in lieu thereof new rules.

ITEM 3. Rules 81.6(249A) is retained and additional new rules added: [81.7 to 81.13 implementing chapter 249A]

For complete text of rules 81.1 to 81.5, 81.7 to 81.13, see replacement pages for IAC in Part II of this Supplement.

[Filed 6/10/77]

These rules are intended to implement sections 249A.2(6) and 249A.3(2)"a" of the Code.

Notice of intended action regarding these rules was published in the IAC Supplement May 4, 1977, and these rules shall become effective August 3, 1977. These rules were modified to clarify placement approval and payment for reserve bed days.

[Published 6/29/77]

*The Administrative Rules Review Committee filed the following objection to rule 81.10(6) on July 12, 1977.

The committee objects to rule 81.10(6), relating to payments for out-of-state care, on the grounds that it is beyond the statutory authority of the department, arbitrary, and capricious. The committee notes that the rule encourages the seeking of lower health care service rates in other states.

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TRANSPORTATION DEPARTMENT[820]

06 HIGHWAY DIVISION

Pursuant to the authority of section 307A.4 of the Code, the following rule is adopted.

ARTICLE B PROJECT PLANNING

CHAPTER 1 HIGHWAY PROJECT PLANNING

820—[06,B]1.3(307A) Compliance with provisions of the action plan relative to project planning.

ITEM 1. Delete "current" from line 3 and insert in lieu thereof "June, 1977." This rule is intended to implement chapter 307A.4 of the Code.

[Filed 7/8/77]

This amended rule 820—[06,B]1.3 was originally filed on May 12, 1977 and became effective on June 1, 1977 under the emergency provisions of the Iowa Administrative Procedures Act. These rules were also developed under the normal rulemaking provisions of the Iowa Administrative Procedures Act because the rules as adopted under the emergency rulemaking provisions are effective for only 180 specified days ending November 27, 1977.

A notice of intended action for the adoption of these rules under normal rulemaking provisions was published in the May 18, 1977 edition of the Supplement of the Iowa Administrative Code. The transportation commission approved the adoption of these rules on June 28, 1977. These rules are to be published as adopted in the July 27, 1977 edition of the Supplement to the Iowa Administrative Code to be effective August 31, 1977. These rules are identical to the ones published under the emergency rulemaking provisions and to the ones published under notice. The emergency rule 820—[06,B]1.3 now in effect is hereby rescinded August 31, 1977.

[Published 7/27/77]

EDITOR'S NOTE: For replacement pages for IAC, see Part II of this Supplement.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions.

2. It is essential to ensure that all entries are supported by proper documentation and receipts.

3. The second part of the document outlines the procedures for conducting regular audits to verify the accuracy of the records.

4. It is recommended that audits be performed at least once a year to identify any discrepancies or errors.

5. The final part of the document provides a summary of the key points and offers suggestions for further improvement.

6. In conclusion, maintaining accurate records is a critical component of effective financial management.

TRANSPORTATION DEPARTMENT[820]

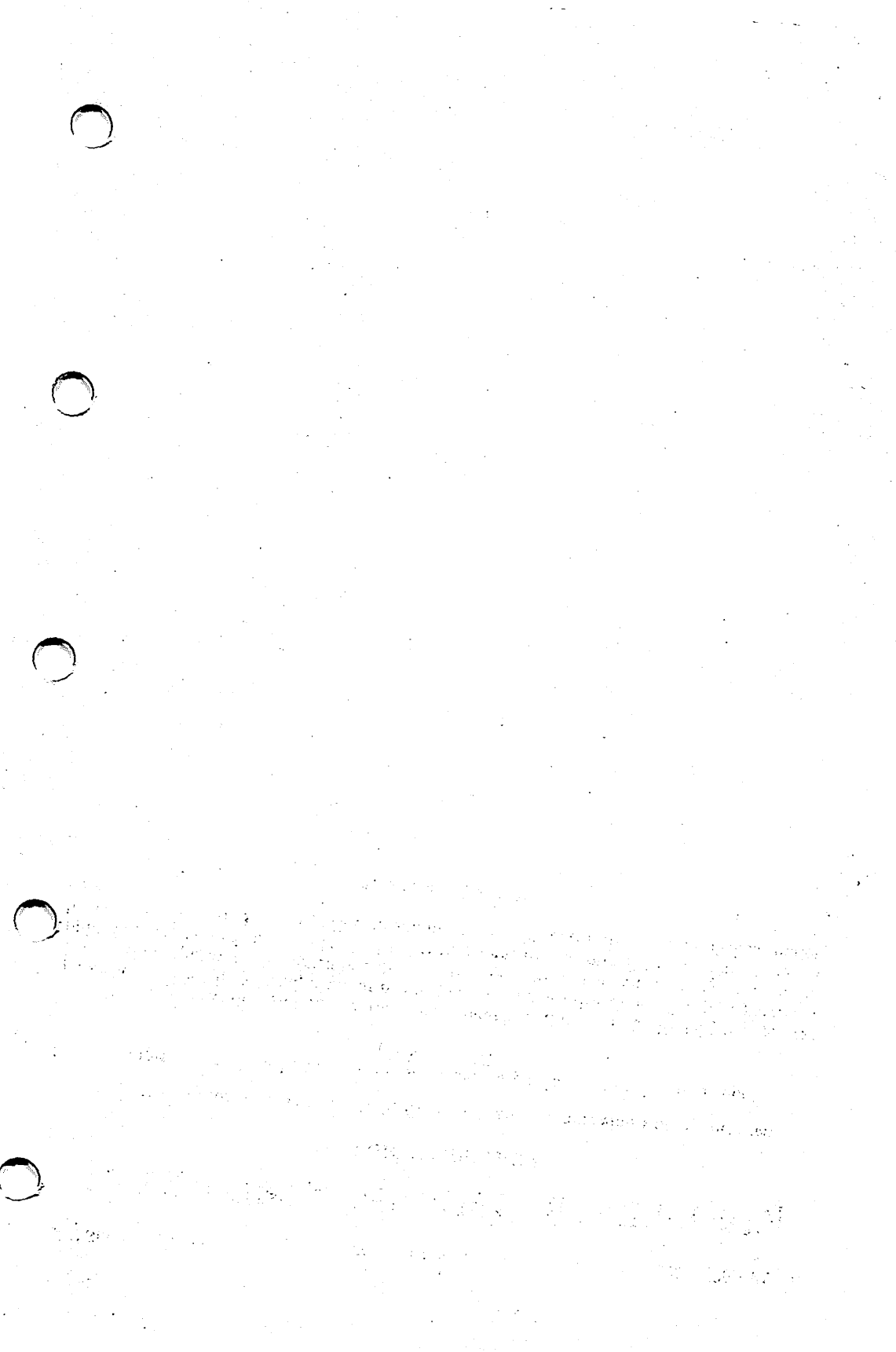
06 HIGHWAY DIVISION

Pursuant to authority of Section 316.9, Code of Iowa, the following rule is amended.

For complete text of [06,F] Ch 8, see replacement pages Part II of this Supplement.
[Filed 7/8/77]

A Notice of Intended Action for the amendments to this rule [06,F] Chapter 8, was published in May 4, 1977 Supplement to the Iowa Administrative Code. The transportation commission approved the amendments on June 14, 1977. The amendments are to be published as adopted in the July 27, 1977 Supplement to the Iowa Administrative Code to be effective August 31, 1977. The amendments are identical to those published under notice.

[Published 7/27/77]



VOTER REGISTRATION COMMISSION[845]

Pursuant to the authority of sections 47.7 and 47.8 of the Code, the following rules are adopted. [Ch 1, Organization, Purpose and Procedure]

For complete text of Chapter 1, see replacement pages for IAC in Part II of this Supplement.

[Filed 7/5/77]

Notice of intended action regarding these rules was published in IAC Supplement June 1, 1977. These rules are identical to those published under Notice.

Rules 1.1(47) to 1.6(47) are intended to implement sections 47.7 and 47.8 of the Code. Effective date, August 31, 1977.

[Published 7/27/77]



THE
 UNITED STATES OF AMERICA
 DISTRICT COURT OF THE DISTRICT OF COLUMBIA
 IN RE: [Illegible Name]
 Debtor.
 Chapter 11.
 Case No. [Illegible]

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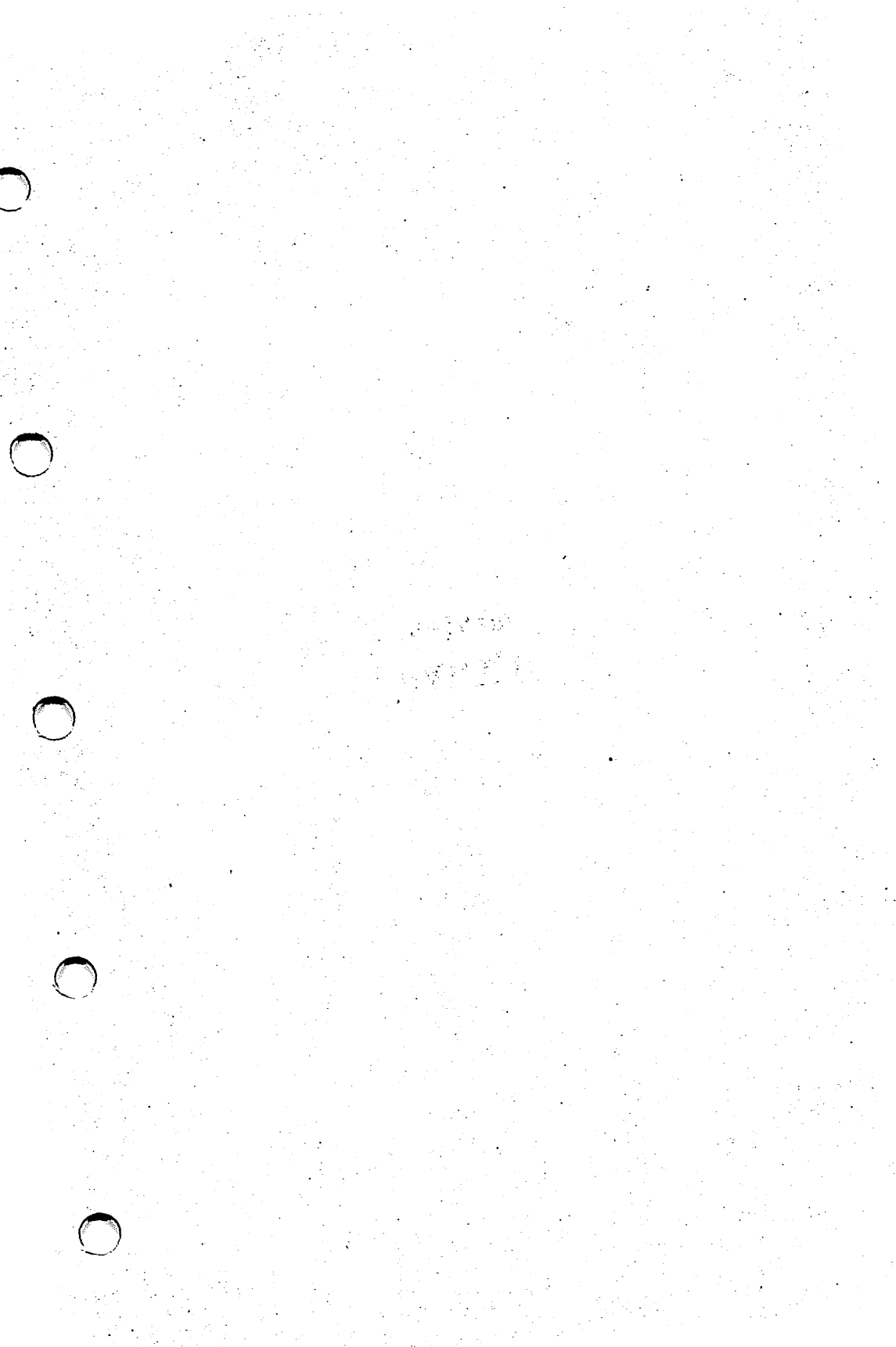
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PART II

July 27, 1977



AGENDA

The Administrative Rules Review Committee will hold its regular statutory meeting Wednesday, August 10, 1977, 9:00 a.m., House Committee Room 1. The following rules will be reviewed.

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| Threatened species, ch 19 | 7/27/77 |
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| Sales and use tax, ch 12 (Notice Amended) | 7/13/77 |
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30—11.1(168) Chickens.

11.1(1) *The Iowa Poultry Association as the official designee of the National Poultry Improvement Plan, is authorized by the department to act as its agent in inspecting and rating flocks and hatcheries as pullorum-typhoid clean; and otherwise assisting the state of Iowa in maintaining its pullorum-typhoid free status.

11.1(2) All chicken-hatching eggs, baby chicks or started pullets must originate from flocks or hatcheries that have a pullorum-typhoid clean rating.

11.1(3) *All boxes, crates, coops or other containers shall be new or disinfected before being used to move poultry within the state of Iowa. Each such box, crate, coop or other container that is attached to a customer lot shall be plainly labeled by identifying the customer lot thereof with a label to be supplied by the National Poultry Improvement Plan or the Iowa Poultry Association. The label shall contain the name of seller and description of contents as specified in section 168.5(4) of the Code.

30—11.2(168) **License for dealers of baby chicks or domestic fowls.** In order to qualify for the license to engage in the business of custom hatching, producing baby chicks and other baby domestic fowls under six weeks of age, for sale in this state or of offering them for sale or selling them within this state, the applicant shall comply with the following requirements:

11.2(1) Application for a license shall be accompanied by the required license fee.

11.2(2) *Applicant shall assist the state in maintaining its pullorum-typhoid free status by accompanying license application with evidence that he is a participant of the National Poultry Improvement Plan.

11.2(3) Prior to issuing the license, the department may inspect the applicant's business establishment. All the requirements of section 168.5 of the Code shall be complied with.

Rule 11.1(168) is intended to implement sections 168.2, 168.5, 168.6, 197.1 and 159.1(2) of the Code.

[Filed 5/25/77, Notice 4/20/77—published 6/15/77, effective 7/20/77]

*Objection, see filed rule published IAC Supp. 6/15/77

CHAPTERS 12 to 14 Reserved

ANIMAL INDUSTRY CHAPTER 15 BRANDING

[Appeared as ch 18, 1973 IDR]

30—15.1(187) Location of brands on livestock.

15.1(1) Brands shall be recorded on one of either sides on the animals, in any one of three locations, to wit: The shoulder, rib, or hip.

15.1(2) Each location is considered a separate brand and not in or under conflict with the same or similar brand in a different location or on a different side.

30—15.2(187) Brands in conflict.

15.2(1) Whenever two or more brands are determined by the secretary, to be in or under conflict, the secretary shall give written notice to the brand owners.

15.2(2) When herds bearing a similar brand are maintained in close proximity to each other, and the secretary determines that confusion or conflict may arise therefrom; then the secretary shall direct and change or changes in the position of the brands, so as to remove such confusion or conflict.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the integrity of the financial system and for the ability to detect and prevent fraud.

2. The second part of the document outlines the specific requirements for record-keeping, including the need for clear, legible entries and the requirement to retain records for a minimum of five years. It also discusses the importance of regular audits and the role of internal controls in ensuring the accuracy of the records.

3. The third part of the document provides a detailed description of the record-keeping system, including the types of records that must be maintained and the methods for organizing and storing them. It also discusses the importance of ensuring that the records are secure and protected from unauthorized access or destruction.

4. The fourth part of the document discusses the importance of training and education in ensuring that all personnel involved in the record-keeping process are properly trained and equipped to handle their responsibilities. It emphasizes the need for ongoing education and the importance of staying up-to-date on the latest developments in record-keeping technology and practices.

5. The fifth part of the document discusses the importance of transparency and accountability in the record-keeping process. It emphasizes the need for clear lines of responsibility and the importance of providing regular reports to management and other stakeholders. It also discusses the importance of maintaining a strong culture of integrity and ethical behavior.

6. The sixth part of the document discusses the importance of data security and the need to implement robust security measures to protect the records from unauthorized access, theft, or destruction. It emphasizes the need for regular security audits and the importance of having a disaster recovery plan in place to ensure that the records can be restored in the event of a disaster.

7. The seventh part of the document discusses the importance of staying up-to-date on the latest developments in record-keeping technology and practices. It emphasizes the need for ongoing research and development and the importance of investing in new technologies that can improve the efficiency and accuracy of the record-keeping process.

8. The eighth part of the document discusses the importance of maintaining a strong relationship with external auditors and the need to provide them with all the information they need to perform their duties. It emphasizes the importance of being open and transparent and the need to address any concerns or issues that arise.

16.138(2) *Tagging and branding reactors.* Ten dollars for the first reactor and two dollars fifty cents for each additional reactor.

[Filed September 25, 1973; amended December 9, 1974]

30—16.139(163) Definitions.

16.139(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.

16.139(2) *Injection.* Injection shall mean the injection of tuberculin into a prescribed area of the animal as a diagnostic test for tuberculosis.

16.139(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.

16.139(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.

[Filed October 10, 1973]

**BREEDING SWINE BRUCELLOSIS
CONTROL PROGRAM**

30—16.140(163A) *Brucellosis test.* All persons who wish to have breeding swine tested for brucellosis under the provisions of section 163A.12, shall have each seller of breeding swine sign a test request form furnished by the department of agriculture stating:

1. The name and address of the owner of the breeding swine;
2. The designation of the county and state of origin; and
3. That the seller requests the department of agriculture to inspect and test his breeding swine for brucellosis.

30—16.141(163A) *Veterinarians to test.* The department of agriculture will designate a federal or state veterinarian, or a lay person under the supervision of a veterinarian, to make the inspections and tests provided for in chapter 163A to determine that the breeding swine are free from brucellosis.

This rule is intended to implement chapter 163A of the Code.

[Filed May 14, 1973]

ERADICATION OF SWINE BRUCELLOSIS

16.142 Reserved.

30—16.143(163A) Fee schedule.

16.143(1) *Bleeding.* Ten dollars per stop (herd) and two dollars per head for the first ten bled and one dollar per head for all animals bled thereafter.

16.143(2) *Tagging of reactors.* Ten dollars per stop (herd) and one dollar per head for all swine tagged.

16.144 Reserved.

[Filed September 25, 1973; amended December 9, 1974]

ERADICATION OF SWINE TUBERCULOSIS

30—16.145(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.

30—16.146(159) Fee schedule.

16.146(1) Injection. Five dollars per stop (herd) and sixty cents per head.

16.146(2) Reading. Five dollars per stop (herd) and forty cents per head.

16.146(3) Tagging. Five dollars per stop (herd) and one dollar per head.

16.147 to 16.150 Reserved.

30—16.151(163) *Aujeszky's disease immunization product. The use, sale, distribution or offer to sell or distribute any aujeszky's disease immunization product within the state is prohibited subject to the following exceptions:

16.151(1) For the purpose of product research or testing, the secretary will issue a permit upon application, to a biological laboratory, government authority or manufacturer of biological products if he concludes that such use will not be detrimental to the state aujeszky's disease program.

16.151(2) Veterinarians may apply to the secretary for a permit to buy and use an immunization product approved by the U.S.D.A. Upon use of the immunization product in an infected herd or a herd in an endemic area, the name and address of the owner must be reported to this office together with a report of the number of doses used. This report will not be valid unless signed by the owner. Reports must be mailed immediately to the Animal Industry office. Failure to report vaccination will result in the permit to use the immunization product being rescinded.

16.151(3) The vaccinated animals in any herd will be quarantined and may move to slaughter only, except when exigent circumstances exist, a special permit may be obtained from the secretary for other disposition. Progeny of vaccinated animals will not be under quarantine if, after weaning, they are maintained separate and apart from the breeding herd.

16.151(4) The vaccinated animals will be quarantined and identified by a distinctive colored ear tag available from the department.

[Filed 6/3/55; amended 11/26/57, 3/12/62, 7/14/64, 7/13/65, 1/12/66, 6/13/66, 3/21/67, 9/26/67, 5/14/68, 7/9/68, 4/18/73, 5/14/73, 9/25/73, 10/10/73, 10/16/73, 12/9/74]

[Filed 12/21/76, Notice 11/3/76—published 1/12/77, effective 2/17/77]

[Filed emergency 6/30/77—published 7/27/77, effective 6/30/77]

For additional history, see individual divisions in Chapter 16.

*Emergency pursuant to section 17A.5(2)"b"(3).

3.4(1) Form of petition. The petition shall be typewritten or printed and submitted to the office of the superintendent of banking.

a. The petition shall be titled, "PETITION FOR DECLARATORY RULING AS TO THE APPLICABILITY OF (reference or index number of the statute, departmental rule, policy, decision, order or part thereof which is the subject of the petition) PERTAINING TO (title of the statute, department rule, policy, decision, order or a brief statement describing the content of the subject of the petition)."

b. The petition shall include the name and official title, if any, address and telephone number of the petitioner requesting the declaratory ruling. If the request is at the behest or order of a corporation, association or other similar organization or other person, it shall be duly stated in the petition.

c. The body of the petition shall contain:

- (1) The exact words, passages, sentences or paragraphs of statute, departmental rule, policy statement, decision or order for which the petitioner seeks a declaratory ruling;
- (2) Specific questions presented for declaratory ruling; and
- (3) The petitioner may express interpretations of applicability and may advocate a particular interpretation.

3.4(2) Acting on petition. The superintendent of banking shall acknowledge the receipt of petitions within ten working days or may return such petitions when not prepared in reasonable compliance with 3.4(1).

a. The superintendent of banking may decline to make a declaratory ruling when, in the opinion of the superintendent of banking, issuance of a ruling petitioned for would not be in the best interest of the public. The petitioner will be notified in writing within thirty days after receipt of petition of the reasons the petition was not accepted.

b. The superintendent may provide an opportunity for interested parties to submit written comments concerning the petition.

c. When the petition is in proper form and has not been declined as provided for in paragraph a of subrule 3.4(2), the superintendent of banking shall issue a ruling disposing of the petition.

(1) Ruling shall be in writing and mailed to petitioner and other parties at the discretion of the superintendent of banking.

(2) Ruling shall be issued within thirty days after receipt of petition, except that an additional period of thirty days may be used when extenuating circumstances arise and petitioner is notified.

(3) Ruling shall be indexed for public inspection as provided for in section 17A.3.

[Filed July 1, 1975]

CHAPTERS 4 to 7

Reserved

CHAPTER 8

GENERAL BANKING POWERS

140—8.1(524) Deposits defined.

8.1(1) Demand deposit. A demand deposit includes every deposit which is not a time deposit or savings deposit as defined in 8.1(2) and 8.1(3) respectively. Gross demand deposits for purposes of 8.7(524) shall consist of the sum of all such demand deposits. Net demand deposits shall consist of gross demand deposits less items in process of collection, payable immediately upon presentation to banks under a local clearing agreement.

8.1(2) Time deposit. Time deposit includes time certificate of deposit, time deposit open account and multiple maturity time deposit as follows:

a. Time certificate of deposit. A deposit evidenced by a negotiable or nonnegotiable instrument which provides on its face that the amount of the deposit is payable on a certain date, specified in the instrument, not less than thirty days after the date of the deposit; or at the expiration of specified period not less than thirty days after the date of the

instrument; or upon written notice to be given not less than thirty days before the date of repayment.

b. Open account. A deposit, other than a time certificate of deposit, with respect to which there is in force a written contract with the customer that neither the whole nor any part of such deposit may be withdrawn by check or otherwise prior to the date of maturity, which shall be not less than thirty days after the date of the deposit, or prior to the expiration of the period of notice which must be given by the customer in writing not less than thirty days in advance of withdrawals.

c. Multiple maturity. A time deposit that is payable at the customer's option on more than one date whether on a specified date or at the expiration of a specified time after the date of deposit, after written notice of withdrawal or with respect to which the underlying instrument or contract or any informal understanding or agreement provides for automatic renewal at maturity.

8.1(3)* Savings deposit. A savings deposit consists of funds credited to the account of a governmental unit, one or more individuals, a corporation, association or other organization, and with respect to which the customer is not required by the deposit contract but may at any time be required by the state bank to give not less than thirty days' notice in writing of an intended withdrawal before such withdrawal is made and which is not payable on a specified date or at the expiration of a specified time after the date of deposit.

140—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 shall apply:

a. Governmental units. The maximum rate of interest is 7¾% on such deposits having a maturity of not less than thirty days.

b. Individual Retirement Account agreement or Keogh [H.R. 10] plan established pursuant to 26 U.S.C. [I.R.C. 1954] sections 408 and 401.*

| <u>Maturity</u> | <u>Maximum Percent</u> |
|---|------------------------|
| 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 but less than 3 years | 6½% |
| 3 years or more | 7¾% |

*Emergency pursuant to section 17A.5(2)"b"(2).

c.* *Other depositors.*

| <u>Maturity</u> | <u>Maximum Percent</u> |
|---|--|
| 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 but less than 4 years | 6½ % |
| 4 years or more but less than 6 years | 7¼ % (Certificates of \$1,000 or more) |
| 6 years or more | 7½ % (Certificates of \$1,000 or more) |

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

*Emergency pursuant to section 17A.5(2)"b"(2).



140—8.3(524) Paying interest on other than demand deposits.

8.3(1) *Compounding.* In calculating the rate of interest paid, the effects of compounding of interest may be disregarded. A state bank which elects to compound interest shall state the time period of compounding in every statement required by section 524.805(3) of the Code and in every notice or advertisement.

8.3(2) *Grace period.* A state bank may pay interest on a savings deposit received during the first ten calendar days of any calendar month at the permissible maximum rate calculated from the first day of the calendar month until such deposit is withdrawn or ceases to become a savings deposit. A state bank may pay interest on a savings deposit withdrawn during its last three calendar business days of any calendar month ending a regular quarterly or semiannual interest period at the permissible maximum rate calculated to the end of the calendar month.

140—8.4(524) Effect of maturity on payment of interest. After the date of maturity of any time deposit, such deposit is a demand deposit and no interest may be paid subsequent to that date or after the expiration of the period of notice given with respect to the repayment of such time deposit or savings deposit when applicable. The foregoing sentence does not preclude a customer and the state bank from using the same account to initiate a new time or savings deposit relationship upon proper notice. If a time or savings deposit is renewed, automatically or by action of the customer, within ten days after maturity or expiration of the period of notice, the renewed deposit or any renewed portion may draw interest from the date of maturity or expiration date of the period of notice, and a time certificate may be dated back to the maturity date of the matured certificate.

140—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. The penalty prescribed by this subrule shall not apply to the withdrawal of all or any portion of a time deposit before the maturity thereof upon the death of any person whose name appears on the time deposit passbook or certificate.

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 ninety days' interest or all interest if the time deposit has been held less than ninety days by the

*Emergency amendment pursuant to section 17A.5(2)"b"(2) of the Code.

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(3), for the period held less the ninety-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. The penalty prescribed by this subrule shall not apply to the withdrawal of all or any portion of a time deposit before the maturity thereof upon the death of any person whose name appears on the time deposit passbook or certificate.

8.5(4) The prohibitions contained in subrules 8.5(2) and 8.5(3) shall not apply to a time deposit consisting of funds contributed to an Individual Retirement Account established pursuant to 26 U.S.C. (I.R.C. 1954) section 408 or to a Keogh (H.R. 10) plan established pursuant to 26 U.S.C. (I.R.C. 1954) section 401 where the individual for whose benefit the account is maintained is 59½ years of age or older or has become disabled within the meaning of 26 U.S.C. (I.R.C. 1954) section 72(m)(7).

140—8.6(524) Payment of savings deposits. Whether or not interest is paid, a state bank shall not require or waive notice of withdrawal as to any amount or percentage of the savings deposit of any customer unless it shall similarly require or waive notice as to the savings deposits of every other customer subject to the same contractual provisions with respect to notice or withdrawal.

If a state bank, without requiring notice of withdrawal, pays interest that has accrued on a savings deposit during the preceding interest period it shall, upon request and without requiring such notice, pay interest that has accrued during the period on the savings deposits of every other customer.

A state bank shall not change its practice with respect to requiring or waiving of notice of withdrawal of savings deposits for the purpose of discriminating in favor of or against any customer.

Any change of practice shall be made only pursuant to duly recorded action by the directors of the state bank.

A state bank which does not require notice of withdrawal of savings deposits is not restricted as to loans to its customers on the security of such deposits. If it is the practice of the state bank to require notice of withdrawal of a savings deposit, a state bank may make a loan to a customer upon the security of his savings deposit, provided that the rate of interest on the loan is not less than two percent more than the rate of interest on the savings deposit.

140—8.7(524) Cash reserve formula. Cash reserves required by section 524.816 shall consist of the sum of the following assets taken from the daily statement for each business day:

1. Coin and currency on hand.
2. Demand balances with other banks located within the United States.

For purposes of applying section 524.1602(1), the cash reserve shall not be deemed to be deficient if the average of the cash reserve for the day for which the computation is made and the four preceding business days is at least equal to the average cash reserve requirement for such five-day period. Corrective action shall be taken on the day following the date of the daily statement for which the computation of averages discloses a deficiency in the cash reserve.

[Filed 12/9/69; amended 1/28/71, 6/28/73, 7/10/73, 7/27/73,
11/14/73, 12/6/74, 12/19/74]

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CITY DEVELOPMENT BOARD[220]

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CHAPTER 1

OPERATIONS OF BOARD

220—1.1(368) Application of rules. These rules shall be applicable to all proceedings and transactions of the city development board, hereinafter called the board.

This rule is intended to implement section 368.10 of the Code.

220—1.2(368) Filing of petition. A petition for incorporation, discontinuance, or boundary adjustment may be filed with the board as provided for by section 368.11. Notice shall be given as provided for by section 368.11. If a petition for voluntary annexation is filed within the urbanized area of a city, other than the city to which the request for annexation is directed, a notice of the request for board approval shall be served on the other city or cities involved. The notice shall include a brief description of the proposal and the time and place that the request is to be acted upon by the board.

This rule is intended to implement sections 368.7 and 368.11 of the Code.

220—1.3(368) Initiation of petition. A petition initiated for incorporation, discontinuance or boundary adjustment shall be initiated pursuant to chapter 368. Where the petition is elector filed, the signatures of the qualified electors shall be attached to the petition. The petition shall show a sufficient number of qualified electors 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 authority, an authorizing resolution shall accompany the petition.

This rule is intended to implement section 368.11 of the Code.

220—1.4(368) Voluntary annexation within the urbanized area. A request for board approval of annexation of territory within the urbanized area shall include the following:

1.4(1) The application of property owners requesting annexation, including a map of the territory showing its location in relationship to the city.

1.4(2) Resolution of the city council which receives the application approving the application. This resolution must contain a legal description of the territory to be annexed.

This rule is intended to implement section 368.7 of the Code.

220—1.5(368) Drafting of petition for involuntary boundary change. 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 Authority of _____), (Certain Electors 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 chapter 368, including the following:

1.5(1) *Map.* A map of the territory, city or cities involved, which shall show all features which, in the judgment of the board, are pertinent to the proposed action.

1.5(2) *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.

1.5(3) *Property owners.* Names of property owners within the area delineated by the legal description in the petition.

1.5(4) *Density.* Population density: Persons per acre for annexation, persons per square mile for incorporation, discontinuance or consolidation.

1.5(5) *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.

1.5(6) *Plans.* Plans for disposal of assets and assumption of liabilities shall be included. Substance and format of such plans shall be subject to approval of the board.

1.5(7) *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.

This rule is intended to implement section 368.11 of the Code.

220—1.6(368) 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.

This rule is intended to implement section 368.11 of the Code.

220—1.7(368) Quorum. At least two members of the board shall constitute a quorum. A quorum shall be necessary for passage of any action.

This rule is intended to implement section 368.9 of the Code.

220—1.8(368) Dismissal of a petition. No petition shall be dismissed because it is incorrectly titled, or parties or 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 368.12.

This rule is intended to implement section 368.12 of the Code.

220—1.9(368) Proceedings on an original petition. An original plus ten copies of a petition shall 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 city or county and the chairperson of the regional planning authority 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, on 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.

This rule is intended to implement section 368.11 of the Code.

220—1.10(368) Proceedings initiated by board. The board may initiate its own proceedings or its own plan. Such proceedings or plan shall conform to the requirements of a petition and shall be filed and notice served in accordance with the Code. The board shall direct the appointment of a committee consisting of the board members and local representatives as specified in section 368.14. 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 elector of the city or territory he or she represents. A copy of the resolution shall be submitted to the board.

This rule is intended to implement section 368.13 of the Code.

220—1.11(368) Board supervision of proposal execution. The board shall proceed accordingly in the following cases:

1.11(1) Discontinuance. Meaning the termination of a city; the board shall publish two notices as provided in section 368.15 that it will receive and adjudicate claims against a discontinued city for a period of six months from publication of last notice. The board shall take control of all city balances, property, and records during the six-month period. Upon the close of the six-month period, the board shall determine the extent of any unpaid allowed claims and such determination shall be verified by a certified public accountant or by the state auditor. In the case of unpaid allowed claims, the board shall approve payment from the discontinued city's account or shall direct the appropriate governing body to levy the necessary taxes as provided for by section 368.21. After all allowed claims have been paid, any remaining balances in the discontinued city's account shall be deposited in the general fund of the county where the former city was located and all property and records of the discontinued city shall be deposited with the county auditor of the county designated by the board.

1.11(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.

This rule is intended to implement section 368.21 of the Code.

220—1.12(368) Data. The board shall develop and maintain statewide data on development actions taken under chapter 368.

This rule is intended to implement sections 17A.3 and 368.10 of the Code.

220—1.13(368) Petition for rule change. As required by section 17A.7 the board prescribes the following form for petitions requesting the promulgation, amendment or repeal of the board's rules: "We, the (name of the petitioner(s)), do petition the City Development Board of the State of Iowa to (promulgate), (amend), (repeal), the rule (number of rule) to read as follows: (rule change)." Petitions shall be submitted to the board at its official address and such petitions shall be considered and acted upon at the following regular meeting of the board. The board's minutes shall serve as the written record of the board's actions on the petition.

This rule is intended to implement section 17A.7 of the Code.

220—1.14(368) Declaratory rulings. Declaratory rulings as required by section 17A.9 shall be handled in similar manner as petitions for rule changes.

This rule is intended to implement section 17A.9 of the Code.

220—1.15(368) Public information. The board is located at 523 East Twelfth Street, Des Moines, Iowa 50319. The public may obtain information and make submissions or requests of the board at this address during normal working hours. The board's manual "A Practical Guide for City Development Actions" describes the forms and instructions that are to be used by the public in dealing with the board.

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

220—1.16(368) Description of board's operation. The city development board is composed of three members appointed by the governor with the approval of two-thirds vote of the senate to serve six-year terms. Every two years a different appointment expires and in the case of vacancy the appointments are for the unexpired term. Members are eligible for reappointment, but no member shall serve more than two complete six-year terms. All actions in the name of the board shall be authorized by not less than two-thirds of the board members eligible to vote. The board meets on the third Monday of every month at 10:00 a.m. at 523 East Twelfth, Des Moines, Iowa and at this address during normal working hours; the public may obtain information or make submissions or requests of the board; all final orders, decisions and opinions are available for public inspection; and all rules and other written statements of law or policy, or interpretations formulated, adopted or used by the board in the discharge of its functions are available for public inspection.

The board's function is to supervise municipal boundary changes including incorporations, discontinuances, annexations, severances or consolidations for the state of Iowa. Specifically, the board accepts petitions for boundary changes, initiates appropriate proceeding or dismisses the petitions, directs the appointment of local representatives to serve with the board members as a committee to consider the petition, arranges for a special election on committee-approved petitions, makes the necessary filings after an election is held, and supervises the procedures necessary to carry out the voter approved petitions. The board conducts studies of municipal development and based upon the results of its studies may initiate boundary change proceedings.

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

[Filed 8/16/73, amended 9/12/73, 11/13/74]

[Filed 10/29/75, Notice 7/14/75—published 11/17/75, effective 12/22/75]

[Filed 7/5/77, Notice 5/18/77—published 7/27/77, effective 8/31/77]

CHAPTER 2 COMMITTEE PROCEEDINGS

220—2.1(368) Committee chairperson. Prior to a public hearing as provided for in section 368.15 of the Code the board shall appoint from within its members a chairperson who shall chair the public hearing. All filings with the committee shall be made upon the chairperson.

This rule is intended to implement section 368.14 of the Code.

220—2.2(368) Public hearings. Public hearings shall be held on dates and 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 parties to the proceedings. Such notice shall include:

- (1) A statement of the time, place and nature of the hearing.
- (2) A statement of the legal authority and jurisdiction under which the hearing is to be held.

(3) A reference to the particular sections of the statutes and rules involved.

(4) A short and plain statement of the matters asserted.

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 chapter 368 shall comply with section 362.3. All hearings and meetings of the board and committees shall comply with chapter 28A (Open Meetings).

This rule is intended to implement section 368.15 of the Code.

220—2.3(368) 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 chairperson 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.

This rule is intended to implement section 368.15 of the Code.

220—2.4(368) 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.

This rule is intended to implement sections 17A.12 and 368.15 of the Code.

220—2.5(368) Admission of evidence. The committee shall observe rules of privilege recognized by law. It may exclude incompetent, irrelevant, and immaterial evidence.

This rule is intended to implement sections 17A.14 and 368.15 of the Code.

220—2.6(368) Documentary evidence. Documentary evidence may be received in the 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 shall be made only upon application by a party and paid for by that party.

This rule is intended to implement sections 17A.14 and 368.15 of the Code.

220—2.7(368) 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.

This rule is intended to implement sections 17A.14 and 368.15 of the Code.

220—2.8(368) Record of proceeding. The committee shall prepare an official record of all proceedings, including testimony and exhibits. Testimony may be taken by mechanical recording device. A transcript shall be furnished upon application, at the expense of the applicant.

This rule is intended to implement sections 17A.12 and 368.15 of the Code.

220—2.9(368) Witnesses and subpoenas. Subpoenas requiring attendance of witnesses at any designated place of hearing within the state of Iowa shall be issued by the board pursuant to state law. Subpoenas for books, papers, or documents, unless directed by the board, shall be issued only upon application to the board in writing. Application to require parties to produce documentary evidence shall 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.

This rule is intended to implement sections 17A.13 and 368.15 of the Code.

220—2.10(368) Parties to proceedings. Any individuals, agencies or governmental subdivisions of sections 368.11 and 368.15, or any other individuals, partnership, corporation, association, governmental subdivision, public or private organization, or agency properly seeking and entitled as of right to be admitted as a party is a party to the proceedings. Those not parties nor properly seeking to be admitted as parties shall receive reproducible documents to the proceeding only upon written request to the committee chairperson; and the cost of the reproduction may be charged to the requesting party at the rate of ten cents for each page.

This rule is intended to implement sections 17A.12 and 368.15 of the Code.

220—2.11(368) Brief. The committee shall allow ten days after a public hearing within which the parties may file briefs. A copy of such briefs shall be given to opposing parties. All briefs for presentation to the committee shall be filed with same, accompanied by written evidence of service upon opposing counsel or party or parties.

This rule is intended to implement section 368.15 of the Code.

220—2.12(368) 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 shall be granted where it is apparent that the added evidence will be merely cumulative. The party applying for further hearing shall transmit such application by certified mail to all parties to the proceedings on the date of filing with the committee. An adverse party shall have ten days from the date of filing of the application within which to resist thereto. No reply to such resistance shall be permitted. Date of filing is the date on which the application is deposited for delivery at a United States Post Office depository. All applications and resistance to applications shall be accompanied by written evidence of service upon opposing counsel or party or parties. The committee may grant or deny such petition with or without hearing or, in its discretion, set a hearing on such application.

This rule is intended to implement sections 17A.16 and 368.15 of the Code.

220—2.13(368) Written decision. Within ninety days after the final public hearing, the committee shall approve or disapprove the petition or plan and shall file its written decision for record. The committee's final decision shall include findings of fact and conclusions of law separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of underlying facts supporting the findings. Copies of the written decision shall be transmitted by certified mail to all parties to the proceedings.

This rule is intended to implement sections 17A.16 and 368.19 of the Code.

220—2.14(368) Rehearing, amendment, vacation, reconsideration, reargument. Within twenty days of the date of issuance of final committee decision or order, any party may apply to the committee for a rehearing, or for an amendment or vacation of the findings of fact, decision or order, or reconsideration or reargument. 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 reasons therefor shall be clearly stated. The party applying for rehearing, amendment, or vacation of the findings shall transmit such application by certified mail to all parties to the proceeding on the date of filing with the committee. An adverse party shall have ten days from the date of filing of the application within which to

resist thereto, and no reply to such resistance shall be permitted. Date of filing is the date on which the application is deposited for delivery at a United States Post Office depository. All applications and resistance to applications shall be accompanied by written evidence of service upon opposing counsel or party or parties. The committee may grant or deny such application with or without a hearing on the application. An application for rehearing shall be deemed to have been denied unless the committee grants the application within twenty days after its filing with the committee.

This rule is intended to implement sections 17A.16 and 368.15 of the Code.

220—2.15(368) Appeal. An appeal to a decision of the board, or committee, or legality of an election may be made as provided for in section 17A.19. When an appeal is filed, the board shall be so notified, and provided with a copy of the appeal.

This rule is intended to implement section 17A.19 of the Code.

220—2.16(368) Amendment of effective date of order or decision. Petitions for amendment of orders of decisions which seek only a change in their effective date, or in the period of notice or other period of date thereby prescribed, shall 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 application, 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.

This rule is intended to implement section 368.19 of the Code.

220—2.17(368) Election. If a petition or plan is approved, the board shall set a date within ninety days after the committee files its written decision, for a special election on the proposal and shall notify by certified mail, the county commissioner of elections responsible for conducting the election who shall conduct the election.

This rule is intended to implement section 368.19 of the Code.

220—2.18(368) 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 368.15, upon resolution by the committee and notice to all parties to the proceeding. Any proposed amendments shall be served upon all parties of record. When any party has legal counsel, service upon counsel shall be deemed service upon the party.

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

220—2.19(368) Description of committee's operations. If the board does not dismiss a municipal boundary change petition, the board directs the appointment of local representatives to serve with board members as a committee to consider the petition. A quorum of the committee consists of two board members and one local representative, or if the number of local representatives exceeds one, then two board members and at least one-half of the appointed local representatives are required for a quorum. Approval by a majority of a quorum is necessary for passage of any action. Local representatives shall be qualified electors of the city or territory they represent and are selected as follows: (1) From a territory to be incorporated, one representative appointed by the county board of supervisors; (2) from a city to be discontinued, one representative appointed by the city council; (3) from a territory to be annexed to or severed from a city, one representative appointed by the county board of supervisors; (4) from a city to which territory is to be annexed or from which territory is to be severed, one representative appointed by the city council; and (5) from each city to be consolidated, one representative appointed by each city council. Local representative committee appointments shall be made by resolution of the appropriate governing body. Such resolution shall state the local representative is a

qualified elector of the city or territory represented. A copy of the resolution shall be submitted to the board.

The duties and powers of each committee are: To give proper notice and hold a public hearing on the petition before it; approve any petition which it finds to be in the public interest based upon all relevant information before the committee and complies with all legal statutes. After the final hearing, the committee shall within ninety days either approve or disapprove the petition or plan as amended and file its decision for record and promptly notify the parties to the proceedings of its decision. The board is then responsible for arranging for a special election on committee approved petitions, making the necessary filings after an election is held, and supervising the procedures necessary to carry out the voter approved petitions.

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

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offered. If in the judgment of the commission or examiner, such immaterial or irrelevant matter would unnecessarily encumber the record, such book, paper or document will not be received in evidence as a whole, but the material or relevant portions thereof, if otherwise admissible, may be read into the record or a true copy thereof supplied in the form of an exhibit.

Any matter contained in a report or other document on file with the commission may be offered in evidence by merely specifying the report, document, or other file containing the matter so offered. The commission or examiner on its or his own motion or upon a motion of any party, may require the offering party to designate specifically the portion of the report document or other file offered in evidence and the purpose for which it is offered.

7.7(10) Appeals to commission from ruling of hearing examiner. Any party objecting to a ruling of the examiner may present his objections to the commission in writing within five days. Such procedure will not be permitted to delay proceedings.

7.7(11) Motions. Motions, unless made during the hearings, shall be made in writing, shall set forth the relief or order sought and shall be filed with the secretary of the commission. Motions based on matter which does not appear of record shall be supported by affidavit. A motion shall substantially comply with the form prescribed in commission rule 2.2(14). The original and six copies of the motion shall be filed with the commission.

7.7(12) Brief and oral arguments. At the discretion of the commission or examiner oral arguments may be had by the parties with right of the commission or examiner to limit the time thereof and either party may have the right to furnish briefs. The commission or examiner shall designate the order in which oral arguments and briefs shall be made and filed.

7.7(13) Reopening hearings. Any time prior to the issuance of a decision by the commission, after notice to the parties and an opportunity to be heard, the commission, on its own motion or on the motion of a party, may reopen the hearing for the reception of further evidence. A motion to reopen the hearing shall substantially comply with the form prescribed in commission rule 2.2(12). The original and six copies of the motion shall be filed with the commission.

250—7.8(490A) Rehearings.

7.8(1) Application for rehearing. All applications for rehearing will be made and processed in accordance with section 490A.12.

7.8(2) Contents of application. Applications for rehearing after decision made by the commission must state specifically the grounds upon which the application is based and must specify the findings of fact and conclusions of law claimed to be erroneous, with a brief statement of the grounds of error. An application shall substantially comply with the form prescribed in commission rule 2.2(13). The original and six copies of the application shall be filed with the commission.

250—7.9(490A) Prehearing procedure.

7.9(1) Prehearing conference. An informal conference of parties may be ordered at the discretion of the commission or examiner or at the request of any party prior to a hearing in any proceeding.

a. For the purpose of formulating issues and considering:

- (1) The simplification of issues.
- (2) The necessity or desirability of amending the pleadings either for the purpose of clarification, amplification or limitation.
- (3) The possibility or making admissions of certain averments of fact or stipulations thereof, to the end of avoiding unnecessary proof.
- (4) The procedure at the hearing.
- (5) The propriety of prior mutual exchange between or among the parties of prepared testimony and exhibits.
- (6) Such other matters as may aid in the simplification of the evidence and disposition of the proceeding.

b. Recordation. Action agreed upon at the conference shall be made a part of the record in such manner as may be prescribed by the commission or examiner at the close of the conference.

7.9(2) *Offers of settlement.* Nothing contained in this section shall be construed as precluding any party to a proceeding from submitting at any time offers of settlement or proposals of adjustment to all parties and to the commission (or to staff counsel for transmittal to the commission), or from requesting conferences for such purpose.

The fact that proposals of settlement or of adjustment or as to procedure to be followed and proposed stipulations have been made by any party but not agreed to by parties to whom offered shall be privileged and shall not be admissible in evidence against any counsel or parties claiming such privilege.

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CHAPTERS 8 and 9

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Reserved

CHAPTER 10

PIPE LINES AND UNDERGROUND GAS STORAGE

250—10.1(479) **Definitions.** Terms not otherwise herein defined shall be understood to have their usual meaning.

1. "*Approximate right angle*" shall mean within five degrees of a ninety degree angle.
2. "*Commission*" shall mean the Iowa state commerce commission.
3. "*Multiple line crossing*" shall mean a point at which a proposed pipe line will either overcross or undercross an existing pipe line.
4. "*Permanent permit*" shall mean a permit issued after appropriate application to and determination by this commission.
5. "*Permit*" shall mean a permanent permit or renewal permit issued by the Iowa state commerce commission.
6. "*Pipe line*" shall mean any pipe, pipes or pipe lines used for the transportation or transmission of gas, gasoline, oils or motor fuels or inflammable fluids.
7. "*Pipe-line company*" shall mean any person, firm, copartnership, association, corporation or syndicate engaged in or organized for the purpose of owning, operating or controlling pipe lines for the transportation or transmission of gas, gasoline, oils or motor fuels or inflammable fluids.
8. "*Renewal permit*" shall mean the reissuance of a permanent permit after appropriate application to and determination by this commission.
9. "*Underground storage*" shall mean storage of gas in a subsurface stratum or formation of the earth.

10. Technical terms not herein defined shall be as defined in ASA B31.3 and .4—1966 and ASA B31.8—1963 and as the same may hereafter be revised.

250—10.2(479) Petition for permit. Petition for permit shall be made to this commission upon the form prescribed. A typical set of exhibits to such petition, which exhibits are labeled "A", "B", "C", "D" and "E" are described below:

Exhibit "A". A description of the proposed route of the pipe line. This should be as specific and detailed as circumstances permit. This commission would prefer a legal description showing the general direction of the proposed route through each quarter section of land to be crossed, including township and range and whether on private or public property, public highway or railroad right of way, together with such other information as may be deemed pertinent. Construction deviation of one hundred sixty rods from proposed routing will be permitted.

If it becomes apparent that there will be deviation of greater than one hundred sixty rods in some area from the proposed route as filed with this commission, construction of such line in such area shall be suspended. Exhibits "A", "B" and "E" reflecting such deviation shall be filed, and the procedure hereinafter set forth to be followed upon the filing of a petition for permit shall be followed.

Exhibit "B". Maps of proposed routing of the pipe line. Such maps shall have a minimum scale of not less than one inch to one mile. Strip maps will be acceptable. Two copies of such maps shall be filed.

Exhibit "C". A showing on forms prescribed by this commission of engineering specifications covering the engineering features, materials and manner of construction of the proposed pipe line, its approximate length, diameter and the name and location of each railroad and primary highway and the number of secondary highways to be crossed, if any, and such other information as may be deemed pertinent.

Exhibit "D". Satisfactory attested proof of solvency and financial ability to pay damages in the sum of fifty thousand dollars or more; or surety bond satisfactory to this commission in the penal sum of fifty thousand dollars with surety approved by this commission, conditioned that the petitioner will pay any and all damages legally recovered against it growing out of the operation of its pipe line or gas storage facilities in the state of Iowa; or security satisfactory to this commission as a guarantee for the payment of damages in the sum of fifty thousand dollars.

Exhibit "E". Consent or other showing of right of appropriate public highway authorities, or railroad companies, where the pipe line will be placed longitudinally on, over or under, or at other than an approximate right angle to railroad tracks or highway, when such consent is obtained prior to filing of the petition and hearing thereon shall be filed with the petition.

Should the exact and specific route be uncertain at the time of petition, a statement shall be made by petitioner that all such consents or other showing of right will be obtained prior to construction and copies thereof filed with this commission.

Additional exhibits. If permission is sought to construct, maintain and operate facilities for underground storage of gas, said petition shall include the following information, in addition to that stated above:

a. A description of the public or private highways, grounds and waters, streams and private lands of any kind under which such storage is proposed, together with a map thereof.

b. Maps showing the location of proposed machinery, appliances, fixtures, wells and stations necessary for the construction, maintenance and operation of such facilities.

250—10.3(479) Publication of notice of hearing. When a petition for permit is received by this commission, accompanied by proper exhibits, it shall be docketed for hearing and petitioner shall be advised of the time and place of hearing. Petitioner shall also be furnished copies of the official notice of hearing which petitioner shall cause to be

published once each week for two consecutive weeks in some newspaper of general circulation in each county in or through which construction is proposed. Proof of such publication shall be filed prior to or at such hearing, together with receipts showing that costs of such publication have been paid by petitioner.

250—10.4(479) Objections. All whose rights or interests may be affected by the object of a petition may file written objection thereto. Such written objection shall be filed with the secretary of this commission not less than five days prior to date of hearing. This commission may, for good cause shown, permit filing of objections less than five days prior to hearing, but in such event petitioner shall be granted a reasonable time to meet such objections.

250—10.5(479) Hearing. Hearing shall be not less than ten or more than thirty days from the date of last publication of notice of hearing.

Petitioner shall be represented by one or more duly authorized representatives or counsel or both. This commission may examine the proposed route of the pipe line or location of the underground storage facilities which are the object of the petition or may cause such examination to be made on its behalf by an engineer of its selection. One or more members of this commission or a duly appointed hearing examiner shall consider such petition and any objections filed thereto and may hear such testimony as may be deemed appropriate. One or more petitions may be considered at the same hearing. Petitions may be consolidated. Hearing shall be held in the office of this commission or at such other place within the state of Iowa as this commission may designate.

250—10.6(479) Permanent permit. If after hearing and appropriate findings of fact it is determined a permit should be granted, a permanent permit will be issued. Otherwise such petition shall be dismissed with or without prejudice. Where proposed construction has not been established definitely, the permanent permit will be issued on the route or location as set forth in the petition, subject to deviation of up to one hundred sixty rods on either side of such proposed route. If the proposed construction is not completed within two years from the date of issue, subject to extension at the discretion of this commission, such permanent permit shall be void and of no further force or effect. Upon completion of the proposed construction, maps of the final routing of the pipe line, bearing rechain survey notes, shall be filed with this commission.

A permanent permit shall normally expire twenty-five years from date of issue. No such permit shall ever be granted for a longer period than twenty-five years.

250—10.7(479) Renewal permits. Petition for renewal of permit may be filed at any time subsequent to issuance of a permanent permit and prior to the expiration thereof. Such petition shall be made on the form prescribed by this commission. Instructions for the use thereof are included as a part of such form. The procedure for petition for permit shall be followed with respect to publication of notice, objections and hearing. Renewal permits shall normally expire twenty-five years from date of issue. No such permit shall ever be granted for a longer period than twenty-five years. The same procedure shall be followed for subsequent renewals.

250—10.8(479) Amendments of permits. Petition may be filed for amendment of permanent or renewal permit to cover construction of a line paralleling an existing line of petitioner or to make contiguous extension of an existing underground storage area of petitioner. Such petition for amendment shall be made on the form prescribed by this commission. Such petition shall have attached those same exhibits required for a petition for permit. If such petition for amendment is for paralleling construction and the same falls within the one hundred sixty rods permissive deviation of the permanent permit or subsequent renewal permit, the requirement of publication of notice and hearing may be waived. Subject to such exception only, the procedure for petition for permit shall be

followed in all instances. Upon appropriate determination by this commission, an amendment to permanent permit will be issued. Such amendment shall be subject to the same conditions with respect to completion of construction within two years and the filing of final routing maps as attached to permanent permits.

250—10.9(479) Fees. All fees shall be payable to "Iowa state commerce commission".

All fees referred to below shall be paid in the year of issuance of the permit to which they apply. Such fees shall be collected on the basis of approximate mileage as shown in the particular petition. Upon the filing of final routing maps fees shall be paid or refunded on the basis of adjusted mileage.

Construction inspection fee. Upon issuance of a permanent permit, petitioner shall pay a fee of fifty cents per inch of diameter for each mile or fraction thereof of pipe line covered by such permit.

Annual inspection fee. For each calendar year subsequent to the year in which the construction inspection fee was paid, for which year or fraction thereof a permit (permanent or renewal) shall be effective, there shall be paid an annual inspection fee of twenty-five cents per inch of diameter for each mile or fraction thereof of pipe line. Such payment shall be made prior to January 1 of such calendar year.

Paralleling line fee. A construction inspection fee shall be paid upon the issuance of an amendment to permanent permit and an annual inspection fee shall be paid for each year thereafter that such permit is in force. Both such fees shall be determined as above.

Renewal permit fee. Upon issuance of a renewal permit, there shall be a fee of twenty-five dollars per petition, as the same may be consolidated, plus a flat fee of fifty cents per mile or fraction thereof of pipe line involved, irrespective of diameter, to cover the costs and expenses of the commission in conjunction therewith. Such payment shall be in addition to the annual inspection fee.

250—10.10(479) Inspections. This commission shall from time to time examine the construction, maintenance and condition of pipe line, underground storage facilities and equipment used in connection with such pipe line or facilities in the state of Iowa to determine if the same is unsafe or dangerous. One or more members of this commission, one or more duly appointed representatives hereof or the same together may enter upon the premises of any pipe-line company within the state of Iowa for the purpose of making such inspections. Except under extreme circumstances, such inspections shall be made after adequate opportunity has been provided for a representative of such company to accompany such inspecting party.

250—10.11(479) Standards for construction, operation and maintenance. All pipe lines and underground storage facilities and all equipment used in connection therewith shall be constructed, operated and maintained in accordance with either section 3—PETROLEUM REFINERY PIPING CODE (designated as ASA B31.3—1966), section 4—OIL TRANSPORTATION PIPING CODE (designated as ASA B31.4—1959) or section 8—AMERICAN STANDARD GAS TRANSMISSION AND DISTRIBUTION PIPING SYSTEMS (designated as ASA B31.8—1963), of the American Standard Code for Pressure Piping published by the American Society of Mechanical Engineers, insofar as the same may be applicable, and as said sections may be hereafter altered, amended or modified by said society.

This commission has adopted certain specifications for undercrossings of primary and secondary roads and railroads in addition to those found in such above-mentioned code. Should conflict exist between such specifications, such conflict shall be resolved by this commission after written information has been filed of such conflict by any party desiring clarification.

250—10.12(479) *Minimum safety standards. Pursuant to the Natural Gas Pipeline Safety Act of 1968, 49 U.S.C. §§1671, et seq. (Public Law 90-481, 90th Congress §1166, dated August 12, 1968), the Secretary of Transportation has issued in 49 C.F.R. Part 192, Minimum Federal Safety Standards relative to "Transportation of Natural and Other Gas By

*Emergency pursuant to §17A.5(2)"b"(2),(3) of the Code.

Pipeline" (Revised as of December 31, 1976). On June 29, 1977, the Commission adopted the subject Federal Minimum Safety Standards, as amended and as shall be amended by the Secretary of Transportation under the federal Act as the Minimum Safety Standards of the State of Iowa in order to certify compliance with the federal legislation and act as enforcement agent with respect to the Federal Safety Standards as contemplated by section 479.31, the Code 1977.

250—10.13(479) Undercrossing permits. Undercrossings of primary or secondary highways and railroad right of ways shall be at an approximate right angle as herein defined, with an additional construction tolerance of five degrees being permitted, unless permission to vary further therefrom is obtained from the proper authority and filed with this commission.

Permission to undercross primary or secondary highways need be sought only from this commission, except in case of undercrossings installed at other than an approximate right angle, as herein defined, in which case permission must be sought from either the Iowa state highway commission or the appropriate county board of supervisors.

It is recommended however, that pipe-line companies confer with appropriate highway authorities before crossing primary or secondary highways, in order that such companies may determine contemplated future changes in such highways which may influence the location of pipe-line facilities. It is further recommended that pipe-line companies give such authorities advance notice of their intent to cross highways. It is the policy of this commission to give notice to highway authorities of petitions of pipe-line companies for authority to construct pipe lines which will cross highways under the jurisdiction of such authorities.

No special permit need be obtained to cross rivers, waters and streams within the state of Iowa where such crossings are included within a petition to this commission.

250—10.14(479) River crossings. This commission has primary state jurisdiction to issue permits to cross rivers, waters and streams within the state of Iowa and its jurisdiction in such respect is paramount to that of the Iowa state conservation commission.

As a matter of co-operation, this commission has agreed to furnish the Iowa state conservation commission information relative to crossings of rivers, waters and streams, together with plats of such crossings upon the filing of a petition indicating such crossings. Pipe-line companies shall provide information direct to the Iowa state conservation commission pertaining to the date of commencement of construction where such crossings are involved.

250—10.15(479) Distribution mains. No petition need be made for permit to construct, operate or maintain a gas main or distribution main as technically defined in ASA B31.8—1963 and which will be operated at a pressure of less than one hundred fifty pounds per square inch.

250—10.16(479) Accidents. A preliminary report shall be sent to this commission by registered or certified letter within twenty-four hours of any accident arising from, or in any way connected with the operation of a pipe line or underground storage facility within the state of Iowa, which accident results in personal injury or damage in excess of five hundred dollars to the property of others. Such preliminary report shall give the outstanding characteristics of such accident. Such report shall be followed within a reasonable time by a full written report giving complete details of such accident.

No preliminary report need be made in the event of an accident resulting only in damage to the property of the pipe-line company. A written report of such accident shall be filed with the secretary of this commission within a reasonable time. Accidents involving damage to the pipe line or underground storage facilities of the pipe-line company in an amount less than one thousand dollars, including costs of repair, need not be reported to this commission.

The dollar amounts of damage and repair costs hereinabove referred to must necessarily be the results of the pipe-line company's best estimates made at the time of such accident.

250—10.17(479) Removal or relocation of pipe lines. Notice of removal from service or relocation of existing pipe lines for which permits have been obtained shall be supplied the secretary of this commission. Such notice shall be accompanied by a plat of the pipe line as relocated or, in the case of removal from service, a plat showing the portion of pipe line removed. No such notice need be supplied of a relocation of three hundred feet or less on either side of the survey center line as filed with this commission unless said relocation would result in placing said pipe line within three hundred feet of an occupied residence. Relocations of one hundred sixty rods or more shall require the filing of a petition for permit.

250—10.18(479) Sale or transfer of permit. No permit shall be sold without prior written approval of this commission. No transfer of a permit prior to completion of construction shall be effective until the permittee shall file with this commission written notice of date of transfer and name and address of the transferee.

250—10.19(479) Amendments to rules. These rules are subject to such amendments or exceptions as this commission may deem advisable. Parties desiring to depart from these rules may make written requests to this commission, whereupon appropriate action will be taken. Amendments hereto shall apply only to permits issued after the effective date of such amendments.

[Filed July 19, 1960; amended August 23, 1962, November 14, 1966]

[Filed emergency 7/1/77—published 7/27/77, effective 7/1/77]

CHAPTER 11

[Previously ch 2, renumbered 10/20/75 Supp.]

CONSTRUCTION AND OPERATION OF ELECTRIC SUPPLY AND COMMUNICATION LINES

250—11.1(489) General information.

11.1(1) Iowa electrical safety code. The standard minimum requirements for the installation, operation and maintenance of overhead and underground electric supply and communications lines adopted in 11.2(489) below are hereby designated collectively as the "Iowa Electrical Safety Code."

11.1(2) Application of rules. This chapter shall apply to any individual, company, corporation, or city engaged in the construction, operation and maintenance of electric transmission lines to the extent provided in chapter 489 of the Code of Iowa 1975. These rules shall in no way relieve any utility from any of its duties under the laws of this state.

11.1(3) Special situations. For good cause shown the commission may permit deviation from any rule or requirement thereof and adopt another requirement in a special case.

250—11.2(489) Iowa electrical safety code. The Iowa electrical safety code shall consist of the following:

11.2(1) National electrical safety code. The following portions of the 1973 edition of ANSI (American National Standards Institute) C2 "National Electrical Safety Code":

a. Section 9 of ANSI-C2.2-1960.

b. ANSI C2.1 (Part 1-1971 except as it applies to electrical generation facilities (cf 490A.27-1975 Iowa Code).)

c. ANSI C2.2-1960 and ANSI-C2.2a-1965.

d. ANSI C2.3-1973.

e. ANSI C2.4-1972.

11.2(2) Modifications required. The standards as set forth in ANSI-C2 are modified as follows:

a. Rule 232.A in Table 1 under the heading "Nature of Ground or Rails Underneath Wires" which reads: "Public streets, alleys or roads in urban or rural districts" is changed to read: "Public streets, alleys or roads in urban or rural districts and all other terrain not specifically identified."

b. The first paragraph of rule 232,B is changed to read: "Greater clearances than specified in table 1 (Rule 232,A) shall be provided where required by 1, 2, 2.5 and 3 hereafter. Increases are cumulative where more than one apply."

c. The following new rule designated as 232,B, 2.5 is added and inserted between rules 232,B, 2 and 232,B, 3: "Conductors Operated at Temperatures in Excess of 120°F. Under these conditions the clearances given in table 1 (rule 232,A) shall be increased by the difference between final unloaded sag at 120°F., no wind, and the final unloaded sag at the maximum temperature at which the conductor will operate, no wind, both sags calculated for the crossing span."

d. The first paragraph of rule 233,B is changed to read: "Greater clearances than given in table 3 (rule 233,A) shall be provided under the following conditions. The increase in 1, 2, 2.5 and 3 below are cumulative where more than one are applicable.

e. The following new rule designated as 233,B, 2.5 is added and inserted between rules 233,B, 2 and 233,B, 3: "Conductors Operated at Temperatures in Excess of 120°F. Under these conditions, the clearances given in table 3 (rule 233,A) shall be increased by the difference between final unloaded sag at 120°F., no wind, and the final unloaded sag at the maximum temperature at which the conductor will operate, no wind, both sags calculated for the crossing span."

f. Rule 234,C, 4(a)(2) is changed to read: "Spans Exceeding 150 Feet. Where span lengths exceed 150 feet, the increased clearances required by rules 232,B, 1 and 2.5 shall be provided."

g. Rule 282,E, as revised by ANSI C2.2a-1965, and entitled "Guy Guards," is further revised to read: "The ground end of all guys attached to ground anchors exposed to traffic shall be provided with a substantial and conspicuous guard, not less than 8 feet long. **RECOMMENDATION:** It is recommended that grey or green colored guy guards are not necessarily conspicuous, such as where they are of small diameter or blend with plant growth or other surroundings. White guy guards are not conspicuous against a winter snow. Yellow or orange are recommended conspicuous colors."

11.2(3) Minimum clearances. Where the minimum clearances from wires of ANSI C2.2-1960, would otherwise apply, they shall not be less than the minimum distances from buildings and crossings of railroads, provided for in chapter 489, Code 1975.

11.2(4) General rules for operation, co-ordination and co-operation. Electric supply lines and communication lines shall utilize joint construction unless inductive effects prevent adequate communication service. The means of avoiding or reducing inductive effects such as are outlined below shall be applied in each case insofar as is practical for the sufficient reduction of inductive interference. In case the parties of interest shall, in any case, fail to agree upon the application of these means to a specific case, the matter shall be referred to the commission for determination.

CONSERVATION COMMISSION[290]

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30.2 to 30.5 Reserved.

290—30.6(106) Rathbun Lake, Appanoose county—zoned areas.

30.6(1) No vessel, except authorized emergency vessels, shall be permitted in areas specifically designated for swimming and wading and plainly marked by the use of buoys or signs in accordance with chapter 31, rules of the state conservation commission.

30.6(2) No motorboats, except authorized emergency vessels, shall be operated in restricted speed areas between the nearest shore and a line designated by uniform marker buoys or signs at a speed greater than the limit designated on the buoys or signs marking the area.

Such zoned areas shall be not less than 50 feet nor more than 400 feet from shore.

Said buoys or signs shall be in accordance with chapter 31, rules of the state conservation commission.

This rule is intended to implement sections 106.26 and 106.31 of the Code.

290—30.7(106) Red Rock Lake, Marion County—zoned areas.

30.7(1) No vessel, except authorized emergency vessels, shall be permitted in areas specifically designated for swimming and wading and plainly marked by the use of buoys or signs in accordance with chapter 31, rules of the state conservation commission.

30.7(2) No motorboats, except authorized emergency vessels, shall be operated in restricted speed areas between the nearest shore and a line designated by uniform marker buoys or signs at a speed greater than the limit designated on the buoys or signs marking the area.

Such zoned areas shall not be less than fifty feet nor more than four hundred feet from shore.

Said buoys or signs shall be in accordance with chapter 31, rules of the state conservation commission.

290—30.8(106) Coralville Lake, Johnson County—zoned areas.

30.8(1) No vessel, except authorized emergency vessels, shall be permitted in areas specifically designated for swimming and wading and plainly marked by the use of buoys or signs in accordance with chapter 31, rules of the state conservation commission.

30.8(2) No motorboats, except authorized emergency vessels, shall be operated in restricted speed areas between the nearest shore and a line designated by uniform marker buoys or signs at a speed greater than the limit designated on the buoys or signs marking the area.

Such zoned areas shall not be less than fifty feet nor more than four hundred feet from shore.

Said buoys or signs shall be in accordance with chapter 31, rules of the state conservation commission.

290—30.9(106) Saylorville Lake, Polk County—zoned areas.

30.9(1) No vessel, except authorized emergency vessels, shall be permitted in areas specifically designated for swimming and wading and plainly marked by the use of buoys or signs in accordance with chapter 31, rules of the state conservation commission.

30.9(2) No motorboats, except authorized emergency vessels, shall be operated in restricted speed areas between the nearest shore and a line designated by uniform marker buoys or signs at a speed greater than the limit designated on the buoys or signs marking the area.

Such zoned areas shall not be less than fifty feet nor more than four hundred feet from shore.

Said buoys or signs shall be in accordance with chapter 31, rules of the state conservation commission.

This rule is intended to implement section 106.31, Code of Iowa, 1975.

30.10 Reserved.

290—30.11(106) Lake Odessa in Louisa county.

30.11(1) No motorboat shall be operated at a speed exceeding five miles per hour unless vision is unobstructed at 300 feet ahead.

30.11(2) No motorboat shall be operated at a speed greater than ten miles per hour between April 1 and October 1 yearly, except that portion of Lake Odessa proper lying south of the south line of Section 17 and west and north from the east side of the Sand Run Public Access Area in Section 33, all in Township 74 North, Range 2 West of the 5th P.M.

30.12 to 30.15 Reserved.

290—30.16(106) Mississippi River lock and dam safety zone. A safety zone is hereby established in Iowa waters above and below all navigation lock and dam structures on the Mississippi river between the Iowa-Minnesota border and the Iowa-Missouri border. The established zone shall be 600 feet upstream and 100 feet downstream from the roller gate or tainter gate section of the structure.

30.16(1) The safety zone does not include the area directly above and below the navigation lock or the auxiliary lock structure.

30.16(2) The safety zone does not include the area directly above and below the solid fill portion of the dam and structure.

30.16(3) The safety zone shall be recognized by the state of Iowa only when plainly marked in accordance with the uniform marking system, as adopted by the state of Iowa, including buoys placed at the outer limits of the restricted safety zone 600 feet above and 100 feet below the structure as described in 30.16(106).

30.16(4) No boat or vessel of any type shall enter the established safety zone as recognized by the state of Iowa as described in 30.16(3).

30.17 to 30.20 Reserved.

290—30.21(106) Joyce Slough Area. The Joyce Slough Area, a portion of the Mississippi river within the city of Clinton, Iowa, is hereby zoned to be a harbor area and vessels traveling therein shall not travel at speeds in excess of five miles per hour.

30.22 to 30.25 Reserved.

290—30.26(106) Massey Slough. Operation of vessels in Massey Slough of the Mississippi river at Massey Station, Dubuque county, Iowa, extending from a northerly to

southerly direction from the upper end to the lower end of the slough, encompassing the water in Section 14. Township 88N, Range 3E, of the 5th P.M., tract number NFIA-26M.

30.26(1) Water recreation restrictions within posted areas which are marked with approved buoys shall be obeyed.

30.26(2) Buoys approved by the Dubuque county conservation board shall be those of a system adopted by the state conservation commission on a state-wide uniform basis.

30.26(3) All boating accidents shall be reported to the river patrol office in addition to the state conservation commission as prescribed by the Code of Iowa.

30.26(4) All boats underway must maintain a speed of less than five miles per hour in said waters.

30.26(5) Rescinded.

30.27 to 30.30 Reserved.

290—30.31(106) Mitchell county waters. Operation of vessels in Mitchell county on the following impounded waters:

Cedar river from Mitchell Dam, thence upriver to the County "S" Bridge.

Cedar river from the St. Ansgar Mill Dam, thence upriver to the Newberg Bridge crossing Highway 105.

Cedar river from the Otranto Dam upriver to the Great Western Railway Bridge crossing the Cedar river.

The Stacyville Pool, on the Little Cedar river at Stacyville, Iowa.

30.31(1) Water recreation activities as restricted within posted areas which are marked with approved buoys shall be obeyed.

30.31(2) No floating docks, buoys, or manmade obstructions shall be placed in water without approval of the Mitchell county sheriff.

30.31(3) Buoys approved by the Mitchell county sheriff's office shall be those of a system adopted by the state conservation commission on a state-wide uniform basis.

30.31(4) Swimming in areas other than posted areas approved by the Mitchell county sheriff must be within 25 feet of shore.

30.31(5) All boats underway must maintain a speed less than five miles per hour if within 50 feet of a moored fishing craft in use.

30.31(6) Boating operation at speeds in excess of ten miles per hour shall not take place prior to 9:00 a.m. and after 6:00 p.m. each day.

30.31(7) The towing of more than one skier by a single boat shall be at the option of the water safety patrol and the determination of the patrol shall be based upon water congestion and safety of operations.

30.31(8) All boating accidents shall be reported to the river patrol office in addition to reporting the accident to the state conservation commission.

30.31(9) All water skiers are required to wear life jackets, life belts or preservers.

30.31(10) Any finding or establishment of areas by the Mitchell county sheriff under 30.31(1) to 30.31(3) shall be created by petition of interested persons or adjoining landowners filed with Mitchell county sheriff, who shall establish or disallow same within ten days, by written notice of such petitioners. Any party aggrieved by such findings may appeal such determination to the Mitchell county board of supervisors by written notice within ten days of such findings and a hearing shall be held thereon before such board within 30 days thereafter. The decision of such board shall be final and binding.

30.31(11) Rescinded.

30.32 to 30.36 Reserved.

290—30.37(106) Maquoketa river. Operation of vessels on the impoundment of the Maquoketa river in Delaware county, Iowa, extending westerly and northerly from the line between Sections 29 and 30 in Delhi township in said county, to the line between Sections 10 and 15 in Milo township in said county which impoundment is sometimes known and referred to as Hartwick Lake or Lake Delhi.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. This is essential for ensuring the integrity of the financial data and for providing a clear audit trail.

2. The second part of the document outlines the various methods used to collect and analyze data. These methods include direct observation, interviews, and the use of specialized software tools.

3. The third part of the document describes the results of the data collection and analysis. It shows that there is a significant correlation between the variables being studied, which supports the hypothesis.

4. The fourth part of the document discusses the implications of the findings. It suggests that the results could be used to inform policy decisions and to guide future research in this area.

5. The fifth part of the document provides a conclusion and summarizes the key findings. It emphasizes the need for further research to explore the underlying mechanisms of the observed relationships.

6. The sixth part of the document includes a list of references to the literature cited in the paper. These references provide a context for the current study and highlight the contributions of other researchers in the field.

7. The seventh part of the document contains an appendix with additional data and figures. These materials provide a more detailed look at the raw data and the statistical analysis performed.

8. The eighth part of the document is a glossary of terms used throughout the paper. This helps to ensure that all readers have a clear understanding of the terminology used in the study.

9. The ninth part of the document is a list of acknowledgments, thanking the individuals and organizations that provided support and assistance during the course of the research.

10. The final part of the document is a list of contact information for the author, including an email address and a phone number. This allows interested parties to reach out for more information or to request a copy of the paper.

30.37(1) Water recreation activity restrictions shall be obeyed, including restrictions within posted areas which are marked with approved buoys.

30.27(2) No dock or obstruction of any nature shall be placed in the water without first obtaining a permit from the conservation commission.

30.37(3) Application for dock permits and buoy permits shall be made on forms provided by the conservation commission for that purpose.

30.37(4) Reserved.

30.37(5) Every dock or structure shall be constructed and maintained in accordance with the requirements on the permit issued by the conservation commission and shall be removed from the water on or before December 15 of each year.

30.37(6) All buoys shall be those of a system adopted by the state conservation commission and shall be constructed, placed and maintained in accordance with chapter 106 of the Code, and the applicable rules of the conservation commission.

30.37(7) Swimming or wading shall be restricted to an area within 25 feet of shore except in special areas approved by the conservation commission and marked by approved buoys.

30.37(8) No motorboat shall be operated at speeds greater than ten miles per hour at any time between the hours from one hour after sunset to one hour before sunrise.

30.37(9) No motorboat shall be operated at a speed which will create appreciable wake or roll when within 50 feet of an occupied craft at anchor or traveling at a no-wake speed.

30.37(10) Boating accidents shall be reported as required in section 106.7 and the applicable departmental rule.

30.37(11) All water skiers shall wear a life belt or life jacket.

30.37(12) Rescinded.

30.38 to 30.42 Reserved.

290—30.43(106) Zoning of off-channel waters of the Wapsipinicon river in Pinicon Ridge Park in Linn county. No motorboat shall be operated at a speed which will create a wake within the zoned area designated by regulatory buoys or signs on the off-channel waters of the Wapsipinicon river above the dam at Central City, Linn county, Iowa.

The zoned area will be the off-channel waters created in and adjacent to the developed recreation areas of the Pinicon Ridge Park on the west and south bank of the Wapsipinicon river above the dam at Central City, Linn county.

30.44 to 30.47 Reserved.

290—30.48(106) Speed restrictions on Lake Manawa. No motorboat shall be operated at a speed greater than five miles per hour within the zoned area, designated by regulatory buoys, on Lake Manawa in Pottawattamie county, Iowa.

30.48(1) Zoned Area 1—South and east of a line from the end of the area known as "Tin Can Dike" to the southern tip of the Les Peterson property on the east shore.

30.48(2) Zoned Area 2—South and west of a line from the south end of the Eleventh Street dike to the north end point of the area known as "Boy Scout Island".

30.48(3) Zoned Area 3—North and east of a line from a point 300 yards north of the entrance to the lagoon known as the "Novak Lagoon" to the existing bench mark in the west parking area of North Park.

30.48(4) Zoned Area 4—North and west of a line from the north end of the public boat ramps in North Park to the building known as the "Neal Durick boathouse" on the north-east shore.

30.49 to 30.53 Reserved.

290—30.54(106) Zoning of Little Wall Lake. No motorboat shall be operated at a speed which will create a wake within the zoned area designated by regulatory buoys on Little Wall Lake in Hamilton county.

The zoned area will not exceed approximately 20 acres in the northeast portion of the lake identified by a line from a point on the high-water mark approximately 296.6 feet west of the southeast corner of the southwest quarter of Section 10, Township 86 North, Range 24 West; thence northwest to the high-water mark which is 775 feet south and 319 feet west of the northeast corner of the northwest quarter southwest quarter of Section 10, Township 86 North, Range 24 West.

This rule is intended to implement section 106.26 of the Code.

30.55 - 30.58 Reserved.

290—30.59(106) Lake Icaria, Adams County—watercraft use. Motorboats of outboard or inboard-outdrive type with power not to exceed 200 horsepower shall be permitted on Lake Icaria. The following rules shall govern vessel operation on Lake Icaria in Adams County.

30.59(1) All vessels shall be operated at a no-wake speed when within fifty feet of another vessel which is not underway or is operating at a no-wake speed.

30.59(2) Zoned areas.

a. No vessel, except authorized emergency vessels, shall be permitted in areas specifically designated for swimming and wading which are plainly marked by the use of buoys or signs in accordance with chapter 31, rules of the state conservation commission.

b. No motorboats, except authorized emergency vessels, shall be operated in marked bay areas at a speed greater than the limit designated by buoys or signs marking said bay. Said buoys or signs shall be in accordance with chapter 31, rules of the state conservation commission.

c. No motorboats, except authorized emergency vessels, shall be operated in restricted speed areas between the nearest shore and a line designated by uniform marker buoys or signs at a speed greater than the limit designated on the buoys or signs marking the area. Such zoned areas shall not be less than fifty feet nor more than four hundred feet from shore. Said buoys or signs shall be in accordance with chapter 31, rules of the state conservation commission.

This rule is intended to implement section 106.31 of the Code.

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The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be clearly documented and verified. The second part covers the process of reconciling accounts, ensuring that all entries are balanced and consistent. This involves comparing the company's records with bank statements and other external sources. The third part addresses the need for regular audits to identify any discrepancies or errors. It suggests that audits should be conducted at regular intervals and by independent parties. The final part of the document provides a summary of the key points and offers some practical advice for implementing these procedures effectively.

The second part of the document focuses on the importance of transparency and accountability in financial reporting. It highlights that stakeholders, including investors and creditors, rely on accurate and timely information to make informed decisions. Therefore, it is crucial for the organization to maintain high standards of reporting and to disclose any potential risks or uncertainties. The third part discusses the role of internal controls in preventing fraud and ensuring the integrity of the financial data. It outlines various control measures, such as segregation of duties and regular reviews, that can help minimize the risk of errors and misstatements. The fourth part of the document provides a detailed overview of the financial statements, including the balance sheet, income statement, and cash flow statement. It explains how these statements are prepared and how they relate to each other. The final part of the document concludes with a call to action, urging the organization to continue to improve its financial management practices and to maintain the highest level of transparency and accountability.

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400—14.5(455B) Rules of practice.

14.5(1) Formal procedures available to the public.

a. Petition for rulemaking. See 53.2(455B) of the rules of the department, and section 17A.7 of the Code.

b. Petition for declaratory ruling. See chapter 54 of the rules of the department and section 17A.9 of the Code.

c. Contested cases. See chapter 55 of the rules of the department and sections 17A.10 through 17A.18 of the Code.

14.5(2) Informal procedures available to the public.

a. Violations of air quality statutes, rules, or standards. The informal procedures prior to a contested case described in 55.4(1) of the rules of the department may be available to owners or operators of sources in resolving problems that are alleged to be violations of air quality statutes, rules, or standards.

b. Variances and certificates of acceptance. See 55.4(2)“b” of the rules of the department.

c. Emergency orders and permits. See 55.4(2)“a”. Although there is no informal procedure prior to commencement of a contested case, the staff is instructed to discuss and negotiate resolution of issues to the extent feasible and reasonable.

400—14.6(455B) Description of forms and instructions to be used by the public in dealing with the commission or department.

14.6(1) Application for a permit to install or alter equipment or control equipment.

Forms AQ8 and AQ8A. This application form (AQ8) is a one-page form requiring an applicant to specify: The firm name and address; the equipment location address; the type of equipment or control equipment for which a permit is sought; emission levels; process weight rate; the general nature of the applicant's business; and the name and address of the engineer submitting plans. It is to be signed by the owner or the owner's employee who is responsible for the installation. A cover letter and instructions (AQ8A) for filling out the form accompany the form. Used in connection with 3.1(455B).

14.6(2) Request for pollution control property tax exemption and certification of pollution control property. Form 54D210 (also available from the revenue department and local assessors). This request form is a four-page form in triplicate requiring the party requesting certification to specify: The date on which construction of the property for which certification is sought was completed; the name and address of the taxpayer; the location of property; a legal description of the land upon which the property is located; the type of property; the permit number if one was issued, or, if none was issued, the reason why; and descriptive information concerning the use and effects of the property. Filing instructions (Form 54D211) are attached to the form. Used in connection with chapter 12.

14.6(3) Application for variance from open burning rules. Forms AQ10 and AQ10A. This application (AQ10) is a two-page form which must be filled out in triplicate and which requires an applicant to specify: Name and address; business name; general nature of business; nature, extent, and location of burning; and efforts toward elimination of pollution and various items justifying the variance. A cover letter and instructions (AQ10A) for filling out the form accompany the form. Used in connection with 3.2(455B).

14.6(4) Air pollution preplanned abatement strategy forms. Forms AQ13, AQ14, and AQ15. These three two-page forms (white AQ13, for alert level; yellow, AQ14, for warning level, and orange, AQ15, for emergency level), required to be signed by the owner and the operator of a facility, require specification of: The company's name and address; the person authorized to accept service of process; and the names, job titles, and telephone numbers of two contacts for each shift in a normal business day. Additionally, a percent process reduction and an estimated percent emission reduction must be specified, as must any

control actions to be taken. Instructions (AQ12) for filling out these forms accompany them. Used in connection with chapter 8.

14.6(5) Air contaminant emissions survey forms. The form described in paragraph "a" of this subrule is to be filled out simultaneously with the appropriate form described in paragraph "b", "c" or "d".

a. General information form. Forms AQ2 and AQ2A. This form is a one-page form requiring specification of: The firm name; the name, job title, and telephone number of a contact person; the plant location; the number of employees at the plant; the approximate land area at the plant; whether any refuse is disposed of by open burning and, if so, the type and quantity of materials burned; any changes to processes or control equipment which required a permit; and the nature of the firm's business. Instructions (AQ2A) for filling out the form accompany the form.

b. General questionnaire. This form is a four-page form requiring in tabular form for each source of air contaminant emissions specification of: The type of process releasing contaminants into the atmosphere; the date on which the equipment was installed; the equipment's normal operating schedule, and its seasonal variation in production; the type and quantity of materials processed (input) and the materials produced (end products); various items of information concerning fuel consumption, and the type, percent effectiveness, and installation date of any control equipment; and various items of stack data. Instruction for filling out the form accompany the form.

c. Grain questionnaire. This form is a four-page form requiring in tabular form, for each type of processing (specifically, elevators, grain processing, and feed manufacturing) specification of: The normal operating schedule and the seasonal variation in production; a description of the sources vented; the amounts of grain processed in the survey year; and the type, percent effectiveness, and installation date of any control equipment. The form also requires information concerning fuel use and stack data (this portion of the form is similar to the general questionnaire).

d. Asphalt questionnaire. This form is a three-page form requiring specification of: Plant locations; asphalt production at each location; and various items regarding driers, and degree of enclosure of control of particulate emissions from specified pieces of equipment. The form also requires information, in tabular form, concerning fuel use and stack data (this portion of the form is similar to the general questionnaire).

The forms described in this subrule are used in connection with 2.1(3).

14.6(6) Notification of corrective action in response to notice of vehicle emission violation. This is a postage-free postcard informing the department, in response to a notice of vehicle emission violation by a gasoline-powered vehicle, that corrective action has been taken. It is requested that the recipient specify what repairs were made, by whom, and at what cost. Used in connection with 4.3(2)"d"(2) and 4.3(2)"d"(3).

[Filed 3/1/76, Notice 11/3/75—published 3/22/76, effective 4/26/76]

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TITLE II
WATER QUALITY

CHAPTER 15
DEFINITIONS

400—15.1(455B) Definitions. As used in chapters 16 through 19:

15.1(1) "*Act*" means the Federal Water Pollution Control Act as amended by the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500, 86 Stat. 816), 33 U.S.C. §1251 et seq.

15.1(2) "*Administrator*" means the administrator of the United States Environmental Protection Agency (EPA), 401 "M" Street, S.W., Washington, D.C. 20460.

15.1(3) "*ASTM*" means "Annual Book of Standards, Part 31, Water, 1975". The publication is available from the American Society for Testing and Materials, 1916 Race St., Philadelphia, Pennsylvania 19103.

15.1(4) "*Best management practice*" (BMP) means a practice or combination of practices that is determined, after problem assessment, examination of alternative practices, and appropriate public participation, to be the most effective, practicable (including technological, economic and institutional considerations) means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

15.1(5) "*Biochemical oxygen demand (five-day)*" means the amount of oxygen consumed in the biological processes that break down organic matter in water by aerobic biochemical action in five days at 20°C.

15.1(6) "*Continuing planning process*" (CPP) means the continuing planning process, including any revision thereto, required by sections 208 and 303(e) of the Federal Water Pollution Control Act as amended (33 U.S.C. §§1288 and 1313(e)) for state water pollution control agencies. The continuing planning process is a time phased process by which the department, working co-operatively with designated areawide planning agencies:

a. Develops a water quality management decision-making process involving elected officials of state and local units of government and representatives of state and local executive departments that conduct activities related to water quality management.

b. Establishes an intergovernmental process (such as co-ordinated and co-operative programs with the state conservation commission in aquatic life and recreation matters, department of soil conservation in nonpoint source pollution control matters, and the natural resources council in water resources matters) which provides for water quality management decisions to be made on an areawide or local basis and for the incorporation of such decisions into a comprehensive and cohesive statewide program. Through this process, state regulatory programs and activities will be incorporated into the areawide water quality management decision process.

c. Develops a broad based public participation (such as utilization of such mechanisms as basin advisory committees composed of local elected officials, representatives of areawide planning agencies, the public at large, and conservancy district advisory committees) aimed at both informing and involving the public in the water quality management program.

d. Prepares and implements water quality management plans, which identify water quality goals and established state water quality standards, define specific programs, priorities and targets for preventing and controlling water pollution in individual approved planning areas and establish policies which guide decision-making over at least a twenty-year span of time (in increments of five years).

e. Based on the results of the statewide (state and areawide) planning process, develops the state strategy to be updated annually, which sets the state's major objectives, approach, and priorities for preventing and controlling pollution over a five-year period.

f. Translates the state strategy into the annual state program plan (required under section 106 of the Federal Act), which establishes the program objectives, identifies the resources committed for the state program each year, and provides a mechanism for reporting progress toward achievement of program objectives.

g. Periodically reviews and revises water quality standards as required under section 303(c) of the Federal Act.

15.1(7) "*CFR*" means the Code of Federal Regulations as published by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

15.1(8) "*Department*" means the department of environmental quality.

15.1(9) "*EPA Methods*" means "Methods for Chemical Analysis of Water and Wastes", 1974, Methods Development and Quality Assurance Research Laboratory, National Environmental Research Center, Cincinnati, Ohio 45268; U.S. Environmental Protection Agency, Office of Technology Transfer, Industrial Environmental Research Laboratory, Cincinnati, Ohio 45268. This publication is available from the Office of Technology Transfer.

15.1(10) "*Fecal coliform*" means the portion of the coliform group which is present in the gut or the feces of warm-blooded animals. It includes organisms which are capable of producing gas from lactose broth in a suitable culture medium within 24 hours at $44.5 \pm 0.2^\circ\text{C}$.

15.1(11) "*FR*" means the Federal Register, published, daily by the Office of the Federal Register, National Archives and Record Service, General Services Administration, Washington, D.C. 20408 and distributed by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

15.1(12) "*Industrial wastes*" means any solid, liquid, or gaseous wastes or excess energy in the form of heat resulting from any process of industry, manufacturing, trade, or business, or from the development, processing or recovery, except for agricultural crop raising, of any natural resources.

15.1(13) "*Major contributing industry*" means an industrial user of a treatment works that:

a. Has a flow of 50,000 gallons or more per average work day;

b. Has a flow greater than five percent of the flow carried by the treatment works receiving the waste;

c. Has in its waste a toxic pollutant in toxic amounts as defined in standards issued under section 307(a) of the Act and adopted by reference in 17.5(455B); or

d. Is found by the department in connection with the issuance of an NPDES permit to have a significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

15.1(14) "*Milligrams per liter (mg/l)*" means milligrams of solute per liter of solution (equivalent to parts per million—assuming unit density). A microgram (μg) is 1/1000 of a milligram.

15.1(15) "*Navigable water*" means a water of the United States.

15.1(16) "*Nephelometric*" means the nephelometric method of determining turbidity as stated in Standard Methods, pp. 132-134.

15.1(17) "*Nonpoint source*" means a source of pollutants that is not a point source.

15.1(18) "*NPDES permit*" means an operation permit, issued after the department has obtained approval of its NPDES program from the administrator, that authorizes the discharge of any pollutant into a navigable water.

15.1(19) "*Pathogen*" means any micro-organism or virus that can cause disease.

15.1(20) "*pH*" means the hydrogen ion activity of a solution expressed as the logarithm of the reciprocal of the hydrogen ion activity in moles per liter at 25°C . pH is a measure of the relative acidity or alkalinity of the solution. The range extends from 0 to 14; 7 being neutral, 0 to 7 being acidic, and 7 to 14 being alkaline.

15.1(21) "*Point source*" means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

15.1(22) "*Primary contact*" means any recreational or other water use in which there is prolonged and intimate contact with the water involving considerable risk of ingesting water

in quantities sufficient to pose a significant health hazard, such as swimming and waterskiing.

15.1(23) "*Records of operation*" means department of environmental quality report forms or such other report forms, letters or documents which may be acceptable to the department that are designed to indicate specific physical, chemical or biological values for waste water during a stated period of time.

15.1(24) "*Regional administrator*" means the regional administrator of the United States Environmental Protection Agency, Region VII, 1735 Baltimore, Kansas City, Missouri 64108.

15.1(25) "*Secondary contact*" means any recreational or other water use in which contact with the water is either incidental or accidental and in which the probability of ingesting appreciable quantities of water is minimal, such as fishing, commercial and recreational boating and any limited contact incidental to shoreline activity.

15.1(26) "*Standard methods*" means "Standard Methods for the Examination of Water and Waste Water", 14th Edition, 1975. This publication is available from the American Public Health Association, 1015 18th St. N.W., Washington, D.C. 20036.

15.1(27) "*Temperature*" means a measure of the heat content of water.

15.1(28) "*Turbidity*" is a measure of the optical property of the particles of mud, clay, silt, finely divided organic matter, or microscopic organisms suspended in water that interfere with light transmission, causing the light to be scattered and absorbed rather than transmitted through the water in straight lines.

These rules are intended to implement section 455B.32 of the Code, 1977.

[Filed 7/1/77, Notices 2/23/77, 3/23/77—published 7/27/77, effective 8/31/77]

CHAPTER 16
WATER QUALITY STANDARDS

400—16.1 Rescinded, effective August 31, 1977.

400—16.2(455B) General considerations.

16.2(1) Policy statement. It shall be the policy of the water quality commission to protect and enhance the quality of all the waters of the state. In the furtherance of this policy it will attempt to prevent and abate the pollution of all waters to the fullest extent possible consistent with statutory, and technological limitations. This policy shall apply to all point and nonpoint sources of pollution.

These water quality standards establish selected criteria for certain present and future designated uses of the surface waters of the state. The standards establish the areas where these uses are to be protected and provide minimum criteria for waterways having non-designated uses as well. Many surface waters are designated for more than one use. In these cases the more stringent criteria shall govern for each parameter.

Certain of the criteria are in narrative form without numeric limitations. In applying such narrative standards, decisions will be based on the rationale contained in 'Quality Criteria for Water', published by the U.S. Environmental Protection Agency (1977).

All methods of sample collection, preservation, and analysis used in applying any of the rules in these standards shall be in accord with those prescribed in Chapter 18.

16.2(2) Antidegradation policy. It is the policy of the state of Iowa that:

a. Existing designated water uses will be maintained and protected. No further water quality degradation which would interfere with or become injurious to water uses designated in this chapter will be allowed.

b. Those existing high quality waters, named below, which exceed the water quality levels described in this chapter as necessary to protect existing water uses will be maintained at or above existing water quality, except when, after full satisfaction of the intergovernmental co-ordination and public participation provisions of the continuing planning process, it is determined that there is need to lower the water quality because of necessary and justifiable economic or social development.

- (1) Bear Creek, mouth in Winneshiek County and tributary to the Upper Iowa River.
- (2) Bloody Run, mouth in Clayton County and tributary to the Mississippi River.
- (3) Catfish Creek from Swiss Valley Park in Dubuque County to its source.
- (4) Unnamed Creek known locally as Coldwater Creek with mouth in Winneshiek County and tributary to the Upper Iowa River.
- (5) DeSoto National Wildlife Refuge in Harrison and Pottawattamie Counties.
- (6) Fenchel Creek, mouth to Richmond Springs, in Delaware County and tributary to the Maquoketa River.
- (7) Fountain Spring Creek, tributary to Elk Creek, which is tributary to the Turkey River.
- (8) Iowa Great Lakes chain of lakes in Dickinson County, including West Lake Okoboji, Spirit Lake, East Lake Okoboji, Minnewashta Lake, Upper Gar Lake, and Lower Gar Lake.
- (9) North Cedar Creek, with mouth in Winneshiek County and tributary to Bear Creek, listed as number 1 in this listing.
- (10) North Cedar Creek, with mouth in Clayton County and tributary to Sny Magill Creek.
- (11) Lake Rathbun in Appanoose County.
- (12) Sny Magill Creek, with mouth in Clayton County and tributary to the Mississippi River.

(13) Turkey River, from the point where it is joined by the Volga River in Clayton County to Vernon Springs in Howard County.

(14) Union Slough National Wildlife Refuge in Kossuth County.

(15) Upper Iowa River from Lane's Bridge at river mile 6 in Allamakee County to the Iowa-Minnesota border at river mile 86.

(16) Waterloo Creek, with mouth in Allamakee County and tributary to the Upper Iowa River.

(17) Yellow River from the mouth in Allamakee County to Old Highway 51, in Allamakee County.

c. It is intended that rules defining facility design criteria, discharge limitations, and other restrictions will be adopted by the commission for specific application to antidegradation waters. West Lake Okoboji is an outstanding Iowa lake, and standards and restrictions more stringent than those applied to other antidegradation waters may be applied by the commission to West Lake Okoboji when it is determined through broadly based public participation that such more stringent standards and restrictions are justified.

d. The Mississippi River and the Missouri River do not meet existing high quality waters criteria but nevertheless constitute waters of exceptional state and national significance. Water quality management regulatory actions affecting them will be directed toward water quality improvement commensurate with the exceptional value of the resource.

e. In furtherance of the policy stated in 16.2(2)"b", there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources, and feasible management and regulatory programs pursuant to section 208 of the Federal Water Pollution Control Act for nonpoint sources, both existing and proposed.

16.2(3) Minimum treatment required. All wastes discharged to the waters of the state must be of such quality that the discharge will not cause the narrative or numeric criteria limitations to be exceeded. Where the receiving waters provide sufficient assimilative capacity that the water quality standards are not the limiting factor, all point source wastes shall receive treatment in compliance with minimum effluent standards as adopted in rules by the water quality commission.

There are numerous parameters of water quality associated with nonpoint source runoff which are of significance to the designated water uses specified in the general and specific designations in 16.3(455B), but which are not delineated. It shall be the intent of these standards that the limits on such nonpoint source related parameters when adopted shall be those that can be achieved by best management practices as defined in the course of the continuing planning process from time to time. Existing water quality and nonpoint source runoff control technology will be evaluated in the course of the Iowa continuing planning process, and best management practices and limitations on specific water quality parameters will be reviewed and revised from time to time to assure that the designated water uses and water quality enhancement goals are met.

16.2(4) Mixing zone in the receiving water. The area of diffusion of an effluent in the receiving water is a mixing zone and the water quality standards shall be applied beyond the mixing zone.

The mixing zone shall be a specified linear distance, volume, or area which is determined on a case-by-case basis using the following criteria:

a. The mixing zone shall be as small as practicable and shall not be of such size or shape as to cause or contribute to the impairment of water uses.

b. The mixing zone shall contain not more than 25 percent of the cross sectional area or volume of flow in the receiving body of water.

c. The mixing zone shall be designed to allow an adequate passageway at all times for the movement or drift of aquatic life.

d. Where there are two or more mixing zones in close proximity, they shall be so defined that a continuous passageway for aquatic life is available.

e. The mixing zone shall not intersect any area of any waters in such a manner that the maintenance of aquatic life in the body of water as a whole would be adversely affected.

In determining the size and location of the mixing zone for any discharge on a case-by-case basis, the following shall be considered:

- f. The size of the receiving water, the volume of discharge, the stream bank configuration, the mixing velocities, and other hydrologic or physiographic characteristics.
- g. The present and anticipated future use of the body of water.
- h. The present and anticipated future water quality of the body of water.
- i. The ratio of the volume of waste being discharged to the seven-day, ten-year low flow of the receiving stream.
- j. The mixing zone shall be free from unsightly floating materials and wastewater constituents in concentrations which are toxic or harmful to human, animal or plant life, which will settle to form sludge deposits, or which will produce aesthetically objectionable color or odor.

16.2(5) Implementation strategy. These water quality standards shall be met at all times when the flow of the receiving stream equals or exceeds the average seven-day low flow which occurs once in ten years. Exceptions may be made for intermittent or low flow streams. Where intermittent streams are classified for class B aquatic life protection the department may waive the seven-day, ten-year low flow requirement and establish a minimum flow in lieu thereof. Such waiver shall be granted only when it has determined that the aquatic resources of the receiving waters are of no significance at flows less than the established minimum.

The allowable 3°C. temperature increase criterion for warm water interior streams, 16.3(3)"f"(1), is based in part on the need to protect fish from cold shock due to rapid cessation of heat source and resultant return of the receiving stream temperature to natural background temperature. On low flow streams, in winter, during certain conditions of relatively cold background stream temperature and relatively warm ambient air and groundwater temperature, certain wastewater treatment plants with relatively constant flow and constant temperature discharges will cause temperature increases in the receiving stream greater than allowed in 16.3(3)"f"(1).

During the period November 1 to March 31, for the purpose of applying the 3°C. temperature increase criterion, the minimum protected receiving stream flow rate below such discharges may be increased to not more than three times the rate of flow of the discharge, where there is reasonable assurance that the discharge is of such constant temperature and flow rate and continuous duration as to not constitute a threat of heat cessation and not cause the receiving stream temperature to vary more than 3°C. per day.

400—16.3(455B) Surface water quality criteria.

16.3(1) General water quality criteria. The following criteria are applicable to all surface waters including those which have been designated as class "A", "B", or "C" waters, at all places and at all times to protect livestock and wildlife watering, aquatic life, noncontact recreation, crop irrigation, and industrial, domestic, agricultural and other incidental water withdrawal uses not protected by class A, B or C criteria in this rule.

a. Such waters shall be free from substances attributable to point source wastewater discharges that will settle to form sludge deposits.

b. Such waters shall be free from floating debris, oil, grease, scum and other floating materials attributable to wastewater discharges or agricultural practices.

c. Such waters shall be free from materials attributable to wastewater discharges or agricultural practices producing objectionable color, odor or other aesthetically objectionable conditions.

d. Such waters shall be free from substances attributable to wastewater discharges or agricultural practices in concentrations or combinations which are toxic or harmful to human, animal, or plant life.

e. Such waters shall be free from substances, attributable to wastewater discharges or agricultural practices, in quantities which would produce undesirable or nuisance aquatic life.

f. The turbidity of the receiving water shall not be increased by more than 25 Nephelometric turbidity units by any point source discharge.

g. Total dissolved solids shall not exceed 750 mg/l in any lake or impoundment or in any stream with a flow rate equal to or greater than three times the flow rate of upstream point source discharges.

16.3(2) *Class "A" waters.* Waters which are designated as class "A" waters are to be protected for primary contact water use. The following criteria shall apply to all class "A" waters designated in 16.3(5):

a. From April 1 through October 31 fecal coliform content shall not exceed 200 organisms/100 ml, except when the waters are materially affected by surface runoff; but in no case shall fecal coliform levels downstream from a discharge which may contain human pathogens be more than 200 organisms/100 ml higher than the background level upstream from the discharge.

b. The pH shall not be less than 6.5 no greater than 9.0. The maximum change permitted as a result of a waste discharge shall not exceed 0.5 pH units.

16.3(3) *Class "B" waters.* Waters which are designated as class "B" waters are to be protected for wildlife, fish, aquatic and semiaquatic life and secondary contact water uses. The following criteria shall apply to all class "B" waters designated in 16.3(5):

a. *Dissolved oxygen.*

(1) The dissolved oxygen shall not be less than 5.0 mg/l during at least 16 hours of any 24-hour period and not less than 4.0 mg/l at any time during the 24-hour period.

(2) In areas designated as cold water fisheries the dissolved oxygen shall not be less than 7.0 mg/l during at least 16 hours of any 24-hour period and not less than 5.0 mg/l at any time during the 24-hour period.

b. *Chemical constituents.* The following levels shall not be exceeded at any time the flow equals or exceeds the seven-day, ten-year low flow unless the material is from uncontrollable nonpoint sources:

| | |
|-----------------------------|------------|
| Arsenic | 0.1 mg/l |
| Barium (total) | 1.0 mg/l |
| Cadmium (total) | 0.01 mg/l |
| Chromium (total hexavalent) | 0.05 mg/l |
| Copper (total) | 0.02 mg/l |
| Cyanide | 0.02 mg/l* |
| Lead (total) | 0.1 mg/l |
| Mercury (total) | 0.2 ug/l |
| Phenol | 0.1 mg/l |
| Selenium | 0.1 mg/l |
| Zinc (total) | 1.0 mg/l |

*Lowest detectable concentration.

| | | |
|------------------------|--------|----------|
| | Water | Uses |
| | B(W) | B(C) |
| Ammonia Nitrogen (N) | 5 mg/l | 2.5 mg/l |
| November 1 to March 31 | 2 mg/l | 1 mg/l" |
| April to October 31 | | |

| | | |
|---|-------|------|
| Ammonia Nitrogen (N) | 2.0 | mg/l |
| Phenols (from other than natural sources) | 0.001 | mg/l |
| Arsenic | 1.0 | mg/l |
| *Barium | 1.0 | mg/l |
| *Cadmium | 0.05 | mg/l |
| *Chromium (Hexavalent) | 0.05 | mg/l |
| *Chromium (Trivalent) | 1.0 | mg/l |
| *Copper | 0.02 | mg/l |
| Cyanide | 0.025 | mg/l |

| | | |
|------------------------|--------|------|
| *Lead | 0.10 | mg/l |
| *Zinc | 1.0 | mg/l |
| *Selenium | 1.0 | mg/l |
| *Mercury | 0.005 | mg/l |
| Total dissolved solids | 750.00 | mg/l |

*The sum of the entire heavy metal group shall not exceed 1.5 mg/l

c. All substances toxic or detrimental to aquatic life shall be limited to nontoxic or nondetrimental concentrations in the surface water.

d. From April 1 through October 31, the fecal coliform content shall not exceed 2,000 organisms per 100 ml., except when the waters are materially affected by surface runoff.

e. The pH shall be not less than 6.5 nor greater than 9.0. The maximum change permitted as a result of a waste discharge shall not exceed 0.5 pH units.

f. Temperature.

(1) No heat shall be added to interior streams or the Big Sioux River that would cause an increase of more than 3°C. The rate of temperature change shall not exceed 1°C. per hour. In no case shall heat be added in excess of that amount that would raise the stream temperature above 32°C.

(2) No heat shall be added to streams designated as cold water fisheries that would cause an increase of more than 2°C. The rate of temperature change shall not exceed 1°C. per hour. In no case shall heat be added in excess of that amount that would raise the stream temperature above 20°C.

(3) No heat shall be added to lakes and reservoirs that would cause an increase of more than 2°C. The rate of temperature change shall not exceed 1°C. per hour. In no case shall heat be added in excess of that amount that would raise the temperature of the lake or reservoirs above 32°C.

(4) No heat shall be added to the Missouri river that would cause an increase of more than 3°C. The rate of temperature change shall not exceed 1°C. per hour. In no case shall heat be added that would raise the stream temperature above 32°C.

(5) No heat shall be added to the Mississippi river that would cause an increase of more than 3°C. The rate of temperature change shall not exceed 1°C. per hour. In addition, the water temperature at representative locations in the Mississippi river shall not exceed the maximum limits in the below table during more than one percent of the hours in the 12-month period ending with any month. Moreover, at no time shall the water temperature at such locations exceed the maximum limits in the below table by more than 2°C.

Zone II—Iowa-Minnesota state line to the Northern Illinois border (Mile Point 1534.6)

Zone III—Northern Illinois border (Mile Point 1534.6) to Iowa-Missouri state line.

| Month | Zone II | Zone III |
|-----------|---------|----------|
| January | 4° C | 7° C |
| February | 4° C | 7° C |
| March | 12° C | 14° C |
| April | 18° C | 20° C |
| May | 24° C | 26° C |
| June | 29° C | 29° C |
| July | 29° C | 30° C |
| August | 29° C | 30° C |
| September | 28° C | 29° C |
| October | 23° C | 24° C |
| November | 14° C | 18° C |
| December | 9° C | 11° C |

g. The waters shall contain no substances which will impart any undesirable tastes to fish flesh, or in any other way make fish inedible.

16.3(4) *Class "C" waters.* Waters which are designated as class "C" waters are to be protected as a raw water source of potable water supply. The following criteria shall apply to all class "C" waters designated in 16.3(5):

a. *Radioactive substances.*

(1) The combined radium-226 and radium-228 shall not exceed 5 picocuries per liter at the point of withdrawal.

(2) Gross alpha particle activity (including radium-226 but excluding radon and uranium) shall not exceed 15 picocuries per liter at the point of withdrawal.

(3) The average annual concentration at the point of withdrawal of beta particle and photon radioactivity from man-made radionuclides other than tritium and strontium-90 shall not produce an annual dose equivalent to the total body or any internal organ greater than 4 millirem/year.

(4) The average annual concentration of tritium shall not exceed 20,000 picocuries per liter at the point of withdrawal; the average annual concentration of strontium-90 shall not exceed 8 picocuries per liter at the point of withdrawal.

b. *Chemical constituents.* The following levels shall not be exceeded at the point of withdrawal:

| | | |
|-------------------------------|-------|-------|
| Arsenic | 0.05 | mg/l |
| Barium (total) | 1.0 | mg/l |
| Cadmium | 0.01 | mg/l |
| Chloride | 250 | mg/l |
| Chromium (total hexavalent) | 0.05 | mg/l |
| Copper (total) | 1.0 | mg/l |
| Cyanide | 0.02 | mg/l* |
| Fluoride | 2.0 | mg/l |
| Lead (total) | 0.05 | mg/l |
| Mercury (total) | 0.002 | mg/l |
| Nitrate (as NO ₃) | 45 | mg/l |
| Phenol | 0.1 | mg/l |
| Selenium | 0.01 | mg/l |
| Silver (total) | 0.05 | mg/l |
| Zinc (total) | 1.0 | mg/l |

*Lowest detectable concentration.

c. All substances toxic or detrimental to humans or detrimental to treatment process shall be limited to nontoxic or nondetrimental concentrations in the surface water.

d. The pH shall not be less than 6.5 nor greater than 9.0.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the integrity of the financial system and for the ability to detect and prevent fraud.

2. The second part of the document outlines the various methods used to collect and analyze data. It describes the use of statistical techniques to identify trends and anomalies in the data, and the importance of using reliable sources of information.

3. The third part of the document discusses the role of the auditor in the financial reporting process. It highlights the need for auditors to exercise professional judgment and to maintain independence and objectivity in their work.

4. The fourth part of the document addresses the issue of the reliability of financial statements. It discusses the factors that can affect the reliability of financial statements, such as the quality of the underlying data and the accuracy of the accounting records.

5. The fifth part of the document discusses the importance of transparency and disclosure in financial reporting. It emphasizes that providing clear and concise information about the company's financial performance is essential for investors and other stakeholders to make informed decisions.

6. The sixth part of the document discusses the role of the regulatory body in overseeing the financial reporting process. It highlights the need for the regulatory body to establish and enforce standards that ensure the reliability and integrity of financial statements.

7. The seventh part of the document discusses the importance of the audit committee in the financial reporting process. It highlights the need for the audit committee to provide oversight and guidance to the auditor, and to ensure that the financial statements are prepared in accordance with the applicable standards.

8. The eighth part of the document discusses the importance of the internal control system in the financial reporting process. It highlights the need for the internal control system to be designed and implemented in a way that ensures the accuracy and reliability of the financial statements.

9. The ninth part of the document discusses the importance of the external audit in the financial reporting process. It highlights the need for the external auditor to provide an independent and objective opinion on the financial statements, and to identify any areas of concern or risk.

10. The tenth part of the document discusses the importance of the financial reporting process in the overall financial system. It highlights the need for the financial reporting process to be transparent, reliable, and consistent, and to provide a clear and accurate picture of the company's financial performance.

e.

Iowa Water Quality Standards
Water Use Designations

| | Water Uses | | | |
|---|------------|------|------|---|
| | A | B(W) | B(C) | C |
| WESTERN IOWA RIVER BASINS | | | | |
| <u>Missouri R.</u> Iowa-Missouri State Line to confluence with the Big Sioux R. | X | X | | |
| City of Council Bluffs Water Works intakes | | | | X |
| <u>Keg Cr.</u> Mouth (Mills Co.) to Hwy. 6 (N line of Section 22, T75N, R42W, Pottawattamie Co.) | | X | | |
| At Glenwood | | | | X |
| <u>Mosquito Cr.</u> Mouth (Pottawattamie Co.) to Hwy. 275 (S18, T74N, R43W, Pottawattamie Co.) | | X | | |
| <u>Pigeon Cr.</u> Mouth (Pottawattamie Co.) to Pottawattamie Co. Rd. G36 (N line of Section 26, T76N, R44W, Pottawattamie Co.) | | X | | |
| <u>Boyer R.</u> Mouth (Pottawattamie Co.) to Sac Co. Rd. D15 (N line of Section 22, T89N, R37W, Sac Co.) | | X | | |
| <u>Willow R.</u> Mouth (Harrison Co.) to confluence with Elk Cr. | | X | | |
| <u>E Boyer R.</u> Mouth (Crawford Co.) to Crawford Co. Rd. M36 (S13, T83N, R39W, Crawford Co.) | | X | | |
| <u>Allen Cr.</u> Mouth (Pottawattamie Co.) to Pottawattamie-Harrison Co. Line | | X | | |
| <u>Soldier R.</u> Mouth (Harrison Co.) to confluence with E Soldier R. | | X | | |

Water Use Designations

| | Water Uses | | C |
|---|------------|-----------|---|
| | A | B(W) B(C) | |
| WESTERN IOWA RIVER BASINS | | | |
| (Missouri R. Tributaries, Continued) | | | |
| <u>Little Sioux R.</u> (See Little Sioux R. Subbasin) | | | |
| <u>Floyd R.</u> Mouth (Woodbury Co.) to Rd. crossing, N line of Section 11, T94N, R44W, Sioux Co. | | X | |
| <u>W Br. Floyd R.</u> Mouth (Plymouth Co.) to Plymouth Co. Rd. C16 (N line of Section 30, T93N, R45W, Plymouth Co.) | | X | |
| <u>Big Sioux R.</u> Mouth (Woodbury Co.) to Iowa-Minnesota State Line | | X | |
| <u>Rock R.</u> Mouth (Sioux Co.) to Iowa-Minnesota State Line | | X | |
| LITTLE SIOUX RIVER SUBBASIN | | | |
| <u>Little Sioux R.</u> Mouth (Harrison Co.) to the Iowa-Minnesota State Line | | X | |
| <u>Monona-Harrison Ditch</u> Mouth (Harrison Co.) to Monona-Woodbury Co. Line | | X | |
| <u>Maple R.</u> Mouth (Monona Co.) to Hwy. 3 (N line of Section 33, T92N, R39W, Cherokee Co.) | | X | |
| <u>Battle Cr.</u> Mouth (Ida Co.) to confluence with E Fk. Battle Cr. (S36, T88N, R41W, Ida Co.) | | X | |
| <u>Odebolt Cr.</u> Mouth (Ida Co.) to Ida Co. Rd. M31 (E line of Section 23, T87N, R39W, Ida Co.) | | X | |
| <u>Little Maple R.</u> Mouth (Cherokee Co.) to N line of Section 15, T90N, R38W, Buena Vista Co. | | X | |
| <u>W Fk. Little Sioux R.</u> Mouth (Monona Co.) to Plymouth Co. Rd. L14 (E line of Section 18, T90N, R43W, Plymouth Co.) | | X | |
| <u>Wolf Cr.</u> Mouth (Monona Co.) to N line of Section 11, T86N, R45W, Woodbury Co. | | X | |

Water Use Designations

| A | Water Uses | | C |
|---|------------|------|---|
| | B(W) | B(C) | |
| WESTERN IOWA RIVER BASINS | | | |
| (Little Sioux R. Tributaries, Continued) | | | |
| <u>Willow Cr.</u> | | | |
| Mouth (Cherokee Co.) to N line of Section 6, T90N, R41W, Cherokee Co. | X | | |
| <u>Rock Cr.</u> | | | |
| Mouth (Cherokee Co.) to N line of Section 28, T91N, R41W, Cherokee Co. | X | | |
| <u>Mill Cr.</u> | | | |
| Mouth (Cherokee Co.) to Hwy. 59 (E line of Section 13, T96N, R41W, O'Brien Co.) | X | | |
| <u>Grey Cr.</u> | | | |
| Mouth (Cherokee Co.) to Cherokee Co. Rd. C16 (N line of Section 22, T93N, R40W, Cherokee Co.) | X | | |
| <u>Waterman Cr.</u> | | | |
| Mouth (O'Brien Co.) to Hwy. 18 (N line of Section 36, T97N, R40W, O'Brien Co.) | X | | |
| <u>Brooke Cr.</u> | | | |
| Mouth (Buena Vista Co.) to Hwy. 3 (N line of Section 36, T92N, R38W, Buena Vista Co.) | X | | |
| <u>Fox Run</u> | | | |
| Mouth (S12, T93N, R38W, Buena Vista Co.) to W line of Section 18, T93N, R37W, Buena Vista Co. | X | | |
| <u>Lost Island Outlet</u> | | | |
| Mouth (S35, T96N, R36W, Clay Co.) to Lost Island Lake | X | | |
| <u>Pickereel Run</u> | | | |
| Mouth (S17, T96N, R35W, Clay Co.) to Trumbull Lake | X | | |
| <u>Ocheyedan R.</u> | | | |
| Mouth (Clay Co.) to Iowa-Minnesota State Line | X | | |
| <u>Stony Cr.</u> | | | |
| Mouth (Clay Co.) to Clay Co. Rd. B14 (N line of Section 10, T97N, R38W, Clay Co.) | X | | |

Iowa Water Quality Standards
Water Use Designations

| | Water Uses | | | C |
|--|------------|------|------|---|
| | A | B(W) | B(C) | |
| SOUTHERN IOWA RIVER BASINS | | | | |
| <u>Chariton R.</u> | | | | |
| Iowa-Missouri State Line (Appanoose Co.) to Rathbun Reservoir Dam | | X | | |
| Rathbun Regional Water Company water supply intake | | | | X |
| Rathbun Reservoir Dam to Appanoose-Wayne Co. Line | X | X | | |
| Rathbun Reservoir to Hwy. 65 (S11, T71N, R23W, Lucas Co.) | | X | | |
| <u>Cooper Cr.</u> | | | | |
| Mouth (Appanoose Co.) to Appanoose Co. Rd. T12 (W line of S7, T68N, R18W, Appanoose Co.) | | X | | |
| <u>Walnut Cr.</u> | | | | |
| Mouth (Appanoose Co.) to Appanoose-Wayne Co. Line | | X | | |
| <u>S Fk. Chariton R.</u> | | | | |
| Mouth (Appanoose Co.) to confluence with Ninemile Cr. | | X | | |
| <u>Wolf Cr.</u> | | | | |
| Mouth (Lucas Co.) to Lucas-Wayne Co. Line | | X | | |
| <u>Shoal Cr.</u> | | | | |
| Iowa-Missouri State Line (Appanoose Co.) to W line of Section 22, T68N, R18W, Appanoose Co. | | X | | |
| <u>Weldon R.</u> | | | | |
| Iowa-Missouri State Line (Decatur Co.) to Hwy. 2 (S20, T69N, R24W, Decatur Co.) | | X | | |
| <u>Little R.</u> | | | | |
| Iowa-Missouri State Line (Decatur Co.) to confluence with McGruder Cr. (S19, T68N, R25W, Decatur Co.) | | X | | |
| <u>Thompson R. (aka Grand R.)</u> | | | | |
| Iowa-Missouri State Line (S line of Section 24, T67N, R26W, Decatur Co.) to the Madison-Adair Co. Line | | X | | |
| <u>Long Cr.</u> | | | | |
| Mouth (Decatur Co.) to confluence with Bee Cr. (S9, T70N, R26W, Decatur Co.) | | X | | |
| <u>Twelvemile Cr.</u> | | | | |
| Mouth (Union Co.) to confluence with Indian Cr. (S34, T72N, R29W, Union Co.) | | X | | |

Water Use Designations

| | Water Uses | | C |
|--|------------|-----------|---|
| | A | B(W) B(C) | |
| SOUTHERN IOWA RIVER BASINS | | | |
| <u>Grand R.</u> Iowa-Missouri State Line (S line of Section 30, T67N, R31W, Ringgold Co.) to Hwy. 66 (E line of Section 7, T69N, R30W, Ringgold Co.) | | X | |
| <u>Platte R.</u> Iowa-Missouri State Line (Taylor Co.) to confluence with W Platte R. (S2, T71N, R32W, Adams Co.) | | X | |
| <u>E Fk. 102 R.</u> Iowa-Missouri State Line (Taylor Co.) to Hwy. 2 (S26, T68N, R34W, Taylor Co.) City of Bedford Water Works intake | | X | X |
| <u>W Fk. 102 R.</u> Iowa-Missouri State Line (Taylor Co.) to confluence with W Br. 102 R. (Taylor Co.) | | X | |
| <u>W Br. 102 R.</u> Mouth (Taylor Co.) to confluence with Middle Br. 102 R. (Taylor Co.) | | X | |
| <u>Nodaway R.</u> Iowa-Missouri State Line (Page Co.) to confluence of Middle Nodaway R. and the W Nodaway R. (Montgomery Co.) City of Clarinda Water Works intake | | X | X |
| <u>E Nodaway R.</u> Mouth (Page Co.) to confluence with E Fk. E Nodaway R. (S33, T73N, R32W, Adams Co.) | | X | |
| <u>Kemp Cr.</u> Mouth (Adams Co.) to Lake Icaria Dam (S10, T72N, R34W, Adams Co.) | | X | |
| <u>Middle Nodaway R.</u> Mouth (Montgomery Co.) to confluence with W Fk. Middle Nodaway R. (S33, T74N, R33W, Adair Co.) | | X | |
| <u>W Fk. Middle Nodaway R.</u> Mouth (Adair Co.) to confluence with Rutt Br. (S15, T75N, R33W, Adair Co.) | | X | |

Water Use Designations

SOUTHERN IOWA RIVER BASINS (Continued)

(W Nishnabotna R. Tributaries)

Silver Cr.

Mouth (Mills Co.) to Mills-Pottawattamie Co. Line

Farm Cr.

Mouth (Mills Co.) to Mills-Pottawattamie Co. Line

E Br. of W Nishnabotna R.

Mouth (Pottawattamie Co.) to Shelby-Audubon Co. Line

W Fk. of W Nishnabotna R.

Mouth (Shelby Co.) to Crawford Co. Rd. M55 (E line of Section 11, T82N, R38W, Crawford Co.)

| A | Water Uses | | C |
|---|------------|------|---|
| | B(W) | B(C) | |
| | X | | |
| | X | | |
| | X | | |
| | X | | |

Iowa Water Quality Standards
Water Use Designations

| | A | Water Uses | | C |
|---|---|------------|------|---|
| | | B(W) | B(C) | |
| DES MOINES RIVER BASIN | | | | |
| LOWER DES MOINES RIVER SUBBASIN | | | | |
| <u>Des Moines R.</u> | | | | |
| Mouth (Lee Co.) to Red Rock Reservoir | X | X | | |
| Ottumwa Municipal Water Works Intake | | | | X |
| Red Rock Reservoir | | | | |
| Dam to Hwy. 14 (S1, T76N, R20W, Marion Co.) | X | X | | |
| Red Rock Reservoir to confluence with the Raccoon R. | | X | | |
| <u>Sugar Cr.</u> | | | | |
| Mouth (Lee Co.) to Lee Co. Rd. J56 (S24, T68N, R7W, Lee Co.) | | X | | |
| <u>Big Indian Cr. (aka Indian Cr.)</u> | | | | |
| Mouth (Van Buren Co.) to Hwy. 2 (S24, T68N, R10W, Van Buren Co.) | | X | | |
| <u>Chequest Cr.</u> | | | | |
| Mouth (Van Buren Co.) to confluence of N Chequest Cr. and S Chequest Cr. (S12, T69N, R12W, Davis Co.) | | X | | |
| <u>N Chequest Cr.</u> | | | | |
| Mouth (Davis Co.) to confluence with Middle Chequest Cr. (S25, T70N, R13W, Davis Co.) | | X | | |
| <u>Soap Cr.</u> | | | | |
| Mouth (Wapello Co.) to confluence with S Soap Cr. (S21, T70N, R15W, Davis Co.) | | X | | |
| <u>Little Soap Cr.</u> | | | | |
| Mouth (Davis Co.) to Hwy. 63 (W line of Section 30, T71N, R13W, Wapello Co.) | | X | | |
| <u>S Avery Cr.</u> | | | | |
| Mouth (Wapello Co.) to Wapello-Monroe Co. Line | | X | | |
| <u>Miller Cr.</u> | | | | |
| Mouth (Wapello Co.) to Hwy. 137 (S10, T72N, R17W, Monroe Co.) | | X | | |
| <u>Muchakinock Cr.</u> | | | | |
| Mouth (Monroe Co.) to Mahaska Co. Rd. G39 (N line of Section 2, T75N, R17W, Mahaska Co.) | | X | | |
| <u>Coal Cr.</u> | | | | |
| Mouth (Mahaska Co.) to Marion-Monroe Co. Line | | X | | |

Water Use Designations

| | Water Uses | | | C |
|--|------------|------|------|---|
| | A | B(W) | B(C) | |
| IOWA-CEDAR RIVER BASIN | | | | |
| IOWA RIVER SUBBASIN | | | | |
| (Iowa R., Continued) | | | | |
| Alden Impoundment Dam to Rd. crossing, center of Section 1, T89N, R22W, Hardin Co. | X | X | | |
| Alden Impoundment to confluence of E Fk. Iowa R. and W Fk. Iowa R. (Wright Co.) | | X | | |
| <u>Long Cr.</u> Mouth (Louisa Co.) to confluence with S Fk. Long Cr. (Washington Co.) | | X | | |
| <u>Cedar R.</u> (See Cedar R. Subbasin) | | | | |
| <u>English R.</u> Mouth (Washington Co.) to confluence of N English R. and S. English R. | | X | | |
| <u>N English R.</u> Mouth (Washington Co.) to Hwy. 21 (W line of Section 22, T79N, R13W, Poweshiek Co.) | | X | | |
| <u>Deep R.</u> Mouth (Iowa Co.) to Hwy. 21 (W line of Section 3, T78N, R13W, Poweshiek Co.) | | X | | |
| <u>S English R.</u> Mouth (Washington Co.) to Hwy. 21 (W line of Section 10, T77N, R13W, Keokuk Co.) | | X | | |
| <u>Old Mans Cr.</u> (aka Old Man Cr.) Mouth (Johnson Co.) to confluence with Convey Cr. (Iowa Co.) | | X | | |
| <u>Clear Cr.</u> Mouth (Johnson Co.) to Johnson-Iowa Co. Line | | X | | |
| <u>Hoosier Cr.</u> Mouth (Johnson Co.) to the Johnson-Linn Co. Line | | X | | |
| <u>Big Bear Cr.</u> (aka Bear Cr.) Mouth (Iowa Co.) to Hwy. 21 (W line of Section 22, T80N, R13W, Poweshiek Co.) | | X | | |
| <u>Cedar Cr.</u> Mouth (Des Moines Co.) to Geode Lake (S36, T70N, R5W, Henry Co.) | | X | | |

Water Use Designations

| | A | Water B(W) | Uses B(C) | C |
|---|---|---------------|--------------|---|
| IOWA-CEDAR RIVER BASIN | | | | |
| IOWA RIVER SUBBASIN | | | | |
| (Iowa R. Tributaries, Continued) | | | | |
| <u>Pine Cr.</u> | | | | |
| Mouth (S8, T87N, R19W, Hardin Co.) to dam at Lower Pine Lake (S9, T87N, R19W, Hardin Co.) | | X | | |
| Lower Pine Lake | X | X | | |
| Lower Pine Lake to dam at Upper Pine Lake (S4, T87N, R19W, Hardin Co.) | | X | | |
| Upper Pine Lake | X | X | | |
| Upper Pine Lake to Hardin-Grundy Co. Line | | X | | |
| <u>Wheeler Cr.</u> | | | | |
| Mouth (Wright Co.) to D.D. 5 (S19, T91N, R23W, Wright Co.) | | X | | |
| <u>Joint D.D. 146, 7</u> | | | | |
| Mouth (S4, T91N, R23W, Wright Co.) to Joint D.D. 4, 118 (S28, T92N, R23W, Wright Co.) | | X | | |
| <u>Luicks Cr.</u> | | | | |
| Mouth (Wright Co.) to Joint D.D. 3, 111 (S3, T92N, R23W, Wright Co.) | | X | | |
| <u>E Fk. Iowa R.</u> | | | | |
| Mouth (Wright Co.) to Hwy. 18 (S25, T96N, R24W, Hancock Co.) | | X | | |
| <u>Galls Cr.</u> | | | | |
| Mouth (S12, T95N, R24W, Hancock Co.) to D.D. 120 (S13, T95N, R23W, Hancock Co.) | | X | | |
| <u>W Fk. Iowa R.</u> | | | | |
| Mouth (Wright Co.) to Hancock Co. Rd. B62 (N line of Section 21, T94N, R24W, Hancock Co.) | | X | | |

Water Use Designations

| | A | Water B(W) | Uses B(C) | C |
|--|---|---------------|--------------|---|
| IOWA-CEDAR RIVER BASIN | | | | |
| CEDAR RIVER SUBBASIN | | | | |
| <u>Cedar R.</u> | | | | |
| Mouth (Louisa Co.) to dam at Palisades Keplar State Park. | | X | | |
| Palisades Keplar Impoundment Dam to Hwy. 30 (S9, T82N, R6W, Linn Co.) | X | X | | |
| Palisades Keplar Impoundment to dam at Ellis Park in Cedar Rapids | | X | | |
| Cedar Rapids Municipal Water Works intake | | | | X |
| Ellis Park Dam to Hwy. 101 at Vinton (S16, T85N, R10W, Benton Co.) | X | X | | |
| Hwy. 101 to the dam at Cedar Falls | | X | | |
| Cedar Falls Impoundment Dam to W line of Section 2, T89N, R14W, Black Hawk Co. | X | X | | |
| Cedar Falls Impoundment to dam at Waverly | | X | | |
| Waverly Impoundment Dam to W line of Section 35, T92N, R14W, Bremer Co. | X | X | | |
| Waverly Impoundment to dam at Nashua | | X | | |
| Nashua Impoundment Dam to Chickasaw-Floyd Co. Line | X | X | | |
| Nashua Impoundment to Charles City Dam #2 | | X | | |
| Charles City Impoundment Dam #2 to N line of Section 2, T95N, R16W, Floyd Co. | X | X | | |
| Charles City Impoundment to Mitchell Impoundment Dam (S8, T98N, R17W, Mitchell Co.) | | X | | |
| Mitchell Impoundment Dam to N line of Section 8, T98N, R17W, Mitchell Co. | X | X | | |
| Mitchell Impoundment to Iowa-Minnesota State Line | | X | | |

Water Use Designations

| | Water Uses | | | C |
|--|------------|------|------|---|
| | A | B(W) | B(C) | |
| IOWA-CEDAR RIVER BASIN | | | | |
| CEDAR RIVER SUBBASIN | | | | |
| (Cedar R. Tributaries) | | | | |
| <u>Pike Cr.</u> | | | | |
| Mouth (S28, T76N, R4W, Muscatine Co.) to Cone Lake | X | X | | |
| Cone Lake | X | X | | |
| <u>Wapsinonoc Cr.</u> | | | | |
| Mouth (Muscatine Co.) to confluence with W Br. Wapsinonoc Cr. (S24, T78N, R4W, Muscatine Co.) | | X | | |
| <u>Sugar Cr.</u> | | | | |
| Mouth (Muscatine Co.) to N line of Section 29, T81N, R2W, Cedar Co. | | X | | |
| <u>Mud Cr.</u> | | | | |
| Mouth (Muscatine Co.) to Muscatine Co. Rd. Y26 (E line of Section 1, T78N, R1W, Muscatine Co.) | | X | | |
| <u>Rock Cr.</u> | | | | |
| Mouth (Cedar Co.) to Rd. crossing, SE quarter of Section 11, T81N, R3W, Cedar Co. | | X | | |
| <u>Rock Run Cr.</u> | | | | |
| Mouth (Cedar Co.) to Rd. crossing in Section 17, T81N, R3W, Cedar Co. | | X | | |
| <u>Big Cr.</u> | | | | |
| Mouth (Linn Co.) to confluence with Crabapple Cr. (S1, T83N, R6W, Linn Co.) | | X | | |
| <u>Indian Cr.</u> | | | | |
| Mouth (Linn Co.) to confluence with Dry Cr. (S1, T83N, R7W, Linn Co.) | | X | | |
| <u>Prairie Cr.</u> | | | | |
| Mouth (Linn Co.) to Hwy. 82 (W line of Section 13, T82N, R11W, Benton Co.) | | X | | |
| <u>Otter Cr.</u> | | | | |
| Mouth (Linn Co.) to confluence of E Otter Cr. and W Otter Cr. | | X | | |
| <u>Hinkle Cr.</u> | | | | |
| Mouth (Benton Co.) to S line of Section 23, T85N, R11W, Benton Co. | | X | | |
| <u>Pratt Cr.</u> | | | | |
| Mouth (Benton Co.) to Hwy. 218 (S line of Section 12, T85N, R12W, Benton Co.) | | X | | |

Water Use Designations

IOWA-CEDAR RIVER BASIN

CEDAR RIVER SUBBASIN

(Cedar R. Tributaries, Continued)

Bear Cr.

Mouth (Benton Co.) to N line of Section 17, T87N, R9W, Buchanan Co.

X

Lime Cr.

Mouth (Benton Co.) to N line of Section 12, T87N, R10W, Buchanan Co.

X

Spring Cr.

Mouth (Black Hawk Co.) to N line of Section 2, T87N, R11W, Black Hawk Co.

X

Rock Cr.

Mouth (Black Hawk Co.) to Benton-Tama Co. Line

X

Wolf Cr.

Mouth (Black Hawk Co.) to confluence with Little Wolf Cr. (S5, T85N, R16W, Tama Co.)

X

Mud Cr.

Mouth (Black Hawk Co.) to W line of Section 15, T87N, R12W, Black Hawk Co.

X

Millers Cr.

Mouth (Black Hawk Co.) to Black Hawk Co. Rd. V37, (W line of Section 18, T87N, R12W, Black Hawk Co.)

X

Indian Cr.

Mouth (Black Hawk Co.) to N line of Section 19, T88N, R11W, Black Hawk Co.

X

Poyner Cr.

Mouth (Black Hawk Co.) to Hwy. 20 (S2, T88N, R12W, Black Hawk Co.)

X

Elk Run

Mouth (Black Hawk Co.) to N line of Section 15, T89N, R12W, Black Hawk Co.)

X

Black Hawk Cr.

Mouth (Black Hawk Co.) to Hwy. 58 (E Half of Section 27, T88N, R14W, Black Hawk Co.)

X

X

Hwy. 58 to confluence with Holland Cr. (S35, T88N, R17W, Grundy Co.)

X

| A | Water Uses B(W) | B(C) | C |
|---|--------------------|------|---|
| | X | | |
| | X | | |
| | X | | |
| | X | | |
| | X | | |
| | X | | |
| | X | | |
| | X | | |
| | X | | |
| | X | | |
| | X | | |
| X | X | | |
| | X | | |

Water Use Designations

IOWA-CEDAR RIVER BASIN

CEDAR RIVER SUBBASIN

(Cedar R. Tributaries, Continued)

Dry Run

Mouth (S18, T89N, R13W, Black Hawk Co.) to W line of Section 27, T89N, R14W, Black Hawk Co.

X

Water Uses
B(W) B(C)

X

C

Beaver Cr.

Mouth (Black Hawk Co.) to Butler-Franklin Co. Line

X

Johnson Cr.

Mouth (Butler Co.) to Butler Co. Rd. T25 (W line of Section 32, T91N, R17W, Butler Co.)

X

S Beaver Cr.

Mouth (Butler Co.) to confluence with Middle Fk. Beaver Cr. (Grundy Co.)

X

W Fk. Cedar R.

(See W Fk. Cedar R. Subbasin)

Quarter Section Run

Mouth (Bremer Co.) to Hwy. 3 (N line of Section 12, T91N, R13W, Bremer Co.)

X

Horton Cr. (aka Twomile Cr.)

Mouth (Bremer Co.) to Hwy. 188 (N line of Section 27, T93N, R14W, Bremer Co.)

X

Dry Run (aka Twomile Cr.)

Mouth (Bremer Co.) to Hwy. 188 (N line of Section 27, T93N, R14W, Bremer Co.)

X

Little Cedar R.

Mouth (Chickasaw Co.) to Iowa-Minnesota State Line

X

Burr Oak Cr.

Mouth (Mitchell Co.) to Mitchell Co. Rd. T46 (W line of S10, T98N, R16W, Mitchell Co.)

X

Mitchell Co. Rd. T46 to N line of S5, T98N, R16W, Mitchell Co.

X

Beaver Cr.

Mouth (Mitchell Co.) to Mitchell Co. Rd. A31 (N line of S19, T99N, R15W, Mitchell Co.)

X

Water Use Designations

| | Water Uses | | C |
|--|------------|------|---|
| | A | B(W) | |
| IOWA-CEDAR RIVER BASIN | | | |
| CEDAR RIVER SUBBASIN | | | |
| (Cedar R. Tributaries, Continued) | | | |
| <u>Rock Cr.</u> | | | |
| Mouth (Floyd Co.) to confluence with Goose Cr. (S35, T98N, R18W, Mitchell Co.) | | X | |
| Goose Cr. to Hwy. 9 (N line of S26, T98N, R18W, Mitchell Co.) | | | X |
| <u>Spring Cr.</u> | | | |
| Mouth (Mitchell Co.) to N line of Section 8, T97N, R16W, Mitchell Co. | | | X |
| <u>Turtle Cr.</u> | | | |
| Mouth (Mitchell Co.) to E line of Section 7, T99N, R17W, Mitchell Co. | | | X |
| <u>Deer Cr.</u> | | | |
| Mouth (Mitchell Co.) to Iowa-Minnesota State Line | | X | |
| <u>Otter Cr.</u> | | | |
| Mouth (Mitchell Co.) to Iowa-Minnesota State Line | | X | |
| WEST FORK CEDAR RIVER SUBBASIN | | | |
| <u>W Fk. Cedar R.</u> | | | |
| Mouth (Black Hawk Co.) to confluence of Bailey Cr. and Beaverdam Cr. (Franklin Co.) | | X | |
| <u>Shell Rock R.</u> | | | |
| (See Shell Rock R. Subbasin) | | | |
| <u>Maynes Cr.</u> | | | |
| Mouth (Butler Co.) to D.D. 6 (S29, T91N, R20W, Franklin Co.) | | X | |
| <u>Boylan Cr.</u> | | | |
| Mouth (Butler Co.) to Butler Co. Rd. T16 (W line of Section 4, T92N, R18W, Butler Co.) | | X | |

Water Use Designations

| | A | Water Uses | | C |
|--|---|------------|------|---|
| | | B(W) | B(C) | |
| IOWA-CEDAR RIVER BASIN | | | | |
| CEDAR RIVER SUBBASIN | | | | |
| (W Fk. Cedar R. Tributaries, Continued) | | | | |
| <u>Hartgrave Cr.</u> Mouth (Butler Co.) to confluence of Otter Cr. and Squaw Cr. (S28, T92N, R19W, Franklin Co.) | | X | | |
| <u>Otter Cr.</u> Mouth (Franklin Co.) to Hwy. 65 (W line of Section 10, T92N, R20W, Franklin Co.) | | X | | |
| <u>Spring Cr.</u> Mouth (Franklin Co.) to dam at Beeds Lake (S20, T92N, R20W, Franklin Co.) | | X | | |
| Beeds Lake Dam to W line of Section 19, T92N, R20W, Franklin Co. | X | X | | |
| Beeds Lake to W line of Section 21, T92N, R21W, Franklin Co. | | X | | |
| <u>Bailey Cr.</u> Mouth (Franklin Co.) to Franklin-Cerro Gordo Co. Line | | X | | |
| <u>Beaverdam Cr.</u> Mouth (Franklin Co.) to confluence with W Br. Beaverdam Cr. (S18, T94N, R20W, Cerro Gordo Co.) | | X | | |
| <u>E Br. Beaverdam Cr.</u> Mouth (Cerro Gordo Co.) to Hwy. 65 (E line of Section 9, T94N, R20W, Cerro Gordo Co.) | | X | | |
| SHELL ROCK RIVER SUBBASIN | | | | |
| <u>Shell Rock R.</u> Mouth (Black Hawk Co.) to confluence with the Winnebago R. | | X | | |
| Winnebago R. to the Iowa-Minnesota State Line | X | X | | |
| <u>Winnebago R.</u> (See Winnebago R. Subbasin) | | | | |
| <u>Elk Cr.</u> Mouth (Worth Co.) to Hwy. 105 (S5, T99N, R22W, Worth Co.) | | X | | |

Water Use Designations

| | Water Uses | | | |
|---|------------|------|------|---|
| | A | B(W) | B(C) | C |
| IOWA-CEDAR RIVER BASIN | | | | |
| CEDAR RIVER SUBBASIN | | | | |
| WINNEBAGO RIVER SUBBASIN | | | | |
| <u>Winnebago R. (aka Lime Cr.)</u> | | | | |
| Mouth (Floyd Co.) to mill dam at Fertile (S34, T98N, R22W, Worth Co.) | | X | | |
| Mill Pond at Fertile | X | X | | |
| Mill Pond at Fertile to the Iowa-Minnesota State Line | | X | | |
| <u>Willow Cr.</u> | | | | |
| Mouth (Cerro Gordo Co.) to confluence with Clear Cr. (S16, T96N, R21W, Cerro Gordo Co.) | | X | | |
| <u>Clear Cr.</u> | | | | |
| Mouth (Cerro Gordo Co.) to Clear Lake outlet | | X | | |
| <u>Calmus Cr.</u> | | | | |
| Mouth (Cerro Gordo Co.) to Cerro Gordo Co. Rd. S34 (W line of Section 30, T97N, R20W, Cerro Gordo Co.) | | X | | |
| <u>Spring Cr.</u> | | | | |
| Mouth (S28, T97N, R20W, Cerro Gordo Co.) to confluence with Blair Cr. (S9, T97N, R20W, Cerro Gordo Co.) | | X | | |
| <u>Wharam Cr.</u> | | | | |
| Mouth (S29, T97N, R20W, Cerro Gordo Co.) to Cerro Gordo-Worth Co. Line | | X | | |
| <u>Beaver Cr.</u> | | | | |
| Mouth (Worth Co.) to Worth-Winnebago Co. Line | | X | | |
| <u>Pike Run</u> | | | | |
| Mouth (Winnebago Co.) to Lateral 2 (S16, T99N, R24W, Winnebago Co.) | | X | | |

Iowa Water Quality Standards
Water Use Designations

| | A | Water Uses | | C |
|--|---|------------|------|---|
| | | B(W) | B(C) | |
| NORTHEASTERN IOWA RIVER BASINS | | | | |
| <u>Mississippi R.</u> | | | | |
| Iowa R. to the Iowa-Minnesota State Line | X | X | | |
| Davenport Water Company Water Works intake | | | | X |
| WAPSIPINICON RIVER SUBBASIN | | | | |
| (Mississippi R. Tributaries) | | | | |
| <u>Muscatine Slough</u> | | | | |
| Mouth (Louisa Co.) to S line of Section 4, T76N, R2W, Muscatine Co. | | X | | |
| <u>Duck Cr.</u> | | | | |
| Mouth (Scott Co.) to Scott Co. Rd. Y48(W line of Section 13, T78N, R2E, Scott Co.) | | X | | |
| <u>Crow Cr.</u> | | | | |
| Mouth (Scott Co.) to Scott Co. Rd. Z22 (S14, T78N, R4E, Scott Co.) | | X | | |
| <u>Wapsipinicon R.</u> | | | | |
| Mouth (Scott-Clinton Co. Line) to Hwy. 67 (S22, T80N, R5E, Scott-Clinton Co. Line) | X | X | | |
| Hwy. 67 to dam at Anamosa | | X | | |
| Anamosa Impoundment | | | | |
| Dam to W line of Section 9, T84N, R4W, Jones Co. | X | X | | |
| Anamosa Impoundment to dam at Central City | | X | | |
| Central City Impoundment | | | | |
| Dam to N line of Section 33, T86N, R6W, Linn Co. | X | X | | |
| Central City Impoundment to dam at Quasqueton | | X | | |
| Quasqueton Impoundment | | | | |
| Dam to N line of Section 34, T88N, R8W, Buchanan Co. | X | X | | |
| Quasqueton Impoundment to dam at Independence | | X | | |
| Independence Impoundment | | | | |
| Dam to W line of Section 28, T89N, R9W, Buchanan Co. | X | X | | |
| Independence Impoundment to N line of Section 3, T99N, R15W, Mitchell Co. (Town of McIntire) | | X | | |
| Town of McIntire to N line of Section 20, T100N, R15W, Mitchell Co. | | | X | |

Water Use Designations

| | A | Water Uses B(W) | B(C) | C |
|--|---|--------------------|------|---|
| NORTHEASTERN IOWA RIVER BASINS | | | | |
| WAPSIPINICON RIVER SUBBASIN | | | | |
| (Wapsipinicon R. Tributaries) | | | | |
| <u>Lost Cr.</u> Mouth (Scott Co.) to confluence with S Fk. Lost Cr. (S7, T79N, R5E, Scott Co.) | | X | | |
| <u>Brophy Cr.</u> Mouth (Clinton Co.) to Clinton Co. Rd. F12 (N line of Section 4, T81N, R5E, Clinton Co.) | | X | | |
| <u>Ames Cr.</u> Mouth (Clinton Co.) to Hwy. 30 (S16, T81N, R4E, Clinton Co.) | | X | | |
| <u>Silver Cr.</u> Mouth (Clinton Co.) to Hwy. 30 (S13, T81N, R3E, Clinton Co.) | | X | | |
| <u>Mud Cr.</u> Mouth (Scott Co.) to confluence with Hickory Cr. (aka S Br. Mud Cr., S31, T80N, R2E, Scott Co.) | | X | | |
| <u>Rock Cr.</u> Mouth (Clinton Co.) to the Scott-Cedar Co. Line | | X | | |
| <u>Yankee Run</u> Mouth (Clinton Co.) to the Clinton-Cedar Co. Line | | X | | |
| <u>Buffalo Cr.</u> Mouth (Jones Co.) to the dam at Coggon | | X | | |
| Coggon Impoundment | X | X | | |
| Coggon Impoundment to confluence of E Br. Buffalo Cr. and W Br. Buffalo Cr. | | X | | |
| <u>Pine Cr.</u> Mouth (Buchanan Co.) to N line of Section 20, T89N, R8W, Buchanan Co. | | X | | |
| <u>Otter Cr.</u> Mouth (Buchanan Co.) to dam at Lake Oelwein | | X | | |
| Lake Oelwein Dam to N line of Section 33, T91N, R9W, Fayette Co. | X | X | | |

Water Use Designations

| | A | Water Uses | | C |
|--|---|------------|------|---|
| | | B(W) | B(C) | |
| NORTHEASTERN IOWA RIVER BASINS | | | | |
| WAPSIPINICON RIVER SUBBASIN | | | | |
| (Wapsipinicon R. Tributaries, Continued) | | | | |
| <u>Little Wapsipinicon R.</u> Mouth (Buchanan Co.) to Bremer-Fayette Co. Line | | X | | |
| <u>Buck Cr.</u> Mouth (Buchanan Co.) to N line of Section 4, T92N, R11W, Bremer Co. | | X | | |
| <u>Crane Cr.</u> Mouth (Black Hawk Co.) to Hwy. V49 (W line of Section 24, T90N, R12W, Black Hawk Co.) | | X | | |
| <u>E Fk. Wapsipinicon R.</u> Mouth (Bremer Co.) to W line of Section 31, T96N, R12W, Chickasaw Co. | | X | | |
| <u>Little Wapsipinicon R.</u> Mouth (Chickasaw Co.) to upper end of Lylah's Marsh (W line of Section 23, T98N, R14W, Howard Co.) | | X | | |
| MAQUOKETA RIVER SUBBASIN | | | | |
| (Mississippi R. Tributaries) | | | | |
| <u>Rock Cr.</u> Mouth (S7, T80N, R6E, Clinton Co.) to Hwy. 67 (S30, T81N, R6E, Clinton Co.) | | X | | |
| <u>Mill Cr.</u> Mouth (Clinton Co.) to confluence with Harts Mill Cr. (S15, T81N, R6E, Clinton Co.) | | X | | |
| <u>Elk R.</u> Mouth (Clinton Co.) to Clinton-Jackson Co. Line | | X | | |
| <u>Beaver Cr.</u> Mouth (S31, T85N, R7E, Jackson Co.) to W line of Section 2, T84N, R6E, Jackson Co. | | X | | |
| <u>Maquoketa R.</u> Mouth (Jackson Co.) to dam at Monticello | X | X | | |
| Monticello Dam to Hartwick Lake Dam | | X | | |
| Hartwick Lake Dam to Quaker Mills Dam | X | X | | |

Water Use Designations

NORTHEASTERN IOWA RIVER BASINS

MAQUOKETA RIVER SUBBASIN

(Maquoketa R., Continued)

Quaker Mills Impoundment

| A | Water Uses | | C |
|---|------------|------|---|
| | B(W) | B(C) | |
| X | X | | |
| | | X | |
| X | X | | |
| | | | X |
| | | X | |
| | | X | |
| | | | X |
| | X | | |
| | X | | |
| | | | X |
| | X | | |
| | | | X |
| | X | | |
| | | | X |
| | X | | |
| | | | X |

Quaker Mills Impoundment to Forestville Dam at Backbone Lake

Backbone Lake

Dam to boundary of Backbone State Park

Mouth of S Fk. Maquoketa R. (S16, T90N, R6W. Delaware Co.) to Hwy. 3 (N line of Section 24, T91N, R7W, Fayette Co.)

Deep Cr.

Mouth (Jackson Co.) to confluence with Williams Cr. (S28, T83N, R4E, Clinton Co.)

Brush Cr.

Mouth (Jackson Co.) to N line of Section 23, T85N, R3E, Jackson Co.

N line of Section 23, T85N, R3E to N line of Section 1, T85N, R3E, Jackson Co.

Prairie Cr.

Mouth (Jackson Co.) to the Jackson-Clinton Co. Line

N Fk. Maquoketa R.

(See N Fk. Maquoketa R. Subbasin)

Bear Cr. (aka Big Bear Cr.)

Mouth (Jackson Co.) to confluence with Little Bear Cr. (S30, T84N, R1W, Jones Co.)

Mineral Cr.

Mouth (Jackson Co.) to Hwy. 136 (W line of Section 30, T85N, R1W, Jones Co.)

Farm Cr.

Mouth (Jones Co.) to Hwy. 136 (S20, T86N, R1W, Jones Co.)

Water Use Designations

NORTHEASTERN IOWA RIVER BASINS

MAQUOKETA RIVER SUBBASIN

(Maquoketa R. Tributaries, Continued)

Kitty Cr.

Mouth (S22, T86N, R3W, Jones Co.) to W line of S4, T85N, R3W, Jones Co.

X

W Kitty Cr.

Mouth (S27, T86N, R3W, Jones Co.) to S line of S35, T86N, R3W

X

Cline Cr.

Mouth (S16, T86N, R3W, Jones Co.) to the Jones-Delaware Co. Line

X

Silver Cr.

Mouth (Jones Co.) to S line of S10, T86N, R4W, Jones Co.

X

Buck Cr.

Mouth (Delaware Co.) to W line of S11, T87N, R5W, Delaware Co.

X

Plum Cr.

Mouth (Delaware Co.) to N line of Section 25, T89N, R4W, Delaware Co.

X

Spring Br.

Mouth (S10, T88N, R5W, Delaware Co.) to N line of Section 2, T88N, R5W, Delaware Co.

X

Coffins Cr.

Mouth (Delaware Co.) to confluence with Spring Br. (S29, T89N, R6W, Delaware Co.)

X

Honey Cr.

Mouth (Delaware Co.) to confluence with Rutherford Br. (S26, T90N, R5W, Delaware Co.)

X

Lindsey Cr. (aka Little York Br.)

Mouth (S3, T89N, R5W, Delaware Co.) to N line of Section 16, T90N, R5W, Delaware Co.

X

S Fk. Maquoketa R.

Mouth (Delaware Co.) to W line of Section 10, T90N, R7W, Buchanan Co.

X

| A | Water Uses | | C |
|---|------------|------|---|
| | B(W) | B(C) | |
| | X | | |
| | X | | |
| | X | | |
| | X | | |
| | X | | |
| | | X | |
| | X | | |
| | X | | |
| | X | | |

Water Use Designations

NORTHEASTERN IOWA RIVER BASINS

MAQUOKETA RIVER SUBBASIN

(Maquoketa R. Tributaries, Continued)

Fenchel Cr.

Mouth (S5, T90N, R6W, Delaware Co.) to Richmond Springs
(center of Section 4, T90N, R6W, Delaware Co.)

X

Bruce Cr.

Mouth (S30, T91N, R6W, Clayton Co.) to W line of
Section 26, T91N, R7W, Fayette Co.

X

NORTH FORK MAQUOKETA RIVER SUBBASIN

N Fk. Maquoketa R.

Mouth (Jackson Co.) to N line of Section 5, T89N,
R2W, Dubuque Co.

X

Cedar Cr.

Mouth (S30, T85N, R3E, Jackson Co.) to E line of
Section 29, T85N, R3E, Jackson Co.

X

Farmers Cr.

Mouth (Jackson Co.) to N line of Section 29, T86N,
R3E, Jackson Co.

X

Lytle Cr.

Mouth (Jackson Co.) to E line of Section 18, T87N,
R2E, Dubuque Co.

X

Otter Cr.

Mouth (Jackson Co.) to Jackson-Dubuque Co. Line

X

Unnamed Cr.

Mouth (S7, T86N, R2E, Jackson Co.) to W line of
Section 11, T86N, R1E, Jackson Co.

X

Prairie Cr.

Mouth (S24, T87N, R1E, Dubuque Co.) to confluence
with Unnamed Cr. (S22, T87N, R1E, Dubuque Co.)

X

Ozark Spring Run

Mouth (S5, T85N, R1E, Jackson Co.) to spring source in
center of Section 32, T86N, R1E, Jackson Co.

X

| A | Water Uses | | C |
|---|------------|------|---|
| | B(W) | B(C) | |
| | | X | |
| | X | | |
| | X | | |
| | | X | |
| | X | | |
| | X | | |
| | X | | |
| | | X | |
| | X | | |
| | | X | |

Water Use Designations

| | Water Uses | | C |
|--|------------|------|---|
| | A | B(W) | |
| NORTHEASTERN IOWA RIVER BASINS | | | |
| NORTH FORK MAQUOKETA RIVER SUBBASIN | | | |
| (N Fk. Maquoketa R. Tributaries, Continued) | | | |
| <u>Whitewater Cr.</u> | | | |
| Mouth (S10, T86N, R1W, Jones Co.) to confluence with Curran Br. (Dubuque Co.) | | X | |
| <u>Johns Cr.</u> | | | |
| Mouth (Dubuque Co.) to Rd. crossing, S17, T87N, R1W, Dubuque Co. | | X | |
| TURKEY RIVER SUBBASIN | | | |
| (Mississippi R. Tributaries) | | | |
| <u>Pleasant Cr.</u> | | | |
| Mouth (S33, T86N, R5E, Jackson Co.) to W line of Section 11, T85N, R4E, Jackson Co. | | X | |
| W line of Section 11, T85N, R4E to W line of Section 15, T85N, R4E, Jackson Co. | | | X |
| <u>Duck Cr.</u> | | | |
| Mouth (S29, T86N, R5E, Jackson Co.) to S line of Section 25, T86N, R4E, Jackson Co. | | X | |
| <u>Mill Cr.</u> | | | |
| Mouth (Jackson Co.) to confluence with Little Mill Cr. (S13, T86N, R4E, Jackson Co.) | | X | |
| Little Mill Cr. to W line of Section 6, T86N, R4E, Jackson Co. | | | X |
| <u>Little Mill Cr.</u> | | | |
| Mouth (Jackson Co.) to W line of Section 29, T86N, R4E, Jackson Co. | | | X |
| <u>Spruce Cr.</u> | | | |
| Mouth (Jackson Co.) to N line of Section 4, T86N, R4E, Jackson Co. | | X | |
| <u>Tete des Morts Cr. (aka Tete des Morts R.)</u> | | | |
| Mouth (Jackson Co.) to Jackson-Dubuque Co. Line | | X | |

Water Use Designations

NORTHEASTERN IOWA RIVER BASINS

TURKEY RIVER SUBBASIN

(Mississippi R. Tributaries, Continued)

Catfish Cr.

Mouth (Dubuque Co.) to S line of Section 9, T88N, R2E, Dubuque Co.

X

S line of Section 9, T88N, R2E to W line of Section 30, T88N, R2E, Dubuque Co.

X

Granger Cr.

Mouth (S6, T88N, R3E, Dubuque Co.) to W line of Section 7, T88N, R3E, Dubuque Co.

X

Middle Fk. Catfish Cr. (aka N Fk. Catfish Cr.)

Mouth (S1, T88N, R2E, Dubuque Co.) to W line of Section 30, T89N, R2E, Dubuque Co.

X

S Fk. Catfish Cr.

Mouth (S1, T88N, R2E, Dubuque Co.) to W line of Section 32, T89N, R2E, Dubuque Co.

X

Little Maquoketa R.

Mouth (Dubuque Co.) to confluence with Hogans Br. (S36, T89N, R1W, Dubuque Co.)

X

Hogans Br. to N line of Section 5, T88N, R1W, Dubuque Co.

X

Bloody Run

Mouth (S34, T90N, R2E, Dubuque Co.) to W line of Section 21, T90N, R2E, Dubuque Co.

X

Cloie Br.

Mouth (S5, T89N, R2E, Dubuque Co.) to W line of Section 5, T89N, R2E, Dubuque Co.

X

N Fk. Little Maquoketa R.

Mouth (Dubuque Co.) to W line of Section 24, T90N, R1W, Dubuque Co.

X

Middle Fk. Little Maquoketa R.

Mouth (Dubuque Co.) to W line of Section 31, T90N, R1E, Dubuque Co.

X

W line of Section 31, T90N, R1E to N line of Section 33, T90N, R1W, Dubuque Co.

X

| A | Water Uses | | C |
|---|------------|------|---|
| | B(W) | B(C) | |
| | X | | |
| | | X | |
| | X | | |
| | X | | |
| | X | | |
| | X | | |
| | | X | |
| | | X | |
| | X | | |
| | X | | |
| | | X | |

Water Use Designations

NORTHEASTERN IOWA RIVER BASINS

TURKEY RIVER SUBBASIN

(Mississippi R. Tributaries, Continued)

(Tributary to Little Maquoketa R.)

Hogans Br.

Mouth (S36, T89N, R1W, Dubuque Co.) to W line of Section 9, T88N, R1W, Dubuque Co.

X

Turkey R.

Mouth (Clayton Co.) to W line of Section 9, T93N, R5W, Clayton Co. (two stream miles downstream from Big Springs Trout Hatchery)

X

Two stream miles downstream from Big Springs Trout Hatchery to Big Springs Trout Hatchery (S31, T94N, R5W, Clayton Co.)

X

Big Springs Trout Hatchery to confluence with S Br. Turkey R. (S2, T98N, R12W, Howard Co.)

X

Little Turkey R.

Mouth (Clayton Co.) to Clayton-Delaware Co. Line

X

Clayton-Delaware Co. Line to S line of Section 11, T90N, R3W, Delaware Co.

X

Point Hollow Cr. (aka White Pine Cr.)

Mouth (S31, T91N, R2W, Clayton Co.) to spring source (S8, T90N, R2W, Dubuque Co.)

X

Bloody Run Cr.

Mouth (S1, T90N, R3W, Delaware Co.) to spring source (S3, T90N, R3W, Delaware Co.)

X

Pecks Cr.

Mouth (Clayton Co.) to S line of Section 15, T91N, R3W, Clayton Co.

X

S Cedar Cr. (aka Cedar Cr.)

Mouth (Clayton Co.) to N line of S7, T92N, R3W, Clayton Co.

X

N line of S7, T92N, R3W, Clayton Co. to N line of S24, T93N, R4W, Clayton Co.

X

| A | Water Uses | | C |
|---|------------|------|---|
| | B(W) | B(C) | |
| | | X | |
| | X | | |
| | | X | |
| | X | | |
| | X | | |
| | | X | |
| | | X | |
| | X | | |
| | | X | |

Water Use Designations

NORTHEASTERN IOWA RIVER BASINS

TURKEY RIVER SUBBASIN

(Turkey River Tributaries, Continued)

Elk Cr.

Mouth (Clayton Co.) to confluence with Schechtman Br. (S14, T90N, R4W, Delaware Co.)

X

Steeles Br.

Mouth (S26, T91N, R4W, Clayton Co.) to S line of Section 3, T90N, R4W, Delaware Co.

X

Pine Cr.

Mouth (S26, T91N, R4W, Clayton Co.) to confluence with Brownfield Cr. (S25, T91N, R4W, Clayton Co.)

X

Brownfield Cr.

Mouth (Clayton Co.) to spring source (S31, T91N, R3W, Clayton Co.)

X

Twin Springs Cr.

Mouth (S2, T90N, R4W, Delaware Co.) to spring source (S12, T90N, R4W, Delaware Co.)

X

Fountain Spring Cr. (aka Odell Br.)

Mouth (S10, T90N, R4W, Delaware Co.) to W line of Section 16, T90N, R4W, Delaware Co.

X

S Br. Fountain Spring Cr.

Mouth (S16, T90N, R4W, Delaware Co.) to W line of Section 16, T90N, R4W, Delaware Co.

X

Schechtman Br.

Mouth (Delaware Co.) to S line of Section 14, T90N, R4W, Delaware Co.

X

Volga R.

(See Volga R. Subbasin)

Roberts Cr.

Mouth (Clayton Co.) to W line of Section 7, T94N, R5W, Clayton Co.

X

Dry Mill Cr.

Mouth (S25, T93N, R5W, Clayton Co.) to W line of Section 9, T93N, R4W, Clayton Co.

X

Howard Cr.

Mouth (S25, T94N, R5W, Clayton Co.) to N line of Section 13, T94N, R5W, Clayton Co.

X

| A | Water Uses | | C |
|---|------------|------|---|
| | B(W) | B(C) | |
| | X | | |
| | | X | |
| | | X | |
| | | X | |
| | | X | |
| | | X | |
| | | X | |
| | | X | |
| | | X | |
| | X | | |
| | | X | |
| | X | | |

Water Use Designations

| | Water Uses | | C |
|---|------------|-----------|---|
| | A | B(W) B(C) | |
| NORTHEASTERN IOWA RIVER BASINS | | | |
| TURKEY RIVER SUBBASIN | | | |
| (Turkey R. Tributaries, Continued) | | | |
| <u>Otter Cr.</u> Mouth (Fayette Co.) to Confluence with Unnamed Cr. (aka Glovers Cr., S22, T94N, R8W, Fayette Co.) | | X | |
| <u>Unnamed Cr.</u> (aka Glovers Cr.) Mouth to W line of Section 15, T94N, R8W, Fayette Co. | | X | |
| <u>Bell Cr.</u> Mouth (S10, T94N, R7W, Fayette Co.) to W line of Section 8, T94N, R7W, Fayette Co. | | X | |
| <u>Little Turkey R.</u> Mouth (Fayette Co.) to Chickasaw Co. Rd. V56 (W line of Section 10, T96N, R11W, Chickasaw Co.) | X | | |
| <u>Crane Cr.</u> Mouth (Fayette Co.) to Howard-Chickasaw Co. Line | X | | |
| <u>Bass Cr.</u> Mouth (S3, T95N, R9W, Fayette Co.) to W line of Section 3, T95N, R9W, Fayette Co. | | X | |
| <u>Bohemian Cr.</u> Mouth (Winneshiek Co.) to Hwy. 139 (W line of Section 2, T97N, R11W, Howard Co.) | | X | |
| VOLGA RIVER SUBBASIN | | | |
| <u>Volga R</u> Mouth (Clayton Co.) to confluence with N Br. Volga R. (S33, T93N, R9W, Fayette Co.) | X | | |
| <u>Bear Cr.</u> Mouth (Clayton Co.) to S line of Section 18, T91N, R4W, Clayton Co. | X | | |
| S line of Section 18, T91N, R4W to S line of Section 26, T91N, R5W, Clayton Co. | | X | |
| <u>Doe Cr.</u> Mouth (S32, T92N, R4W, Clayton Co.) to S line of Section 1, T91N, R5W, Clayton Co. | X | | |
| <u>Honey Cr.</u> Mouth (Clayton Co.) to W line of Section 3, T91N, R5W, Clayton Co. | X | | |
| <u>Mossey Glen Cr.</u> Mouth (S3, T91N, R5W, Clayton Co.) to S line of Section 3, T91N, R5W, Clayton Co. | | X | |

Water Use Designations

| | Water Uses | | C |
|---|------------|------|---|
| | A | B(W) | |
| NORTHEASTERN IOWA RIVER BASINS | | | |
| VOLGA RIVER SUBBASIN | | | |
| (Volga R. Tributaries, Continued) | | | |
| <u>Cox Cr.</u> Mouth (S21, T92N, R5W, Clayton Co.) to confluence with Kleinlein Cr. (aka Spring Cr.) (S36, T92N, R6W, Clayton Co.) | | X | |
| Kleinlein Cr. to S line of Section 12, T91N, R6W, Clayton Co. | | | X |
| <u>Kleinlein Cr. (aka Spring Cr.)</u> Mouth (Clayton Co.) to spring source (S10, T91N, R6W, Clayton Co.) | | | X |
| <u>Hewett Cr.</u> Mouth (Clayton Co.) to S line of Section 29, T92N, R6W, Clayton Co. | | | X |
| <u>Mink Cr.</u> Mouth (S30, T93N, R6W, Clayton Co.) to W line of Section 15, T93N, R7W, Fayette Co. | | | X |
| <u>Brush Cr.</u> Mouth (Fayette Co.) to confluence with Bear Cr. (S8, T92N, R7W, Fayette Co.) | | X | |
| Bear Cr. to E line of Section 17, T92N, R7W, Fayette Co. | | | X |
| <u>Bear Cr.</u> Mouth (Fayette Co.) to W line of Section 6, T92N, R7W, Fayette Co. | | | X |
| <u>Grannis Cr.</u> Mouth (S30, T93N, R7W, Fayette Co.) to S line of Section 31, T93N, R7W, Fayette Co. | | | X |
| <u>Little Volga R.</u> Mouth (Fayette Co.) to E line of Section 36, T92N, R9W, Fayette Co. | | X | |

Water Use Designations

| | Water Uses | | C |
|---|------------|-----------|---|
| | A | B(W) B(C) | |
| NORTHEASTERN IOWA RIVER BASINS | | | |
| YELLOW RIVER SUBBASIN | | | |
| (Mississippi R. Tributaries) | | | |
| <u>Miners Cr.</u> | | | |
| Mouth (S21, T92N, R2W, Clayton Co.) to W line of Section 1, T92N, R3W, Clayton Co. | | X | |
| <u>Buck Cr.</u> | | | |
| Mouth (Clayton Co.) to W line of Section 9, T93N, R3W, Clayton Co. | | X | |
| <u>Sny Magill Cr. (aka Magill Cr.)</u> | | | |
| Mouth (Clayton Co.) to W line of Section 6, T94N, R3W, Clayton Co. | | X | |
| <u>N Cedar Cr.</u> | | | |
| Mouth (S8, T94N, R3W, Clayton Co.) to W line of Section 24, T94N, R4W, Clayton Co. | | X | |
| <u>Unnamed Cr. (aka W Fk. Sny Magill Cr.)</u> | | | |
| Mouth (S7, T94N, R3W, Clayton Co.) to W line of Section 7, T94N, R3W, Clayton Co. | | X | |
| <u>Bloody Run</u> | | | |
| Mouth (Clayton Co.) to W line of Section 22, T95N, R4W, Clayton Co. | | X | |
| <u>Yellow R.</u> | | | |
| Mouth (Allamakee Co.) to old Hwy. 51 (NE quarter of Section 11, T96N, R6W, Allamakee Co.) | X | | |
| Old Hwy. 51 to confluence with N Fk. Yellow R. (S13, T96N, R7W, Winneshiek Co.) | | X | |
| <u>Dousman Cr.</u> | | | |
| Mouth (S33, T96N, R3W, Allamakee Co.) to Allamakee-Clayton Co. Line | | X | |
| <u>Suttle Cr.</u> | | | |
| Mouth (Allamakee Co.) to Allamakee-Clayton Co. Line | | X | |
| <u>Unnamed Cr. (aka Bear Cr.)</u> | | | |
| Mouth (S13, T96N, R5W, Allamakee Co.) to N line of Section 12, T96N, R5W, Allamakee Co. | | X | |

Water Use Designations

| | Water Uses | | C |
|---|------------|------|---|
| | A | B(W) | |
| NORTHEASTERN IOWA RIVER BASINS | | | |
| YELLOW RIVER SUBBASIN | | | |
| (Yellow R. Tributaries, Continued) | | | |
| <u>Hickory Cr.</u> Mouth (Allamakee Co.) to S line of Section 28, T96N, R5W, Allamakee Co. | | | X |
| <u>Norfolk Cr.</u> Mouth (S6, T96N, R5W, Allamakee Co.) to confluence with Teeple Cr. (S24, T97N, R6W, Allamakee Co.) | | | X |
| <u>Teeple Cr.</u> Mouth (Allamakee Co.) to W line of Section 11, T97N, R6W, Allamakee Co.) | | | X |
| UPPER IOWA RIVER SUBBASIN | | | |
| (Mississippi R. Tributaries) | | | |
| <u>Paint Cr.</u> Mouth (Allamakee Co.) to confluence with Little Paint Cr. (S32, T79N, R3W, Allamakee Co.) | | X | |
| Little Paint Cr. to Rd. crossing, S18, T97N, R4W, Allamakee Co. | | | X |
| <u>Little Paint Cr.</u> Mouth to N line of Section 30, T97N, R3W, Allamakee Co. | | | X |
| <u>Cota Cr.</u> Mouth (S26, T97N, R3W, Allamakee Co.) to W line of Section 10, T97N, R3W, Allamakee Co. | | | X |
| <u>Wexford Cr.</u> Mouth (S5, T97N, R2W, Allamakee Co.) to W line of Section 25, T98N, R3W, Allamakee Co. | | | X |
| <u>Village Cr.</u> Mouth (Allamakee Co.) to W line of Section 19, T98N, R4W, Allamakee Co. | | | X |
| <u>Unnamed Cr.</u> Mouth (S23, T98N, R4W, Allamakee Co.) to W line of Section 23, T98N, R4W, Allamakee Co. | | | X |
| <u>Trout Run</u> Mouth (S16, T98N, R4W, Allamakee Co.) through one mile reach | | | X |

Water Use Designations

NORTHEASTERN IOWA RIVER BASINS

UPPER IOWA RIVER SUBBASIN

(Mississippi R. Tributaries, Continued)

| A | Water Uses | | C |
|---|------------|------|---|
| | B(W) | B(C) | |
| | | | |
| | | X | |
| | X | | |
| X | X | | |
| | X | | |
| | | X | |
| | | X | |
| | X | | |
| | | X | |
| | | X | |
| | X | | |
| | | X | |
| | | X | |
| | | X | |

Clear Cr.

Mouth (Allamakee Co.) to W line of Section 25, T99N, R4W, Allamakee Co.

Upper Iowa R.

Mouth (Allamakee Co.) to Lane's Bridge (S31, T100N, R4W, Allamakee Co.)

Lane's Bridge to Winneshiek-Howard Co. Line

Winneshiek-Howard Co. Line to confluence with Staff Cr.

Irish Hollow Cr.

Mouth (S21, T100N, R4W, Allamakee Co.) to N line of Section 17, T100N, R4W, Allamakee Co.

French Cr.

Mouth (Allamakee Co.) to E line of Section 23, T99N, R5W, Allamakee Co.

Clear Cr.

Mouth (Allamakee Co.) to N line of Section 15, T100N, R5W, Allamakee Co.

Silver Cr.

Mouth (Allamakee Co.) to S line of Section 31, T99N, R5W, Allamakee Co.

Bear Cr.

Mouth (Allamakee Co.) to confluence with N Bear Cr. (S25, T100N, R7W, Winneshiek Co.)

N Bear Cr. to W line of Section 29, T100N, R7W, Winneshiek Co.

Waterloo Cr.

Mouth (S35, T100N, R6W, Allamakee Co.) to Iowa-Minnesota State Line

N Bear Cr.

Mouth (S25, T100N, R7W, Winneshiek Co.) to Iowa-Minnesota State Line

Middle Bear Cr.

Mouth (S14, T100N, R7W, Winneshiek Co.) to N line of Section 16, T100N, R7W, Winneshiek Co.

Water Use Designations

Lakes

| County | Lake | Locations | | | A | Waster Uses | | C |
|------------|-----------------------------|-----------|----|----|---|-------------|------|---|
| | | R. | T. | S. | | B(W) | B(C) | |
| Adair | Meadow Lake | 31 | 76 | 17 | | X | | |
| | Mormon Trail Lake | 33 | 74 | 3 | X | X | | |
| | Nodaway Lake | 32 | 75 | 14 | X | X | | X |
| | Orient Lake | 31 | 74 | 20 | | X | | X |
| Adams | Binder Lake | 34 | 72 | 25 | X | X | | X |
| | Lake Icaria | 34 | 72 | 10 | X | X | | X |
| | West Lake Corning | 34 | 72 | 36 | | X | | X |
| Appanoose | Upper Centerville Reservoir | 18 | 68 | 11 | X | X | | X |
| | Lower Centerville Reservoir | 18 | 68 | 12 | X | X | | X |
| | Mystic Reservoir | 18 | 69 | 8 | X | X | | X |
| Audubon | Nabotna Pond | 35 | 80 | 11 | | X | | |
| Benton | Dudgeon Lake | 10 | 85 | 9 | | X | | |
| | Hannon Lake | 11 | 82 | 32 | X | X | | |
| | Rodgers Park Lake | 11 | 86 | 1 | X | X | | |
| Black Hawk | Black Hawk Park Ponds | 14 | 90 | 34 | | X | | |
| | City Park Pond (Waterloo) | 13 | 89 | 15 | | X | | |
| | Fisher Lake | 13 | 89 | 6 | | X | | |
| | George Wyth Lake | 13 | 89 | 6 | X | X | | |
| | Green Belt Lake | 13 | 89 | 33 | | X | | |
| | Hope Martin Pond | 13 | 89 | 27 | | X | | |
| Boone | Dickcissell Lake | 26 | 84 | 24 | | X | | |
| | Don Williams Lake | 27 | 84 | 5 | X | X | | |
| Bremer | Sweet Marsh Reservoir | 12 | 93 | 34 | | X | | |
| | Sweet Marsh Seg. A | 12 | 92 | 2 | | X | | |
| | Sweet Marsh Seg. B | 12 | 93 | 35 | | X | | |
| | Sweet Marsh Seg. C | 12 | 93 | 34 | | X | | |
| Buchanan | Troy Mills Marsh | 8 | 87 | 25 | | X | | |

Water Use Designations

Lakes (Continued)

| County | Lake | Location | | | A | Water Uses | | C |
|-------------|---|----------|----|----|---|------------|------|---|
| | | R. | T. | S. | | B(W) | B(C) | |
| Buena Vista | Gustafson Lake | 36 | 93 | 18 | X | X | | |
| | Marathon City Park Pond | 35 | 93 | 20 | X | X | | |
| | Pickereel Lake | 35 | 93 | 1 | X | X | | |
| | Storm Lake (Including Little Storm Lake) | 37 | 90 | 14 | X | X | | |
| Butler | Aplington Pits | 17 | 90 | 20 | | X | | |
| | Lake Considine | 18 | 91 | 12 | | X | | |
| | Big Marsh | 17 | 91 | 25 | | X | | |
| | Sportsman's Pond | 16 | 92 | 13 | | X | | |
| Calhoun | North Twin Lake | 33 | 88 | 1 | X | X | | |
| | Rockwell City City Pond | 32 | 88 | 36 | | X | | |
| | South Twin Lake | 33 | 88 | 1 | | X | | |
| Carroll | Artesian Lake | 33 | 85 | 27 | | X | | |
| | Swan Lake | 34 | 83 | 5 | X | X | | |
| Cass | Lake Anita | 34 | 77 | 32 | X | X | | |
| | Cold Springs Lake | 37 | 75 | 15 | X | X | | |
| | Griswold Park Pond | 37 | 75 | 32 | | X | | |
| | Iranistan Pond | 37 | 75 | 8 | | X | | |
| Cedar | Bennett Lake | 1 | 80 | 11 | | X | | |
| Cerro Gordo | Clear Lake | 22 | 96 | 13 | X | X | | X |
| | Clear Lake Marsh | 21 | 96 | 6 | | X | | |
| | Fin and Feather Lake | 20 | 96 | 27 | | X | | |
| | Lekwa Marsh | 22 | 96 | 26 | | X | | |
| | Mason City E Park Pond | 20 | 96 | 7 | | X | | |
| | Meadow Lake | 20 | 96 | 14 | | X | | |
| | McIntosh Wildlife Area | 22 | 96 | 16 | | X | | |
| | Rockfall Pond | 19 | 97 | 22 | | X | | |
| | Rockwell Pond | 20 | 94 | 10 | | X | | |
| | Ventura Marsh | 22 | 96 | 19 | | X | | |
| Cherokee | Larson Lake | 39 | 91 | 1 | | X | | |
| | Spring Lake | 40 | 92 | 28 | X | X | | |

Water Use Designations

Lakes (Continued)

| County | Lake | Location | | | A | Water Uses | | C |
|------------|--------------------------|----------|----|----|---|------------|------|---|
| | | R. | T. | S. | | B(W) | B(C) | |
| Chickasaw | Split Rock Lake | 12 | 94 | 35 | X | X | | |
| Clarke | East Lake (Osceola) | 25 | 72 | 16 | | X | | |
| | Liberty Acres | 24 | 73 | 8 | | X | | |
| | West Lake (Osceola) | 26 | 72 | 13 | X | X | | X |
| Clay | Barringer Slough | 35 | 96 | 14 | | X | | |
| | Brugeman Park Pond | 38 | 97 | 30 | X | X | | |
| | Dan Greene Slough | 35 | 97 | 20 | | X | | |
| | Elk Lake | 35 | 96 | 36 | | X | | |
| | Scharnberg Pond | 38 | 96 | 11 | X | X | | |
| | Trumbull Lake | 35 | 97 | 27 | | X | | |
| Clayton | Osborne Pond | 5 | 92 | 9 | X | X | | |
| Clinton | Goose Lake | 4 | 83 | 29 | | X | | |
| Crawford | Nelson Park Lake | 41 | 82 | 2 | X | X | | |
| | Sunset Lake | 39 | 83 | 16 | | X | | |
| Davis | Drakesville Ponds | 14 | 69 | 6 | | X | | |
| | Eldon Game Area Ponds | 12 | 70 | 9 | | X | | |
| | Lake Fisher | 13 | 69 | 19 | | X | | X |
| | Lake Wapello | 15 | 70 | 34 | X | X | | X |
| Decatur | Home Pond | 27 | 67 | 3 | | X | | X |
| | Lake LeShane | 27 | 67 | 4 | X | X | | X |
| | Nine Eagles Lake | 25 | 67 | 18 | X | X | | X |
| | Slip Bluff Lake | 26 | 68 | 28 | | X | | |
| Delaware | Silver Lake | 4 | 88 | 16 | X | X | | |
| Des Moines | Allen Green Refuge Marsh | 1 | 72 | 29 | | X | | |

Water Use Designations

Lakes (Continued)

| County | Lake | Location | | | A | Water Uses | | C |
|-------------------|----------------------|----------|-----|----|---|------------|------|---|
| | | R. | T. | S. | | B(W) | B(C) | |
| Dickinson | Big Spirit Lake | 36 | 100 | 33 | X | X | | X |
| | Center Lake | 36 | 99 | 7 | X | X | | |
| | Diamond Lake | 37 | 100 | 15 | | X | | |
| | East Okoboji Lake | 36 | 99 | 29 | X | X | | |
| | Garlock Slough | 37 | 99 | 35 | | X | | |
| | Hale Slough | 36 | 100 | 23 | | X | | |
| | Hottes Lake | 36 | 100 | 18 | | X | | |
| | Lake Park Pond | 38 | 100 | 32 | | X | | |
| | Lily Lake | 35 | 99 | 18 | | X | | |
| | Little Spirit Lake | 36 | 100 | 8 | X | X | | |
| | Lower Gar Lake | 36 | 99 | 32 | | X | | |
| | Marble Lake | 36 | 100 | 17 | | X | | |
| | Minnewashta Lake | 36 | 99 | 29 | X | X | | |
| | Pleasant Lake | 35 | 99 | 7 | | X | | |
| | Prairie Lake | 36 | 99 | 23 | | X | | |
| | Sandbar Slough | 36 | 100 | 14 | | X | | |
| | Silver Lake | 38 | 100 | 28 | X | X | | X |
| | Sunken Lake | 36 | 100 | 17 | | X | | |
| | Swan Lake | 35 | 100 | 23 | | X | | |
| Upper Gar Lake | 36 | 99 | 29 | | X | | | |
| Welch Lake | 37 | 100 | 23 | | X | | | |
| West Okoboji Lake | 36 | 99 | 20 | X | X | | X | |
| Emmett | High Lake | 33 | 98 | 14 | X | X | | |
| | Ingham Lake | 33 | 98 | 12 | X | X | | |
| | Iowa Lake | 31 | 100 | 12 | | X | | X |
| | Tuttle Lake | 32 | 100 | 14 | X | X | | |
| | Twelve-Mile Lake | 34 | 98 | 21 | | X | | |
| Franklin | Pope Joy Pond | 22 | 90 | 21 | | X | | |
| | Robinsons Pond | 20 | 92 | 23 | | X | | |
| | Toft Pit | 22 | 91 | 30 | X | X | | |
| Fremont | Bartlett Lake | 43 | 70 | 4 | | X | | |
| | Percival Lake | 43 | 69 | 20 | | X | | |
| | Scott Lake A | 43 | 70 | 16 | | X | | |
| | Scott Lake B | 43 | 70 | 16 | | X | | |
| | West Forney's Lake A | 43 | 70 | 8 | | X | | |
| | West Forney's Lake B | 43 | 70 | 8 | | X | | |
| Greene | Spring Lake | 30 | 84 | 25 | X | X | | |

Water Use Designations

Lakes (Continued)

| County | Lake | Location | | | A | Water B(W) | Uses B(C) | C |
|----------|----------------------------|----------|----|----|---|---------------|--------------|---|
| | | R. | T. | S. | | | | |
| Grundy | Rodman Park Ponds | 15 | 89 | 34 | | X | | |
| | Stoehr Lake (Wellsburg) | 18 | 88 | 15 | | X | | |
| Guthrie | Bays Branch | 30 | 80 | 22 | | X | | |
| | Springbrook Lake | 31 | 81 | 33 | X | X | | |
| Hamilton | Briggs Woods Lake | 25 | 88 | 17 | X | X | | |
| | Little Wall Lake | 24 | 86 | 10 | X | X | | |
| Hancock | Crystal Lake | 25 | 97 | 15 | X | X | | |
| | Eagle Lake | 24 | 96 | 18 | | X | | |
| | East Twin Lake | 24 | 94 | 29 | | X | | |
| | Eldred Sherwood Lake | 24 | 94 | 21 | X | X | | |
| | Pilot Knob Lake | 23 | 97 | 3 | X | X | | |
| | West Twin Lake | 24 | 94 | 30 | | X | | |
| Harrison | California Bend | 45 | 78 | 7 | | X | | |
| | DeSoto Bend | 45 | 78 | 21 | X | X | | |
| | DeSoto Bend Pond | 45 | 78 | 20 | | X | | |
| | Dunlap Pond | 41 | 81 | 2 | | X | | |
| | St. John's Lake | 44 | 78 | 8 | | X | | |
| | Schaben Pond | 41 | 81 | 30 | | X | | |
| | Tyson Bend | 45 | 79 | 28 | | X | | |
| | Willow Lake | 43 | 80 | 23 | | X | | |
| Henry | Geode Lake | 5 | 70 | 36 | X | X | | X |
| Howard | Lake Hendricks | 14 | 99 | 19 | X | X | | |
| | Merrick Pond | 14 | 98 | 5 | | X | | |
| Ida | Moorhead Park Pond | 39 | 87 | 11 | X | X | | |
| | Crawford Creek Impoundment | 41 | 86 | 10 | X | X | | |
| | School Pond | | | | | X | | |
| Iowa | Amana Lily Pond | 9 | 81 | 27 | | X | | |
| | Iowa Lake | 11 | 79 | 19 | X | X | | |
| | Williamsburg Pond | 10 | 79 | 9 | | X | | |
| Jackson | Dalton Lake | 5E | 84 | 34 | | | X | |
| | Green Island Lake | 6E | 85 | 20 | | X | | |
| | North Sabula Lake | 7E | 84 | 18 | X | X | | |
| | South Sabula Lake | 7E | 84 | 19 | X | X | | |

Water Use Designations

Lakes (Continued)

| County | Lake | Location | | | Water Uses | | | C |
|-----------|----------------------------------|----------|-----|----|------------|------|------|---|
| | | R. | T. | S. | A | B(W) | B(C) | |
| Jasper | Mariposa Lake | 18 | 81 | 32 | | X | | |
| | Rock Creek Lake | 17 | 80 | 17 | X | X | | X |
| Jefferson | Fairfield Municipal Reservoir #1 | 10 | 72 | 24 | | X | | X |
| | Fairfield Municipal Reservoir #2 | 10 | 72 | 24 | | X | | X |
| | Jefferson County Park Ponds | 8 | 71 | 32 | | X | | |
| | Walton Reservoir | 9 | 72 | 30 | | X | | X |
| Johnson | Kent Park Lake | 8 | 80 | 24 | X | X | | |
| | Lake McBride | 6 | 81 | 29 | X | X | | X |
| | Swan Lake | 7 | 80 | 5 | | X | | |
| Jones | Central Park Lake | 3 | 84 | 1 | X | X | | |
| | Muskrat Slough | 3 | 83 | 16 | | X | | |
| Keokuk | Belvadeer Park Ponds | 11 | 76 | 21 | | X | | |
| | Griffin Lake | 13 | 76 | 15 | | X | | |
| | Yenrougis Pond | 12 | 76 | 23 | X | X | | |
| Kossuth | Burt Lake | 30 | 100 | 9 | | X | | |
| | Goose Lake | 30 | 100 | 17 | | X | | |
| | Lake Smith | 29 | 96 | 36 | X | X | | |
| | Union Slough | 28 | 98 | 35 | | X | | |
| | Whittemore Pit | 30 | 95 | 9 | X | X | | |
| Lee | Chatfield Lake | 5 | 65 | 2 | | X | | |
| | Greenbay Lake | 3 | 68 | 28 | | X | | |
| | Poll Miller Park Lake | 5 | 68 | 9 | X | X | | |
| | Shimek Forest Ponds | 7 | 67 | 31 | | X | | |
| | Wilson Park Lakes | 6 | 68 | 35 | | X | | |
| Linn | Central City Ponds | 6 | 85 | 3 | | X | | |
| | Pleasant Creek Lake | 8 | 85 | 31 | X | X | | |
| | South Cedar Pond | 5 | 82 | 28 | | X | | |
| Louisa | Cone Marsh | 5 | 76 | 14 | | X | | |
| | Klum Lake | 2 | 75 | 25 | | X | | |
| | Lake Odessa | 2 | 73 | 2 | X | X | | |

Water Use Designations

Lakes (Continued)

| County | Lake | Location | | | A | Water Uses | | C |
|----------|--|----------|----|----|---|------------|------|---|
| | | R. | T. | S. | | B(W) | B(C) | |
| Lucas | Brown's Slough | 20 | 71 | 35 | | X | | |
| | North Colyn Marsh | 20 | 71 | 30 | | X | | |
| | South Colyn Marsh | 20 | 71 | 30 | | X | | |
| | Ellis Lake | 21 | 72 | 27 | X | X | | X |
| | Morris Lake | 21 | 72 | 26 | X | X | | X |
| | Red Haw Lake | 21 | 71 | 28 | X | X | | X |
| | Stephen's Forest Pond #1 | 23 | 72 | 22 | | X | | |
| | Stephen's Forest Pond #2 | 23 | 72 | 28 | | X | | |
| | Williamson Pond | 21 | 73 | 27 | | X | | |
| Lyon | Lake Pahoja | 48 | 99 | 23 | X | X | | |
| Madison | Cedar Lake | 27 | 76 | 19 | | X | | X |
| Mahaska | Barnes City Lake | 14 | 77 | 10 | | X | | |
| | Edmunson Pond | 16 | 75 | 27 | | X | | |
| | Lake Keomah | 15 | 75 | 13 | X | X | | X |
| Marion | Knoxville Pond | 20 | 75 | 11 | | X | | |
| | Pleasantville Pond | 21 | 76 | 15 | | X | | |
| | Roberts Creek Lake | 19 | 76 | 4 | X | X | | |
| | Tower Pond | 19 | 76 | 25 | | X | | |
| Marshall | Green Castle Lake | 17 | 82 | 8 | | X | | |
| | Marshall County Lake | 18 | 84 | 31 | | X | | |
| Mills | Folsom Lake | 43 | 73 | 32 | X | X | | |
| | Glenwood Lake | 43 | 72 | 12 | X | X | | X |
| | Institutional Pond (aka Peter Pan Lake) | 43 | 72 | 24 | | X | | |
| | Keg Creek Lake | 43 | 72 | 32 | | X | | |
| | Malvern Pond (aka Bohner Pond) | 41 | 72 | 32 | | X | | |
| | Mile Hill Lake | 43 | 72 | 26 | | X | | |
| | P.J. Lake | 43 | 72 | 29 | | X | | |
| | Pony Creek Lake | 43 | 72 | 4 | | X | | |
| | Willow Slough | 40 | 73 | 29 | | X | | |

Water Use Designations

Lakes (Continued)

| County | Lake | Location | | | A | Water Uses | | C |
|--------------------|------------------------------|----------|-----|----|---|------------|------|---|
| | | R. | T. | S. | | B(W) | B(C) | |
| Monona | Badger Lake | 46 | 85 | 29 | | X | | |
| | Blackbird Bend | 47 | 85 | 28 | | X | | |
| | Blencoe Lake | 45 | 82 | 31 | | X | | |
| | Blue Lake | 46 | 84 | 35 | X | X | | |
| | Decatur Lake | 46 | 83 | 17 | X | X | | |
| | Louisville Bend | 46 | 83 | 7 | | X | | |
| | Lower Decatur Lake | 46 | 83 | 17 | | X | | |
| | Middle Decatur Lake | 46 | 83 | 16 | X | X | | |
| | Oldham Lake | 43 | 83 | 13 | X | X | | |
| | Rabbitt Island Lake | 47 | 85 | 28 | | X | | |
| | Sherman Township Access Area | 45 | 82 | 8 | | X | | |
| Whiting Woods Pond | 43 | 85 | 30 | | X | | | |
| Monroe | Albia City Reservoir | 17 | 72 | 9 | X | X | | X |
| | Cottonwood Pits | 17 | 71 | 2 | | X | | |
| | Lake Miami | 17 | 73 | 20 | X | X | | |
| Montgomery | Pilot Grove Lake | 36 | 73 | 1 | | X | | |
| | Viking Lake | 36 | 71 | 6 | X | X | | X |
| Muscatine | Wiese Slough | 2 | 78 | 19 | | X | | |
| O'Brien | Dog Creek (Lake) | 39 | 94 | 29 | X | X | | |
| | Douma Area Pond | 41 | 96 | 5 | X | X | | |
| | Mill Creek (Lake) | 41 | 95 | 3 | X | X | | |
| | Negus Recreation Area Pond | 39 | 94 | 30 | | X | | |
| Osceola | Ashton Pits | 42 | 98 | 11 | X | X | | |
| | Hallett Pits | | | | | X | | |
| | Iowa Lake | 39 | 100 | 9 | | X | | |
| | May City Pits | 39 | 98 | 6 | X | X | | |
| | Ocheyedan Pits | 40 | 99 | 23 | X | X | | |
| | Peters Pit | 42 | 100 | 19 | | X | | |
| Page | Pioneer Park Pond | 38 | 69 | 28 | | X | | |
| | Schneck's Lake | 36 | 69 | 6 | X | X | | |

Water Use Designations

Lakes (Continued)

| County | Lake | Location | | | A | Water Uses | | C |
|---------------|---|----------|----|----|---|------------|------|---|
| | | R. | T. | S. | | B(W) | B(C) | |
| Palo Alto | Five Island Lake | 32 | 96 | 18 | X | X | | |
| | Lost Island Lake | 34 | 97 | 31 | X | X | | |
| | Silver Lake | 34 | 95 | 20 | X | X | | |
| | Sportsman Park Pond | 31 | 96 | 19 | X | X | | |
| | Virgin Lake | 34 | 96 | 30 | | X | | |
| Plymouth | LeMars Pit | 45 | 92 | 25 | X | X | | |
| Pocahontas | Fonda Reservoir | 34 | 90 | 22 | | X | | |
| | Little Clear-Lake | 34 | 91 | 6 | | X | | |
| | Lizard Lake | 34 | 91 | 22 | | X | | |
| | Sunken Grove Lake | 34 | 90 | 8 | | X | | |
| Polk | Dale Maffitt Reservoir | 25 | 78 | 31 | X | X | | X |
| | Des Moines Water Works Recharge Basins | 24 | 78 | 12 | X | X | | X |
| | Easter Lake | 23 | 78 | 19 | X | X | | |
| | Fort Des Moines Park Pond | 24 | 78 | 33 | | X | | |
| | Grays Lake | 24 | 78 | 7 | X | X | | X |
| | Thomas Mitchell Lake | 23 | 79 | 23 | | X | | |
| Pottawattamie | Arrowhead Pond | 41 | 77 | 29 | | X | | |
| | Big Lake (including (Gilbert's Pond) | 44 | 75 | 13 | | X | | |
| | Carter Lake | 44 | 75 | 23 | X | X | | |
| | Lake Manawa | 44 | 74 | 13 | X | X | | |
| Poweshiek | Arbor Lake | 16 | 80 | 20 | | X | | |
| | Diamond Lake | 15 | 78 | 2 | X | X | | X |
| | Holiday Lake | 14 | 81 | 23 | X | X | | |
| | Lake Ponderosa | 15 | 78 | 2 | X | X | | |
| Ringgold | Lions Club Pond | 29 | 69 | 31 | | X | | |
| | Loch Ayr | 29 | 69 | 30 | X | X | | X |
| | Mt. Ayr Game Area Ponds | 30 | 68 | 17 | | X | | |
| | Mt. Ayr Old Reservoir | 29 | 69 | 31 | | X | | |
| | Ringgold Management Area Ponds | 29 | 67 | 13 | | X | | |
| | Walnut Creek Marsh | 30 | 68 | 17 | | X | | |

Water Use Designations

Lakes (Continued)

| County | Lake | Location | | | A | Water Uses | | C |
|--------|---------------------------------------|----------|----|----|---|------------|------|---|
| | | R. | T. | S. | | B(W) | B(C) | |
| Sac | Arrowhead Lake | 36 | 86 | 4 | | X | | |
| | Black Hawk Lake | 36 | 87 | 35 | X | X | | |
| | Hallet Pits | 36 | 86 | 5 | X | X | | |
| Scott | Blue Grass Lake | 2E | 78 | 26 | | X | | |
| | Cody Lake | 4E | 80 | 20 | | X | | |
| | Lake of the Hills | 2E | 78 | 25 | | X | | |
| | Lambach Lake | 2E | 78 | 25 | | X | | |
| | Odetta Lake | 4E | 80 | 20 | | X | | |
| Shelby | Elk Horn Creek Pond | 37 | 78 | 10 | | X | | |
| | Little George Pond | 38 | 79 | 19 | | X | | |
| | Manteno Park Pond | 40 | 81 | 2 | | X | | |
| | Prairie Rose Lake | 38 | 79 | 36 | X | X | | X |
| | Schimeroski Pond | 39 | 80 | 5 | | X | | |
| Sioux | Fairview Area Impoundment | 48 | 97 | 14 | | X | | |
| | Sioux Center Pit | 45 | 95 | 8 | | X | | |
| | Winterfield Pond (aka Van Zee Pit) | 46 | 97 | 19 | X | X | | |
| | Floyd Park Pit | | | | X | X | | |
| Story | Dakin Lake | 21 | 85 | 16 | | X | | |
| | Hendrickson Marsh | 21 | 83 | 1 | | X | | |
| | Hickory Grove Lake | 22 | 83 | 24 | X | X | | |
| | McFarland's Pond | 23 | 84 | 7 | | X | | |
| Tama | Hickory Hills Lake | 13 | 86 | 13 | X | X | | |
| | Otter Creek Lake | 14 | 84 | 31 | X | X | | |
| | Otter Creek Marsh | 14 | 82 | 3 | | X | | |
| | Union Grove Lake | 16 | 85 | 33 | X | X | | |
| | Cherry Lake | | | | | X | | |
| Taylor | Bedford Impoundment | 34 | 68 | 26 | | X | | X |
| | East Lake (Lenox) | 32 | 70 | 5 | X | X | | X |
| | Lake of Three Fires | 34 | 68 | 12 | X | X | | X |
| | West Lake (Lenox) | 32 | 70 | 5 | | X | | X |
| | Wilson Park Lake | 32 | 70 | 28 | | X | | |
| | Windmill Lake | 35 | 69 | 36 | | X | | |

Water Use Designations

Lakes (Continued)

| County | Lake | Location | | | A | Water Uses | | C |
|------------|---------------------------------------|----------|-----|----|---|------------|------|---|
| | | R. | T. | S. | | B(W) | B(C) | |
| Union | Afton City Reservoir | 29 | 72 | 17 | X | X | | X |
| | Green Valley Lake | 31 | 73 | 26 | X | X | | X |
| | McKinley Lake | 31 | 72 | 11 | X | X | | X |
| | Summitt Lake | 31 | 72 | 3 | | X | | X |
| | Thayer Lake | 28 | 72 | 22 | | X | | |
| Van Buren | Indian Lake | 8 | 67 | 2 | X | X | | |
| | Lacey Keosauqua Park Lake | 10 | 68 | 2 | X | X | | X |
| Wapello | Eldon Pond | 12 | 71 | 26 | | X | | |
| | Greater Ottumwa Central Park Ponds | 14 | 72 | 25 | X | X | | |
| Warren | Lake Ahquabi | 24 | 75 | 14 | X | X | | X |
| | Banner Pits | 23 | 77 | 30 | | X | | |
| | Hooper Area Pond | 24 | 75 | 26 | | X | | |
| Washington | Lake Darling | 9 | 74 | 21 | X | X | | X |
| | Foster Woods Pond | 9 | 77 | 26 | | X | | |
| | Iowa Township Pond | 6 | 77 | 7 | | X | | |
| | Marr Park Pond | 6 | 75 | 19 | | X | | |
| | Sokum Ridge Pond | 7 | 75 | 15 | | X | | |
| Wayne | Bob White Lake | 22 | 68 | 4 | X | X | | X |
| | Corydon Reservoir | 22 | 69 | 24 | X | X | | X |
| | Humeston Reservoir | 23 | 70 | 9 | X | X | | X |
| | Lineville Reservoir | 23 | 67 | 16 | | X | | X |
| | Seymour Reservoir | 20 | 68 | 23 | X | X | | X |
| Webster | Badger Lake | 28 | 90 | 19 | X | X | | |
| | Lizard Creek Game Area Ponds | 29 | 89 | 33 | X | X | | |
| | Lake Ole | 28 | 86 | 16 | | X | | |
| Winnebago | Ambrosson Pits | 24 | 98 | 11 | X | X | | |
| | Lake Catherine | 25 | 98 | 35 | X | X | | |
| | Florence Park Pond | 25 | 99 | 26 | X | X | | |
| | Harmon Lake | 24 | 100 | 21 | | X | | |
| | Myre Slough | 25 | 98 | 22 | | X | | |
| | Rice Lake | 23 | 99 | 13 | X | X | | |

Water Use Designations

Lakes (Continued)

| County | Lake | Location | | | A | Water Uses | | C |
|------------|------------------------|----------|-----|----|---|------------|------|---|
| | | R. | T. | S. | | B(W) | B(C) | |
| Winneshiek | Cardinal Marsh | 10 | 98 | 7 | | X | | |
| | Lake Meyers | 9 | 97 | 34 | X | X | | |
| | Silver Springs Pond | 8 | 96 | 15 | | X | | |
| Woodbury | Browns Lake | 47 | 87 | 32 | X | X | | |
| | Little Sioux Park Lake | 42 | 89 | 12 | X | X | | |
| | Snyder Bend Lake | 47 | 86 | 17 | X | X | | |
| | Winnebago Bend Lake | 47 | 86 | 28 | X | X | | |
| | Midway Park Lake | 44 | 89 | 10 | X | X | | |
| Worth | Elk Creek Marsh | 22 | 99 | 5 | | X | | |
| | Silver Lake | 22 | 100 | 14 | X | X | | |
| | Silver Lake Marsh | 22 | 100 | 10 | | X | | |
| | Worth County Lake | 20 | 99 | 26 | X | X | | |
| Wright | Big Wall Lake | 24 | 90 | 14 | | X | | |
| | Lake Cornelia | 24 | 92 | 16 | X | X | | |
| | Elm Lake | 24 | 92 | 21 | | X | | |
| | Morse Lake | 24 | 93 | 28 | | X | | |

16.3(5) Surface water classification.*a. Water use designation abbreviations.*

- (1) "A" means primary body contact recreation.
- (2) "B" means wildlife, aquatic life, and secondary body contact. "W" means warm water and "C" means cold water.
- (3) "C" means raw water source of potable water supply.

b. Key to the order of streams.

- (1) Streams are listed in downstream to upstream sequence within a basin.
- (2) Major streams (1st order) are described in entirety from downstream end to upstream end, before listing their tributary (2nd order) streams, or the next (major) stream.
- (3) Tributary (2nd order) streams (if any) are then listed in downstream to upstream sequence, and each is described in entirety before listing its tributaries (3rd order), or before listing the next upstream 2nd order tributary.
- (4) When a stream and all its tributaries are described in entirety, the next upstream equal order stream is then listed and described.
- (5) The scheme is repeated through 3rd, 4th and 5th orders, as necessary.
- (6) The relationship of tributaries is indicated in the list by the spacing from the left margin. Names of tributaries are indented two spaces from the name of the stream to which they are tributary, and equal order streams fall one below the other on the same margin.

Example:

- | | |
|---|---|
| <ol style="list-style-type: none"> (I) River <ol style="list-style-type: none"> (A) River (B) River <ol style="list-style-type: none"> (1) Creek (2) Creek <ol style="list-style-type: none"> (a) Creek (3) Creek (C) River (II) River | <p>(I) and (II) are first order streams and (II) is upstream from (I). (A), (B) and (C) are tributaries of (I). (B) is upstream from (A), and (C) is upstream from (B). (1), (2) and (3) are tributaries of (B). (2) is upstream from (1), and (3) is upstream from (2). (a) is a tributary of (2).</p> |
|---|---|

(7) Stream names are in accordance with "Drainage Areas of Iowa Streams", U.S. Geological Survey, March, 1974, except that locally known names are used for streams not listed therein.

c. Stream abbreviations.

- (1) "R" means river.
- (2) "cr." means creek.
- (3) "Br." means branch.
- (4) "D.D." means drainage ditch.
- (5) "E", "W", "N", and "S" are compass directions.
- (6) "Fk." means fork.
- (7) "aka" means also known as.

d. Location abbreviations.

- (1) "R" means range.
- (2) "T" means township.
- (3) "S" means section.
- (4) "Rd." means road.
- (5) "hwy." means highway.
- (6) "co." means county.
- (7) "st." means street.

These rules are intended to implement chapter 455B of the Code.

400—16.4(455B) Rescinded 8/16/76.

[Filed March 15, 1966; amended March 20, 1967, October 14, 1969, June 8, 1971, June 26, 1972, July 12, 1972, February 13, 1974]

[Filed 6/28/76, Notice 5/3/76—published 7/12/76, effective 8/16/76]

[Filed 7/1/77, Notice 2/23/77—published 7/27/77, effective 8/31/77]

22.1(18) "Supplier of water" means any person who owns or operates a public water supply system.

400—22.2(455B) Interim primary drinking water regulations.

22.2(1) *Coverage.* Rules 22.3(455B) to 22.6(455B) shall apply to each public water supply system, unless the public water supply system meets all of the following conditions:

- a. Consists only of distribution and storage facilities (and does not have any collection and treatment facilities);
- b. Obtains all of its water from, but is not owned or operated by, a public water supply system to which such regulations apply;
- c. Does not sell water to any person; and
- d. Is not a carrier which conveys passengers in interstate commerce.

22.2(2) *Variations and exemptions.* Variations or exemptions may be granted in accordance with 22.6(455B).

22.2(3) *Effective date.* The interim primary drinking water regulations prescribed in 22.3(455B) to 22.6(455B) shall become effective June 24, 1977, and shall remain in effect until such time as the commission revises the regulations to reflect any revisions in the national primary drinking water regulations promulgated by the Administrator of the United States Environmental Protection Agency.

400—22.3(455B) Maximum contaminant levels.

22.3(1) *Inorganic chemicals.*

a. The maximum contaminant level for nitrate is applicable to both community water systems and noncommunity water systems. The levels for the other inorganic chemicals apply only to community water systems. Compliance with maximum contaminant levels for inorganic chemicals is calculated pursuant to 22.4(3).

b. The following are the maximum contaminant levels for inorganic chemicals other than fluoride:

| Contaminant | Level milligrams per liter |
|----------------------|----------------------------------|
| Arsenic | 0.05 |
| Barium | 1. |
| Cadmium | 0.010 |
| Chromium | 0.05 |
| Lead | 0.05 |
| Mercury | 0.002 |
| Nitrate (as N) | 10. |
| Selenium | 0.01 |
| Silver | 0.05 |

c. When the annual average of the maximum daily air temperatures for the location in which the community water system is situated is the following, the maximum contaminant levels for fluoride are:

| Temperature Degrees Fahrenheit | Degrees Celsius | Level milligrams per liter |
|-----------------------------------|----------------------|-------------------------------|
| 53.7 and below | 12.0 and below | 2.4 |
| 53.8 to 58.3 | 12.1 to 14.6 | 2.2 |
| 58.4 to 63.8 | 14.7 to 17.6 | 2.0 |
| 63.9 to 70.6 | 17.7 to 21.4 | 1.8 |
| 70.7 to 79.2 | 21.5 to 26.2 | 1.6 |
| 79.3 to 90.5 | 26.3 to 32.5 | 1.4 |

The recommended fluoride level is one-half of the maximum.

22.3(2) Organic chemicals. The following are the maximum contaminant levels for organic chemicals. They apply only to community water systems. Compliance with maximum contaminant levels for organic chemicals is calculated pursuant to 22.4(4).

| | Level milligrams per liter |
|---|----------------------------------|
| a. Chlorinated hydrocarbons: | |
| Endrin (1,2,3,4,10, 10-hexachloro-6, 7-epoxy-1,4, 4a,5,6,7,8,8a-octa-hydro-1,4-endo, endo-5,8-dimethano naphthalene). | 0.0002 |
| Lindane (1,2,3,4,5,6-hexachloro-cyclohexane, gamma isomer). | 0.004 |
| Methoxychlor (1,1,1-Trichloro-2, 2-bis [p-methoxyphenyl] ethane). | 0.1 |
| Toxaphene (C ₁₀ H ₁₀ Cl ₈ -Technical chlorinated camphene, 67-69 percent chlorine). | 0.005 |
| b. Chlorophenoxys: | |
| 2, 4-D (2,4-Dichlorophenoxyacetic acid). | 0.1 |
| 2,4,5-TP Silvex (2,4,5-Trichlorophenoxypropionic acid). | 0.01 |

22.3(3) Turbidity. The maximum contaminant levels for turbidity are applicable to both community water systems and noncommunity water systems using surface water sources in whole or in part. The maximum contaminant levels for turbidity in drinking water, measured at a representative entry point(s) to the distribution system, are:

a. One turbidity unit (TU), as determined by a monthly average pursuant to 22.4(2), except that five or fewer turbidity units may be allowed if the supplier of water can demonstrate to the department that the higher turbidity does not do any of the following:

- (1) Interfere with disinfection;
- (2) Prevent maintenance of an effective disinfectant agent throughout the distribution system; or
- (3) Interfere with microbiological determinations.

b. For those public water supply systems required to provide continuous turbidity monitoring by 22.4(2)"b", the average daily turbidity determined from hourly intervals during the plant operational day shall not exceed 1 TU except that 2 or fewer units may be allowed when averaging two consecutive average daily turbidities if the supplier of water can demonstrate that a higher turbidity does not do any of the following:

- (1) Interfere with disinfection;
- (2) Prevent maintenance of an effective disinfectant agent throughout the distribution system; or
- (3) Interfere with microbiological determinations.

c. Five turbidity units based on an average for no more than two consecutive days pursuant to 22.4(2).

22.3(4) Microbiological organisms. The maximum contaminant levels for coliform bacteria, applicable to community water systems and noncommunity water systems, are as follows:

a. When the membrane filter technique pursuant to 22.4(1)"a" is used, the number of coliform bacteria shall not exceed any of the following:

- (1) One per 100 milliliters as the arithmetic mean of all samples examined per month pursuant to 22.4(1)"b" or 22.4(1)"c";
- (2) Four per 100 milliliters in more than one sample when less than twenty are examined per month; or
- (3) Four per 100 milliliters in more than five percent of the samples when twenty or more are examined per month.

b. When the fermentation tube method and 10 milliliter standard portions pursuant to 22.4(1)"a" are used, coliform bacteria shall not be present in any of the following:

- (1) More than ten percent of the portions from samples collected in any month pursuant to 22.4(1)"b" or 22.4(1)"c";
- (2) Three or more portions in more than one sample when less than twenty samples are examined per month; or

(3) Three or more portions in more than five percent of the samples when twenty or more samples are examined per month.

c. When the fermentation tube method and 100 milliliter standard portions pursuant to 22.4(1)"a" are used, coliform bacteria shall not be present in any of the following:

(1) More than sixty percent of the portions from samples collected in any month pursuant to 22.4(1)"b" or 22.4(1)"c";

(2) Five portions in more than one sample when less than five samples are examined per month; or



1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. This is essential for ensuring the integrity and reliability of the data collected.

2. The second part of the document outlines the various methods and techniques used to collect and analyze the data. This includes both traditional and modern approaches, as well as the challenges associated with each.

3. The third part of the document provides a detailed overview of the results of the study. This includes a comparison of the different methods and techniques, as well as an analysis of the overall findings.

4. The final part of the document discusses the implications of the study and provides recommendations for future research. This includes suggestions for how to improve the accuracy and reliability of the data, as well as how to better understand the underlying processes.

| Population served: (continued) | Minimum number of samples per month |
|--------------------------------|--|
| 360,001 to 410,000..... | 190 |
| 410,001 to 450,000..... | 200 |
| 450,001 to 500,000..... | 210 |

c. The supplier of water for a noncommunity water system not serving a school shall sample for coliform bacteria in each calendar quarter during which the system provides water to the public. Such sampling shall begin by June 24, 1979. If the department, on the basis of a sanitary survey, determines that some greater frequency is more appropriate, that frequency shall be the frequency required under these regulations. Such frequency shall be confirmed or changed on the basis of subsequent surveys.

d. When the coliform bacteria in a single sample exceed four per 100 milliliters (22.3(4)"a"), at least two consecutive daily check samples shall be collected and examined from the same sampling point. Additional check samples shall be collected daily, or at a frequency established by the department, until the results obtained from at least two consecutive check samples show less than one coliform bacterium per 100 milliliters.

e. When coliform bacteria occur in three or more 10 ml portions of a single sample (22.3(4)"b"), at least two consecutive daily check samples shall be collected and examined from the same sampling point. Additional check samples shall be collected daily, or at a frequency established by the department, until the results obtained from at least two consecutive check samples show no positive coliform bacteria tubes.

f. When coliform bacteria occur in all five of the 100 ml portions of a single sample (22.3(4)"c"), at least two daily check samples shall be collected and examined from the same sampling point. Additional check samples shall be collected daily, or at a frequency established by the department, until the results obtained from at least two consecutive check samples show no positive coliform bacteria tubes.

g. The location at which the check samples were taken pursuant to paragraphs "d", "e", or "f" of this subrule shall not be eliminated from future sampling without approval of the department. The results from all coliform bacterial analysis performed pursuant to this rule, except those obtained from check samples and special purpose samples, shall be used to determine compliance with the maximum contaminant level for coliform bacteria as established in 22.3(4). Check samples shall not be included in calculating the total number of samples taken each month to determine compliance with 22.4(1)"b" or 22.4(1)"c".

h. When the presence of coliform bacteria in water taken from a particular sampling point has been confirmed by any check samples examined as directed in paragraphs "d", "e", or "f" of this subrule, the supplier of water shall report to the department within forty-eight hours.

i. When a maximum contaminant level set forth in paragraphs "a", "b", "c" or "d" of 22.3(4) is exceeded, the supplier of water shall report to the department and notify the public as prescribed in 22.5(1) and 22.5(2).

j. Special purpose samples, such as those taken to determine whether disinfection practices following pipe placement, replacement, or repair have been sufficient, shall not be used to determine compliance with 22.3(4), 22.4(1)"b", or 22.4(1)"c".

22.4(2) Turbidity sampling and analytical requirements.

a. The requirements of this subrule shall apply only to public water supply systems which use water obtained in whole or in part from surface sources.

b. A supplier of water serving a population or population equivalent of greater than 10,000 persons shall provide a continuous or rotating cycle turbidity monitoring and recording device or take hourly grab samples to determine compliance with 22.3(3)"b".

c. Samples shall be taken by the suppliers of water for both community water systems and noncommunity water systems at a representative entry point(s) to the water distribution system at least once per day (except systems required to be monitored under 22.4(2)"b"), for the purpose of making turbidity measurements to determine compliance with 22.3(3). The measurement shall be made by the nephelometric method in accordance with the recommendations set forth in "Standard Methods", pp. 132-134, or "EPA Methods", pp. 295-298.

d. If the results (other than results monitored under 22.4(2)"b") of a turbidity analysis indicate that the maximum allowable limit has been exceeded, the sampling and measurement shall be confirmed by resampling as soon as practicable and preferably within one hour. If the repeat sample confirms that the maximum allowable limit has been exceeded, the supplier of water shall report to the department within forty-eight hours. The repeat sample shall be the sample used for the purpose of calculating the monthly average. If the monthly average of the daily samples exceeds the maximum allowable limit, or if the average of two samples taken on consecutive days exceeds 5 TU, or, for a system required to be monitored under 22.4(2)"b", if the average of the daily turbidity exceeds 2 TU the supplier of water shall report to the department and notify the public as directed in 22.5(1) and 22.5(2).

e. Sampling for noncommunity water systems shall begin by June 24, 1979.

22.4(3) Inorganic chemical sampling and analytical requirements.

a. Analyses for the purpose of determining compliance with 22.3(1) are required as follows:

(1) Analyses for all community water systems utilizing surface water sources shall be completed by June 24, 1978. These analyses shall be repeated at yearly intervals.

(2) Analyses for all community water systems utilizing only ground water sources shall be completed by June 24, 1979. These analyses shall be repeated at three-year intervals.

(3) For noncommunity water systems, whether supplied by surface or ground water sources, analyses for nitrate shall be completed by June 24, 1979. These analyses shall be repeated at three-year intervals.

b. If the results of an analysis made pursuant to paragraph "a" indicate that the level of nitrate is greater than one-half of the maximum contaminant level (5 mg/1 as N), analyses shall be completed each calendar quarter for at least one year and until:

(1) The results of four or more quarterly analyses indicate that the maximum contaminant level has not been exceeded during any quarter of the past year; and

(2) The average nitrate level as determined by four quarterly samples during the past year does not exceed one-half the maximum contaminant level.

c. If the result of an analysis made pursuant to paragraph "a" indicates that the level of any contaminant listed in 22.3(1) exceeds the maximum contaminant level, the supplier of water shall report to the department within seven days and initiate three additional analyses at the same sampling point within one month.

d. When the average of four analyses made pursuant to paragraph "c", rounded to the same number of significant figures as the maximum contaminant level for the substance in question, exceeds the maximum contaminant level, the supplier of water shall notify the department pursuant to 22.5(1) and give notice to the public pursuant to 22.5(2). Monitoring after public notification shall be at a frequency designated by the department and shall continue until the maximum contaminant level has not been exceeded in two successive samples or until a monitoring schedule as a condition to a variance, exemption or enforcement action shall become effective.

e. The provisions of paragraphs "c" and "d" notwithstanding, compliance with the maximum contaminant level for nitrate shall be determined on the basis of the mean of two analyses. When a level exceeding the maximum contaminant level for nitrate is found, a second analysis shall be initiated within twenty-four hours, and if the mean of the two analyses exceeds the maximum contaminant level, the supplier of water shall report his findings to the department pursuant to 22.5(1) and shall notify the public pursuant to 22.5(2).

f. For the initial analyses required by paragraph "a" of this section, data for surface waters acquired on or after June 24, 1976, and data for ground waters acquired on or after June 24, 1974, may be substituted at the discretion of the department.

g. Analyses conducted to determine compliance with 22.3(1) shall be made in accordance with the following methods:

(1) Arsenic—Atomic Absorption Method, "EPA Methods", pp. 95-96.

(2) Barium—Atomic Absorption Method, "Standard Methods", pp. 144-162, or "EPA Methods", pp. 97-98.

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in their normal position must be provided. No chemical which is not compatible with chlorine or which will increase the exposure of the operator or any other person in the chlorine room may be stored in the room.

c. Leak detection, control and operator protection. A bottle of at least 56% ammonium hydroxide must be provided at all gas chlorination installations for leak detection. Leak repair kits must be available where ton chlorine cylinders are used. A self-contained air supplying unit must be available at all facilities. The self-contained air supplying unit must be stored at the site or available at the site outside of the room where chlorine is used or stored.

d. Monitoring and miscellaneous equipment. A balance or beam scale of adequate capacity for the maximum number of chlorine cylinders which may be in simultaneous use must be provided. A meter to measure the water flow past the point of chlorination must be provided. A sample tap must be located either twenty-five feet downstream from the point of chlorine application or at a lesser distance if adequate mixing of chemicals is assured.

22.12(10) Hypochlorite, phosphate compounds and hydrofluosilicic acid addition. All hypochlorite, phosphate compounds and hydrofluosilicic acid addition facilities shall comply with the following requirements for approval.

a. General.

(1) Addition must be by a positive displacement pump equipped with an antisiphon valve. The feed pump or feed pumps must operate in a manner that will assure an accurate and reliable feed rate.

(2) The solution feed tank must be of corrosion resistant material and must have volumetric markings and an overlapping cover.

(3) A meter to measure the water flow past the point of chemical addition must be provided.

(4) A sample tap must be provided either twenty-five feet downstream from the point of chemical application or at a lesser distance if adequate mixing of the chemicals is assured.

(5) If a chemical is to be added at a well, the point of addition must be above ground on the discharge side of a check valve.

(6) A minimum air gap separation of two inches must be provided between any water-fill lines and the top of the solution tank.

(7) The chemicals must be stored in an area not accessible to the public. Each chemical must be stored in a clearly marked segregated area.

b. Phosphate compounds.

(1) When phosphate compounds are to be added to any public water supply system which includes iron or manganese removal or ion exchange softening, such compounds must be applied after the iron or manganese removal or ion exchange softening treatment units, unless the executive director has received and approved an engineering report demonstrating the suitability for addition prior to these units in accordance with the provisions of section 22.12(2)"b". The department may require the discontinuance of phosphate addition where it interferes with other treatment processes, the operation of the water system or if there is a significant increase in biological populations as a result of phosphate application.

(2) The total phosphate concentration in the finished water must not exceed 10 mg/l as PO_4 .

(3) Chlorine must be applied to the phosphate solution in sufficient quantity to give an initial concentration of 10 mg/l in the phosphate solution. A chlorine residual must be maintained in the phosphate solution at all times.

(4) Test kits capable of measuring polyphosphate and orthophosphate in a range from 0.0 to 10.0 mg/l in increments no greater than 2.0 mg/l must be provided.

c. Hydrofluosilicic acid.

(1) The solution tank or tanks must be mounted on a platform scale.

(2) Protective equipment for the operator, including a face shield, rubber apron, and gauntlet type rubber gloves and storage facilities for the protective equipment must be provided.

(3) Chemical transfer equipment must be provided to protect the operator.

(4) A sink and table must be provided.

(5) A fluoride test kit with a minimum range of from 0.0 to 2.0 mg/l in increments no greater than 0.1 mg/l must be provided. Distilled water and standard fluoride solutions of 0.2 mg/l and 1.0 mg/l must be provided.

22.12(11) Water vessel coating, water vessel preservative; and all chemical addition. Any water vessel coating, water vessel preservative or any chemical added to the raw, partially treated, or finished water must be suitable for the intended use in a potable water system. The person seeking to supply or use the coating, preservative, or chemical has the burden of proof that the chemical or coating or preservative is not toxic or otherwise a potential hazard in a potable public water supply system. The department may require complete chemical analysis of the chemical, coating or preservative.

22.13(455B) and 22.14(455B) Rescinded, effective June 24, 1977.

These rules are intended to implement chapter 455B of the Code, 1975, as amended by Acts of the Sixty-sixth General Assembly, chapter 1204.

Rules 22.3 and 22.4 are intended to implement section 455B.32 of the Code.

[Filed prior to 7/1/52; amended 7/31/74]

[Filed 3/5/75, Notice 12/1/75—published 3/22/76, effective 4/26/76]

[Filed 2/25/77, Notice 11/17/76—published 3/23/77, effective 6/24/77]

[Filed without Notice 4/28/77—published 5/18/77, effective 6/24/77]

[Filed 7/1/77, Notice 3/23/77—published 7/27/77, effective 8/31/77]

CHAPTER 23

CERTIFICATION OF POLLUTION CONTROL PROPERTY

400—23.1(455B) Request for certification. A request for certification under this chapter shall be submitted on forms supplied by the department.

23.1(1) The request shall include the information specified below. A request may incorporate by reference information contained in an application for a permit under chapter 19 of these rules or contained in a request previously submitted under this chapter.

normal business hours of the department at its headquarters. Photocopies of any files, records, documents and other materials may be made at the rate of ten cents per page.

51.1(3) Exceptions. Any information classified as confidential business information pursuant to chapter 52 of these rules or exempted from disclosure by section 455B.52(3) or chapter 68A of the Code shall not be available for public inspection or sent out pursuant to written or oral request.

51.1(4) Mailing list for NPDES notices and fact sheets. The department maintains a mailing list of persons who wish to receive the public notice, described in 19.5(2), of an NPDES permit application and the fact sheet, described in 19.5(3), if any, concerning an NPDES permit application. A person who wishes to be mailed notice of all such public notices and fact sheets may request to be included on the mailing list. The request should be submitted to the Permit Section, Water Quality Management Division, Department of Environmental Quality, 3920 Delaware Avenue (or P.O. Box 3326) Des Moines, Iowa 50316. (A person who does not wish to receive copies of all such public notices and fact sheets, may request that the person be mailed the public notice and fact sheet, if any, for a particular permit application.) The department may periodically ask persons on the mailing list whether they wish to remain on the mailing list, and revise the mailing list as appropriate.

400—51.2(455B) Submission of materials.

51.2(1) Submission of materials generally. Submissions should be made directly to the division of the department for whose use such materials are intended. Any person who submits materials should enclose a cover letter which states clearly and concisely the use for which they are intended. Although the department will attempt to return unsolicited material if requested, it cannot guarantee such return.

51.2(2) Exceptions. When material is submitted pursuant to another provision of these rules, e.g., a complaint, a request for confidentiality, a petition for rules change, a petition for declaratory ruling, contested cases, or when such submission is required to be submitted by departmental statute or rule, such material should be submitted in accordance with any applicable instructions contained in such rule.

51.2(3) Submission of forms. Forms of the department used by the public are to be submitted in accordance with the rules of practice before the various agencies of the department.

400—51.3(455B) Submission of complaints.

51.3(1) Mandatory investigations. The executive director shall investigate all complaints of alleged violations of departmental statutes or rules made by any state agency, political subdivision, local board of health, or twenty-five residents of the state. Such a complaint should not be submitted orally, but should be sent to the appropriate regional office or the central office, and the nature of the complaint should be summarized in a concise manner. If twenty-five or more residents of the state are involved as complainants, a petition should be enclosed containing the signatures and addresses of all such complainants in addition to the summary of the complaint. No form for the petition is required.

51.3(2) Discretionary investigations. Any person, who does not fall within 51.3(1) may submit a complaint to the appropriate regional office or to the central office concerning any condition which such person feels violates departmental statutes or rules or otherwise adversely affects the environment. No prescribed form need be filled out by the complainant and such complaint may be made by letter, phone, or in person. The executive director may investigate or may request the appropriate commission to authorize investigation of such a complaint, if the executive director feels that such an investigation is needed to insure compliance with applicable departmental statutes or rules.

51.3(3) Complaint investigation procedure.

a. All written complaints, whether received by a regional office or by the central office,

shall be forwarded to the appropriate division. If the complaint was submitted orally, a memorandum summarizing the nature of such complaint shall be filled out and forwarded to the appropriate division. The appropriate division will conduct an investigation of such complaints as directed by the executive director pursuant to 51.3(1) or 51.3(2) above.

b. The appropriate division shall notify the complainant and the source of the complaint of the results of an investigation.

c. If the executive director decides not to investigate or request the appropriate commission to authorize a complaint investigation or where the appropriate commission refuses to do so pursuant to 51.3(2) above, the executive director shall notify the complainant of the fact and the reasons therefor.

These rules are intended to implement 17A and 455B of the Code.

[Filed 11/21/75, Notice 7/14/75, 8/25/75, 9/8/75—published 12/15/75, effective 1/19/76]

[Filed 7/1/77, Notice 4/20/77—published 7/27/77, effective 8/31/77]

CHAPTER 52
CONFIDENTIALITY OF BUSINESS INFORMATION

400—52.1(455B) Written request required. No business information supplied to the executive director or the department shall be treated as confidential unless a written request for confidential treatment is submitted to the department.

400—52.2(455B) Confidential treatment until determination. Except for business information in an NPDES form, business information, for which a request for confidential treatment has been submitted, shall be treated by the department as confidential until such time as it is determined, following the invocation by a citizen of Iowa of the citizen's rights under chapter 68A of the Code to examine the information, that the information is not confidential and until such time as all administrative and judicial remedies have been exhausted. Business information in an NPDES form for which a request for confidential treatment has been submitted shall be treated as confidential to the extent provided in 52.3(455B).

This rule is intended to implement section 455B.7(1) and 455B.36 of the Code.

400—52.3(455B) Business information in NPDES forms. Business information in an NPDES form for which a request for confidential treatment has been submitted shall be transmitted to the regional administrator of the U.S. Environmental Protection Agency. Such business information shall be treated by the department as confidential until such time as the regional administrator, in accordance with 40 CFR §124.35(b), notifies the executive director that the information should be made available to the public.

This rule is intended to implement sections 455B.7(1) and 455B.36 of the Code.

400—52.4(455B) Proceeding to determine confidentiality. If a citizen of Iowa invokes the citizen's right, under chapter 68A, to examine business information for which a request for confidential treatment has been submitted, the executive director shall determine whether the business information is entitled to confidential treatment.

52.4(1) The executive director shall notify the person who requested confidential treatment that a citizen of Iowa has invoked chapter 68A and that the person must justify the request by submitting information on the following matters:

- a. Measures taken by the business to protect the confidentiality of the information and of similar information;
- b. Prior disclosures to others of the information, and the extent to which the information is known by others;
- c. The ease or difficulty of a competitor's obtaining the information;
- d. Practices of other businesses concerning their policies regarding confidentiality of similar information;
- e. How the information is used by the business, and why it is important to the business;
- f. Why possession of the information confers a competitive advantage over others;
- g. Adverse consequences to the business, financial and otherwise, that would result from disclosure of the information;
- h. The existence and applicability of any prior determinations by the department or by other state or federal agencies concerning the entitlement to confidential treatment of the information in question.

52.4(2) Before determining that any business information is confidential, i.e., that the information in question would tend to disclose a trade secret, secret industrial process or method of manufacture or production, or other privileged communication, the executive director shall be satisfied that:

- a. The business has taken reasonable measures to protect the confidentiality of the information;
- b. The information is not readily obtainable by others by legitimate means;
- c. The business confidentiality claim covering the information is not unreasonable in view of the nature of the information, the interests and normal practices of the business, and the practices of other businesses;

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
5800 S. UNIVERSITY AVENUE
CHICAGO, ILLINOIS 60637

TO: THE DIRECTOR, NATIONAL BUREAU OF STANDARDS
433 RICHMOND AVENUE
WASHINGTON, D. C. 20535

FROM: DR. J. H. GOLDSTEIN
5800 S. UNIVERSITY AVENUE
CHICAGO, ILLINOIS 60637

SUBJECT: NEUTRON SCAFFOLDING
A report on the results of a project supported by the National Bureau of Standards, Washington, D. C., under the leadership of Dr. J. H. Goldstein, University of Chicago, Chicago, Illinois.

The project was carried out during the period from August 1964 to August 1965. The results are reported in the attached report.

The project was supported by the National Bureau of Standards, Washington, D. C., under the leadership of Dr. J. H. Goldstein, University of Chicago, Chicago, Illinois.

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d. No statute specifically requires disclosure of the information; and

e. There is a substantial likelihood that disclosure of the information would substantially harm the competitive position of the business.

400—52.5(455B) Notice of executive director's determination. The executive director shall by certified mail return receipt requested notify the citizen who invoked chapter 68A of the Code and the person who requested confidential treatment of the executive director's determination.

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The following information was obtained from the records of the
Department of the Interior, Bureau of Land Management, on
the subject of the land in question.

The land in question was acquired by the United States
Government in 1908 and was then conveyed to the
State of California in 1912.

The land in question is located in the County of
San Diego, State of California.

400—52.6(455B) Appeal of executive director's determination. Upon receipt of the notice of the executive director's determination, either person shall have thirty days in which to file with the executive director notice of appeal to the appropriate agency. The appellant shall mail a copy of the notice of appeal to the other person by certified mail return receipt requested. The executive director shall schedule a hearing on the appeal at the next regular meeting of the appropriate agency. The hearing may be in a closed session if authorized by chapter 28A or 455B. The hearing shall be conducted informally in a manner which will allow the appellant, the other person, and the department to present all relevant information.

400—52.7(455B) Information submitted to the federal government. Information on a trade secret, secret industrial process or method of manufacture or production, or other privileged communication will be so designated when submitted by the department to the federal government in accordance with federal law or regulation and will then be subject to applicable federal regulations as to confidentiality.

400—52.8(455B) Availability. Whenever it is finally determined that information is not confidential under this chapter, the information shall be available to the public on request unless the department determines that the information is exempt from mandatory disclosure under sections 455B.52(3) or 68A.7 of the Code, for reasons other than protection of trade secrets, secret industrial processes or method of manufacture or production, or other privileged communication.

400—52.9(455B) Disclosure. Notwithstanding the fact that information otherwise may be entitled to confidential treatment, the department may disclose any information if the department has obtained the prior consent of each affected business to such disclosure or if its disclosure is ordered by a court of law.

400—52.10(455B) Exception. No air contaminant emissions data or water quality effluent data shall be confidential.

These rules are intended to implement chapters 17A and 455B of the Code.

[Filed 11/21/75, Notice 7/14/75, 8/25/75, 9/8/75—published 12/15/75, effective 1/19/76]

[Filed 7/1/77, Notice 4/20/77—published 7/27/77, effective 8/31/77]

CHAPTER 53 RULEMAKING PROCEDURE

400—53.1(455B) Procedure for adoption of rules.

53.1(1) Generally. Each agency shall conduct rulemaking in accordance with the terms of the Iowa administrative procedure Act (sections 17A.4 through 17A.8 of the Code) and sections 455B.12 or 455B.78 where applicable.

53.1(2) Public hearing. Each agency shall hold a public hearing prior to the adoption of any rule unless the provisions of section 17A.4(2) are utilized.

a. Prior to such a hearing, an interested person may indicate a desire to make an oral presentation by submitting a written request to the executive director. At such a hearing any interested persons may indicate a desire to make an oral presentation by signing a sheet or card distributed for that purpose. The agency chairman or presiding officer shall allow persons so indicating the opportunity to make oral presentation and shall then allow any other interested person attending the hearing such opportunity, provided, however, that the agency chairman or presiding officer may exercise discretion to limit the time for each speaker to ten minutes and the total time of the hearing to three hours.

b. Whenever possible, a speaker should also submit his or her testimony in written form at the public hearing.

53.1(3) Written submissions. Any interested person may submit data, opinions, or arguments in writing on proposed rules at any time subsequent to the notice of intended

action, given pursuant to 53.1(4), at the public hearing on the proposed rules, and up to ten days after the hearing is held. These should be submitted to the executive director who shall transmit them to the appropriate agency for its consideration.

53.1(4) Notice. Each agency shall give notice of its intended action in accordance with the requirements contained in 53.1(1). Such notice shall include the time and place of any public hearing held pursuant to 53.1(2). In addition to such notice the department shall maintain a mailing list of persons who request to receive notice of public hearings. Any interested person or organization may specifically request in writing to be placed on this mailing list. Such request should be directed to the Information and Education Section, Department of Environmental Quality, P.O. Box 3326, Des Moines, Iowa 50316. The department may periodically update the list by requesting those on the list to reaffirm their desire to receive proposed rules and those who do not respond to such a request may be removed from the list.

53.1(5) Request for statement of reasons. Any interested person may, either prior to the adoption of the rule or within thirty days after adoption, request the agency to issue a concise statement of the principal reasons for and against the rule it adopted.

400—53.2(455B) Petition for rulemaking.

53.2(1) Petitioners. Any interested person or any agency of the state may petition an agency of the department for the promulgation, amendment or repeal of a rule. Such petitions shall be sent to the executive director or delivered to him during normal business hours. He shall transmit the petition to the appropriate agency and may make a recommendation to the agency for its disposition.

53.2(2) Contents of petition. The petition shall:

- a. State the full name and address of the petitioner;
- b. Set forth clearly and concisely the text of the proposed rule change, or as precisely as possible the substance of the proposed rule;
- c. State the facts and arguments that favor the proposed rule change, including data, facts and arguments either in the petition or in a statement annexed to the petition; and
- d. Be subscribed by the petitioner, or by a duly authorized officer of the petitioner if it be a corporation, organization or other legal entity, or shall be subscribed for the petitioner by his attorney, in which case the attorney shall also state his address.

53.2(3) Disposition of petition. Within sixty days following receipt of the petition, the appropriate agency shall determine whether to grant or deny the petition.

- a. If the petition is granted, the executive director shall notify the petitioner and the appropriate agency shall initiate rulemaking proceedings in accordance with this rule.
- b. If the petition is denied, the executive director shall send the petitioner a brief statement which indicates the reasons for denial.

These rules are intended to implement chapters 17A and 455B of the Code.

[Filed 11/21/75, Notice 7/14/75, 8/25/75, 9/8/75—published 12/15/75, effective 1/19/76]

CHAPTER 54 DECLARATORY RULINGS

400—54.1(455B) Petitioners. Any interested person or agency whose rights, status, or other legal relations are affected by any departmental statutory provision, rule, or other written statement of law, policy, decision or order may file a petition for a declaratory ruling as to the applicability of any such agency statutory provision, rule or other written statement of law or policy, decision, or order to that person or agency.

400—54.2(455B) Contents of petition.

54.2(1) The petition shall contain a caption in the following form:

GENERAL SERVICES DEPARTMENT[450]

CHAPTER 1

CENTRALIZED PURCHASING

- 1.1(18) Methods of procurement used by central purchasing division
- 1.2(18) Vendor eligibility
- 1.3(18) Instructions to vendors
- 1.4(18) Opening and processing of the bidding document
- 1.5(18) Vendors appeal
- 1.6(18) Delivery and acceptance of commodities
- 1.7(18) How to initiate payment

CHAPTER 2 to 4

Reserved

CHAPTER 5

PRINTING DIVISION

- 5.1(18) Definitions
- 5.2(18) Purpose
- 5.3(18) Location
- 5.4(18) Centralized printing
- 5.5(18) Submission of requisitions
- 5.6(18) Printed items of an extensive nature
- 5.7(17,18) Annual, biennial reports and official reports
- 5.8(18) Methods of procurement used by printing division
- 5.9(18) Bidder eligibility

- 5.10(18) Instructions to bidders
- 5.11(18) Delivery and acceptance of printed piece
- 5.12(18) Emergency contracts
- 5.13(18) Expiration of contract
- 5.14(18) How to receive payment
- 5.15(18) Printing and machinery — reports
- 5.16(18) Office copiers
- 5.17(18) Legal publications
- 5.18(17,18) Iowa Official Register
- 5.19(18,49) Publication of ballot and notice
- 5.20(18,49) Cost of publication—sample ballot

CHAPTERS 6 to 9

Reserved

CHAPTER 10

PARKING

- 10.1(18) General provisions
- 10.2(18) Parking space assignments
- 10.3(18) Handicapped persons
- 10.4(18) Reserved
- 10.5(18) Deliveries
- 10.6(18) Employees
- 10.7(18) Temporary parking
- 10.8(18) Prohibited parking
- 10.9(18) Waiver
- 10.10(18) Enforcement

1. The first part of the document
describes the general situation
of the country and the
state of the economy.
It also mentions the
main problems that the
country is facing.
The second part of the
document discusses the
measures that have been
taken to address these
problems. It also
mentions the results of
these measures and the
prospects for the future.
The third part of the
document discusses the
role of the government
in the economy and the
social services that it
provides. It also
mentions the challenges
that the government is
facing in this regard.

2. The second part of the document
discusses the measures that have
been taken to address these
problems. It also mentions the
results of these measures and
the prospects for the future.
The third part of the document
discusses the role of the
government in the economy and
the social services that it
provides. It also mentions the
challenges that the government
is facing in this regard.

3. The third part of the document
discusses the role of the
government in the economy and
the social services that it
provides. It also mentions the
challenges that the government
is facing in this regard.

4. The fourth part of the document
discusses the role of the
government in the economy and
the social services that it
provides. It also mentions the
challenges that the government
is facing in this regard.

5. The fifth part of the document
discusses the role of the
government in the economy and
the social services that it
provides. It also mentions the
challenges that the government
is facing in this regard.

6. The sixth part of the document
discusses the role of the
government in the economy and
the social services that it
provides. It also mentions the
challenges that the government
is facing in this regard.

1.3(3) *New merchandise.* Unless otherwise specified in the specifications as submitted, all items on which a vendor submits a quotation shall be new, of the latest model, crop year or manufacture and shall be at least equal in quality to that specified in specifications as submitted.

1.3(4) *Item and total prices.* A price for each separate item listed on the bidding document must be listed in the space provided. Only one unit price shall be quoted on each item and must be extended to show the total price for the quantity of the item requested. Total price for all items listed must be shown. Should a vendor desire to submit alternate prices this can be accomplished by attaching an addendum to the bidding document. In case of error the unit price shall prevail.

1.3(5) *All or none bids.* The bidding document may specify whether or not bids will be accepted on an "all or none basis". Unless this statement appears on the bidding document the vendor may not so specify; and the purchasing division may award either by item or by lot, whichever is to the advantage of the state of Iowa. Care will be taken by the purchasing division to insure vendors that they will not be penalized by split awards.

1.3(6) *Discounts.* The bid form provides space for the statement of cash discount. The only discount provision that will be considered in determining awards will be for cash discount of thirty days or longer. Bids which specify discounts of "E.O.M." or of less than thirty days will be considered as net per item bids. Term discount periods will be computed in one of the following manners:

a. From date of invoice.

b. Date of receipt of completed order.

c. Date certified vendors claim voucher is received. Whichever date is first.

When additional testing of a product is required after delivery, the discount period shall not begin until test is completed and final approval made.

1.3(7) *Time of acceptance.* Due to the large volume of informal inquiries processed each day by the purchasing division, a minimum of ten days is allowed for acceptance of a vendors offer. A vendor may grant an additional allowance for informal bid acceptance if desired. Vendors bid allowance period, if for other than ten days, must be noted on the bidding document. If a formal bid letting award is not made within thirty calendar days the bids shall be deemed rejected and prices as quoted by the vendor shall not be deemed binding. The department of general services, purchasing division reserves the right to request up to ninety days to award a contract on highly technical equipment if said time period is noted in the request for quotation and supplemental information submitted to prospective bidders.

1.3(8) *Escalator clauses.* Unless specifically provided for on the bidding document, a bid containing an "escalator clause" providing for an increase in price will not be considered.

1.3(9) *Federal and state taxes.* The state of Iowa is exempt from the payment of Iowa sales tax, motor vehicle* fuel tax and any other Iowa tax that may be applied to a specified commodity or service. Exemption certificates will be furnished a vendor on request.

1.3(10) *Delivery date.* In the space provided on the bidding document a bidder shall show the earliest date on which delivery can be made. The purchasing division may indicate on the bid form the acceptable delivery date for a commodity. The purchasing division may consider delivery dates as a factor in determining the successful vendor.

1.3(11) *Time of submission.* All formal and informal bids shall be submitted in sufficient time, by the vendor, to reach the purchasing division prior to the date and time set for the opening of bids. Bids received after the date and time set for opening will be returned to the vendor unopened. Bids as received by the purchasing division will be dated and time stamped showing date and hour received.

1.3(12) *Modifications or withdrawal of bids.* Bids may be modified or withdrawn prior to the time and date set for the opening of bids. Said modifications or withdrawal must be in writing and delivered in a sealed envelope, properly identifying the correct bid proposal to be modified or withdrawn. After the opening of the bids, no bid may be modified or withdrawn.

1.3(13) *Testing.* Various items may require testing either before or after final award is

*See chapter 324 of the Code.

made. This will be noted in the bid specifications and final award of contract will be made on completion of tests. In these cases vendor must guarantee price until testing has been completed.

1.3(14) Security. The purchasing division may require vendors to provide either a certified check, fidelity or performance bond in the amount of at least five percent of the total amount of any bid submitted for a commodity or service that is in excess of \$2,500. Security of the successful vendor will be retained in a secure place until all items have been satisfactorily delivered or services performed as stated in bid specifications.

1.3(15) Vendor responsibility for removal of trades. Whenever the purchase of an item of equipment has been made with the trade-in of equipment, it shall be the vendors responsibility to remove the traded equipment from the agencies storage facilities within thirty days of the final acceptance of the equipment by the agency. The state will not assume responsibility for equipment that is not removed within this time period. The state may cause same to be removed and shipped to vendor, billing vendor for all packing, crating and transportation charges.

1.3(16) Assignment of contract or purchase order.

a. A vendor may not assign any contract to another party without written permission from the purchasing division.

b. A vendor may not assign any contract or purchase order to any financial institution.

1.3(17) Strikes, lockouts or acts of God. Whenever a vendors place of business, or source of supply has been disrupted by one of these acts, it shall be the responsibility of the vendor to promptly advise the department's purchasing division. The state of Iowa may elect to cancel all orders on file with the vendor and place the order with another vendor.

1.3(18) Subcontractor or secondary supplier. Successful vendors shall be responsible for all acts and performance of any subcontractor or secondary supplier that the successful vendor may engage for the completion of any contract with the state of Iowa. Successful vendor shall be responsible for payment to all subcontractors or secondary suppliers.

450—1.4(18) Opening and processing of the bidding document. The opening of bids submitted by vendors will be handled in one of the following manners.

1.4(1) Formal quotation bid openings. All bids received prior to the time and date set forth on the bidding document will be opened publicly at the time and the place designated and read aloud. All interested persons are invited to attend any bid opening. All original bids will be retained in the office of purchasing and shall be available for public inspection. Bids will be tabulated as required, and tabulation forms filed with bidding documents.

1.4(2) Informal quotation bid openings. All bids received prior to the time and date set forth on the bidding document may be opened publicly at the time and place designated. Bids will be tabulated and placed on file for public inspection within twenty-four hours of the time specified on the bidding document.

1.4(3) Rejection of bids. The right is reserved to reject any or all bids. Bids may be rejected because of faulty specifications, abandonment of the project, insufficient funds, evidence of unfair bidding procedures or failure to provide security, when required financial insolvency of the vendor, or by the director of general services if in his opinion the best interests of the state of Iowa will be served. New bids may be requested at a time deemed convenient to the purchasing division and the agency involved.

1.4(4) Minor deficiencies and informalities. The state reserves the right to waive minor deficiencies and informalities if in the judgment of the purchasing division the best interest of the state of Iowa will be served.

1.4(5) Tie bids. The purchasing division will resolve bids which are equal in all respects and tied in price by drawing lots. Whenever practical the drawing will be held in the presence of the vendors who are tied in price. If this is not possible the drawing will be made in front of at least three persons and said drawing documented.

Whenever a tie involves an Iowa firm and a firm outside the state of Iowa, the Iowa firm will receive preference.

Whenever a tie involves one or more Iowa firms and one or more firms outside the state of Iowa the drawing will be held among the Iowa firms only.

Tie bids involving Iowa produced or manufactured products and items produced or manufactured outside the state of Iowa will be resolved in favor of the Iowa product.

450—1.5(18) Vendors appeal. Any vendor whose bid has been timely filed, and who is aggrieved by the award of the purchasing division, may appeal the purchasing division decision by filing a written appeal to the director of general services within three days of the date of the award, exclusive of Saturdays, Sundays and legal holidays. Upon receipt of the director of general services written decision the vendor may, if desired, appeal the directors decision by filing a written appeal with the Iowa executive council within three days of the date of the directors written decision, exclusive of Saturdays, Sundays and legal holidays.

450—1.6(18) Delivery and acceptance of commodities. When an award has been made to a vendor and the official purchase order issued and received by the vendor, deliveries are to be made in the following manner.

1.6(1) Deliveries. All deliveries are to be made only to the point specified on the official purchase order. If delivery is made to any other point it shall be the responsibility of the vendor to promptly reship to the correct location.

1.6(2) Delivery charges. All delivery charges should be to the account of the vendor whenever possible. If not, all delivery charges should be prepaid by vendor and added to the invoice.

1.6(3) Notice of rejection. The nature of any rejection of a shipment, based on apparent deficiencies disclosed by ordinary methods of inspection, will be given by the receiving agency, to the vendor and carrier within a reasonable time after delivery of the item, with a copy of this notice to the purchasing division. Notice of latent deficiencies which would make items unsatisfactory for the purpose intended may be given by the state of Iowa at any time after acceptance.

1.6(4) Disposition of rejected item. The vendor must remove at the vendors expense any item rejected by the state of Iowa. If the vendor fails to remove the rejected item the state of Iowa may dispose of the item offering same for sale, deduct any accrued expense and remit the balance to the vendor.

1.6(5) Testing after delivery. Laboratory analysis of an item or other means of testing may be required after delivery. In such cases, vendors will be notified in writing that a special test is being made and that payment will be withheld until completion of the testing process.

450—1.7(18) How to initiate payment. It is the intent of the department's purchasing division to process vendor's claims against the state of Iowa as rapidly as possible. However, there are certain procedures that a vendor must follow in order to properly initiate the payment of a claim. If a vendor will follow the outline as listed below, payment can be expected within a reasonable time period.

1.7(1) Vendor purchase order. Vendor will receive a copy of purchase order that will serve as authorization to supply items as listed on the purchase order to the agency named and delivery to the designated geographic location.

1.7(2) Original invoice required. After the merchandise has been shipped to the agency, the vendor shall prepare an invoice in triplicate, one copy of which must be clearly marked "original copy" or "customer order", and said invoices forwarded to the named agency. Vendors invoice, as submitted, must refer to the order number appearing in the upper right hand corner of the purchase order.

In case where a vendor is not able to render a copy of an invoice as outlined above it will be necessary to proceed as follows: Prepare an invoice in triplicate and clearly state on one copy of same the following: "We certify that the items for which payment has been claimed were furnished for state of Iowa business and that these charges are reasonable proper and correct and none of it has been paid" _____

(Authorized Signature).

1.7(3) *Warrant issuance.* After the vendors invoices have been received by the agency, and the agency certified that the merchandise has been received as ordered, vendors claim will be submitted to the state comptroller and a warrant issued to vendors account.

1.7(4) *Warrant identification.* The state warrant will be mailed along with a copy of the original vendors claim voucher to assist vendor in identifying the payment. The remittance copy of the voucher is for vendor's file.

1.7(5) *Correspondence.* All correspondence regarding payment should be addressed to the agency named with a copy to the purchasing division.

Invoices bearing cash discounts will receive priority in processing.

1.7(6) *Payment after delivery.* Payment for merchandise or services can only be made after said merchandise has been delivered or services rendered.

[Filed June 14, 1972; amended August 19, 1975]

[Filed 6/29/77, Notice 11/3/76, 5/4/77—published 7/27/77, effective 8/31/77]

CHAPTERS 2 to 4
Reserved

LIVESTOCK HEALTH ADVISORY COUNCIL[565]

CHAPTER 1 RECOMMENDATIONS

1.1(67GA,SF351) Recommendation for
fiscal year 1977-1978

CHAPTER 1* RECOMMENDATIONS

565—1.1(67GA,SF 351) Recommendation for fiscal year 1977-1978. Senate File 351 (Acts of the Sixty-seventh General Assembly, effective date July 1, 1977) made an annual appropriation of \$200,000 to be used by the Iowa State University College of Veterinary Medicine for research into livestock disease. The Livestock Health Advisory Council recommends that the appropriation for fiscal year 1977-1978 be applied in the following manner:

1. \$125,000.00 for Pseudorabies Control Program
2. \$ 55,000.00 for T.G.E. Research Continuation
3. \$ 20,000.00 for Pseudorabies Research

This recommendation is intended to implement Senate File 351, section 5, subsection 3, Acts of the Sixty-seventh General Assembly.

[Filed emergency 7/5/77—published 7/26/77, effective 7/11/77 to 1/6/78]

*Emergency pursuant to section 17A.5(2)"b"(20) of the Code.

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Expenditures for:

- a. Emergency flood protection
- b. Evacuation and relief
- c. Rehabilitation and cleanup

Losses due to:

- a. Interruption of utilities and transportation routes
- b. Interruption of commerce and employment

2.1(21) "*Urban areas*" means incorporated cities and unincorporated flood plain areas having a maximum, high, or moderate damage potential which have been assigned an urban area classification by the council.

2.1(22) "*Rural areas*" means any area not defined or designated as an urban area.

2.1(23) "*Dam*" means a barrier which impounds or stores water.

2.1(24) "*Height of dam*" means the vertical distance from the top of the dam to the natural bed of the stream or watercourse measured at the downstream toe of the dam or to the lowest elevation of the outside limit of the dam if it is not across a water course.

2.1(25) "*Permanent storage*" means the volume of water expressed in acre-feet which is stored upstream from a dam or in an impoundment up to the level of the principal outlet works of the structure.

2.1(26) "*Temporary storage*" means the volume of water expressed in acre-feet which may be stored upstream from a dam or in an impoundment above the level of the principal outlet works. This is not to include water stored temporarily in connection with normal road culverts in rural areas where there is no intent in the design of the culvert to store or impound water for the purpose of reducing flow downstream.

2.1(27) "*Agricultural levees or dikes*" means levees or dikes constructed to provide limited flood protection to land used primarily for agricultural purposes.

[Filed 10/9/75, Notice 8/25/75—published 10/20/75, effective 11/24/75]

CHAPTER 3

PERMITS TO DIVERT, STORE, OR WITHDRAW WATER

580—3.1(455A) **When permit required.** A permit to divert, store, or withdraw water shall be required for specific uses as follows:

3.1(1) *Municipal use.* A permit for the entire use shall be required when any municipal corporation or person supplying a municipal corporation increases its water use in excess of one hundred thousand gallons, or three percent, whichever is the greater; per day more than its highest per day beneficial use prior to May 16, 1957, and for the withdrawal of water from any aquifer or other source not utilized prior to May 16, 1957, or from an aquifer or other source utilized prior to May 16, 1957, where the withdrawal point is more than 0.5 mile from the point of withdrawal prior to said date.

3.1(2) *Industrial use.* A permit for the entire use shall be required for the withdrawal of water for industrial use in excess of 5,000 gallons per day, subject to the exemption contained in section 455A.1 of the Code. A permit shall be required for withdrawals of water from any aquifer or other source not utilized prior to May 16, 1957, or withdrawals from any aquifer or other source at a withdrawal point more than 0.5 mile from the location utilized prior to May 16, 1957.

3.1(3) *Storage (surface).* A permit shall be required for the storage of 18 acre-feet or more of water in permanent storage. No such permit shall be granted by the water commissioner prior to issuance of a council order approving the plans and specifications for the impounding structure. No permit from the water commissioner shall be required for waste stabilization lagoons, waste storage basins, or similar structures which are used solely for waste water treatment or disposal. A permit authorizing withdrawals of water from an artificial reservoir formed by an officially designated grade stabilization structure which was constructed with federal, state, or local cost-sharing funds shall not be granted unless the person applying for such a permit provides written approval for such withdrawals from the soil conservation district in which the structure is located.

3.1(4) *Underground storage or disposal.* A permit for the diversion of water or any material from the surface directly into any underground watercourse or basin shall not be granted except upon proof provided by the applicant that the requested diversion is fully safe, will not contaminate the aquifer utilized and is approved by the Iowa water quality commission.

3.1(5) *Drain tile lines.* Water in drain tile lines shall be considered surface water.

3.1(6) *Closed cooling systems.* A permit shall not be granted for the withdrawal of groundwater for use solely as a coolant in a closed system without returning such groundwater to the aquifer from which it came unless applicant demonstrates compelling reasons for not returning the water.

3.1(7) *Miscellaneous uses.* Unless otherwise provided herein, a permit shall be required for the use of more than five thousand gallons of water per day for any purpose.

a. *Poultry, livestock, and domestic animals.* Any use of water for these purposes which is an extraordinary use; a permit shall be required.

b. *Drainage at construction sites.* Withdrawals of water to lower the water table as necessary at a construction site shall be exempt from securing a permit except when such withdrawals cause or can reasonably be expected to cause material damage to public or private interests. After an investigation of those withdrawals allegedly causing material damage, the water commissioner shall require prompt appropriate action for the alleviation of damages. Where agreement cannot be reached on the action necessary for the alleviation of damages, withdrawals of water shall cease immediately upon notification by the water commissioner and an application for a permit shall be submitted.

c.* *Test pumping.* The water commissioner may authorize test pumping of sources of water to determine adequacy of the source and effects of such withdrawals and may require applicant to acquire technical assistance of the Iowa geological survey or other appropriate sources of such assistance so as to maintain supervision of the testing as deemed necessary by the water commissioner. The water commissioner may authorize by registration test pumping of sources of water to determine adequacy of the source and effects of such withdrawals and may require applicant to acquire technical assistance of the Iowa Geological Survey or other appropriate sources of such assistance so as to maintain supervision of the testing as deemed necessary by the water commissioner. No such registration for test pumping shall be for a period of more than one year.

d. *Rural water districts.* A permit shall be required for withdrawals of water by any rural water district having its own source of water which shall be classified as a municipal use.

e. *Nonrecurring minor uses.* Any use of water which is a minor, nonrecurring use, including but not limited to highway construction and maintenance, charging of lagoons, drilling wells, and hydrostatic testing of pipelines, shall not require a permit but rather may be registered with the water commissioner on such forms as the water commissioner shall provide. Such registration shall be for up to one year and may be reregistered at the discretion of the water commissioner should the project require more than one year to complete. After an investigation of those registered withdrawals allegedly causing material damage, the water commissioner shall require prompt appropriate action for the alleviation of damages, withdrawals of water pursuant to registration shall cease immediately upon notification by the water commissioner and an application for a permit shall be submitted.

f.* The withdrawal of water for research purposes by the Iowa Geological Survey (IGS) through its agents, employees, or contractees may be authorized by registration in aquifers approved by the council and under such conditions as the council may set. Such registration shall be for periods of up to one year and may be reregistered at the discretion of the water commissioner upon request by the IGS should the research require more than one year to complete.

*Emergency pursuant to 17A.5(2)"b"(3)

The withdrawal of water pursuant to such registration shall be conducted under the direct supervision of the IGS and its employees and according to a schedule adopted by or approved by IGS. The IGS shall contract with each individual who is co-operating in the research. Such contract shall delineate the responsibilities of each party to the research. A copy of each such contract shall be filed by IGS with the water commissioner. The violation of any provision of said contract by any party thereto shall be grounds for the water commissioner to revoke the registration of that contractee.

If withdrawal of water pursuant to this registration results in serious adverse effects on the aquifer or on any other water user, the water commissioner shall revoke the registration as it applies to the particular research site causing such serious adverse effect.

3.1(8)* *Withdrawals from the Dakota Group of the Lower Cretaceous System.* Effective June 24, 1977, no further consumptive withdrawals of water for either irrigation use or heavy industrial use in excess of 200 gallons per minute shall be permitted from the Dakota Group of the Lower Cretaceous System. Any existing permit for such use from said system which may be renewed after June 24, 1977, shall terminate on December 31, 1980.

This ban shall remain effective until January 1, 1981, or until further rules are adopted concerning such system.

580—3.2(455A) Applications.

3.2(1) Applications for a water permit shall be made on forms provided by the council and shall be mailed or delivered to its office in Des Moines, Iowa, 50319.

3.2(2) The application must be verified and shall be submitted by or on behalf of, the owner, lessee, or easement holder of the area where the water is to be stored, diverted, or withdrawn and used.

3.2(3) The application must include the statutory filing fee and a map generally portraying the points of storage, diversion, or withdrawal and use of water oriented as to section, township, and range. One application normally will be adequate for all uses on contiguous tracts of land. Tracts of land involved in the same operation separated by roads or railroads shall be viewed as contiguous tracts.

a. Highway construction and maintenance. All sources of water shall be specifically named and located in the application and supporting material except streams or watercourses on the right of way of the road being constructed or of the roads within one mile of the road being constructed. When water is secured from a municipal system no permit shall be required.

b. Additional information. The water commissioner may require the applicant to submit additional information and conduct field investigations as deemed necessary to evaluate the application so as to protect the health, safety, and welfare of the public and the water resources of Iowa.

580—3.3(455A) Amount of water authorized by permit.

3.3(1) Use of water for irrigation of general farm crops shall be limited to eighteen inches per year. Use of water for irrigation of specialty crops shall be limited to thirty-six inches per year.

3.3(2) The amount of water authorized for industrial use shall be consistent with industry-wide usage for the same or similar purposes and shall provide for growth where need therefor is demonstrated by the applicant.

3.3(3) The amount of water authorized for municipal use shall not exceed two hundred

1947-1948

1949-1950

1951-1952

1953-1954

1955-1956

1957-1958

1959-1960

1961-1962

1963-1964

gallons per day per capita except additional water may be provided for growth and industrial use where need therefor is demonstrated by the applicant.

3.3(4) The amount of water authorized for recreational purposes shall be determined by the use proposed. Consumptive uses shall be subject to the same regulations as other uses of water for consumptive purposes.

580—3.4(455A) **Water use reports.** Each permittee shall submit to the office of water commissioner reports of water used, diverted, or stored and any other information deemed necessary by the water commissioner.

580—3.5(455A) **Well information.** The water commissioner may require the submission of the well log, cutting samples, and results of pumping tests for each new well from which withdrawals are authorized.

580—3.6(455A) **Renewal of permits.** Request for renewal or modification of any water permit shall be in the form prescribed by the council which may be by letter or formal application form. Such requests shall be filed prior to the termination date of the permit, and shall be accompanied by the filing fee when required.

[Filed 10/9/75, Notice 8/25/75—published 10/20/75, effective 11/24/75]

[Filed Emergency 6/24/77—published 7/13/77, effective 6/24/77]

[Filed 7/5/77, Notice 6/1/77—published 7/27/77, effective 8/31/77]

CHAPTER 4 COUNCIL—ESTABLISHED FLOOD PLAINS— ENCROACHMENT LIMITS

580—4.1(455A) **Regulations established.** Regulations established by the council and local units of governments for the orderly development and wise use of the flood plains of any river or stream shall:

4.1(1) *Flood plain.* Delineate the limits of the flood plain or flood hazard area.

4.1(2) *Floodway.* Identify the area needed to convey the regulatory flood through establishment of encroachment limits.

4.1(3) *Minimum levels of flood protection.* Establish minimum levels of flood protection for any flood plain development or use having a maximum, high, or moderate damage potential.

4.1(4) *Nonconforming uses and structures.* Provide for existing nonconforming uses and structures.

580—4.2(455A) **Flooding characteristics.** The Iowa natural resources council regional flood, the regulatory flood, and various flood frequencies shall be considered as flooding characteristics of a stream or river.

4.2(1) *Iowa natural resources council regional flood.* In determining the magnitude of the Iowa natural resources council regional flood, consideration shall be given to the following flood flow determination methods:

a. Standard project flood as computed by the corps of engineers.

b. Experienced Iowa floods as determined from experienced Iowa flood chart.

c. Rainfall-runoff relationships.

d. Other hydrologic information available to the council.

4.2(2) *Other floods.* In determining the regulatory flood and various flood frequencies the council shall give consideration to the following:

a. Log pearson type III flood frequency method.

b. U. S. geological survey flood frequency studies.

c. Corps of engineers flood frequency studies.

d. Other studies and reports including site experience which reasonably identify the flood frequencies of a river or stream.

580—4.3(455A) Encroachment limits. In providing for the conveyance of the regulatory flood, a floodway shall be delineated by the establishment of encroachment limits. In establishing encroachment limits where possible the following criteria will apply:

4.3(1) Increase in water surface elevation. The increase in water surface elevation which results from confining the regulatory flood to the floodway between the encroachment limits shall not exceed one foot.

4.3(2) Existing buildings. Encroachment limits shall be located to avoid placing existing buildings in the floodway.

4.3(3) Opposite encroachment limits. The concept of equal and opposite conveyances as defined in chapter 2 of these rules shall be used to locate encroachment limits.

4.3(4) Urban areas. In urban areas, encroachment limits shall be located to avoid further increase in flood heights.

580—4.4(455A) Flood plain and floodway development. Development shall be permitted in the flood plains and floodway as follows:

4.4(1) Floodway. In the floodway, the following uses or structures shall be permitted:

a. Structures. Approved structures as provided for in chapter 5 of these rules.

b. Other uses. Uses not requiring approval of the council.

4.4(2) Floodway fringe. In the floodway fringe, the following uses or structures shall be permitted:

a. Uses or structures. Those uses or structures permitted in the floodway.

b. Structures. Structures having a damage potential and provided with the appropriate minimum level of flood protection.

580—4.5(455A) Flood protection methods. Acceptable flood protection methods shall consist of elevating, flood proofing, and construction of flood control works.

580—4.6(455A) Assistance and cooperation. Assistance and cooperation by the council with local units of government shall include but is not limited to coordination of applications for flood plain information studies by federal, state, and local agencies or other interests, and coordination of the national flood insurance program with the federal insurance administration.

[Filed 10/9/75, Notice 8/25/75—published 10/20/75, effective 11/24/75]

CHAPTER 5
FLOOD PLAIN OR FLOODWAY CONSTRUCTION
DIVISION I
WHEN APPROVAL IS REQUIRED

580—5.1(455A) Bridges, culverts, temporary stream crossings, and road embankments. Approval by the council for the construction, operation, and maintenance of bridges, culverts, temporary stream crossings, and road embankments shall be required in the following instances.

5.1(1) Rural area—floodway. In rural areas:

a. Bridges, culverts, road embankments, and temporary stream crossings in or on the floodway of any river or stream draining more than one hundred square miles.

b. Bridges, culverts, road embankments, and temporary stream crossings in or on the floodway of streams or rivers draining between ten and one hundred square miles, involving channel changes whereby a five hundred foot or longer length of reach of the stream or river that is being altered is reduced more than twenty-five percent.

5.1(2) Rural area—floodway and flood plain. Road embankments located in the floodway or flood plains, but not crossing the channel of a river or stream draining more than ten square miles, where such works occupy more than five percent of the cross sectional area of the channel at bankfull stage or where such works obstruct more than fifteen percent of the total

PLANNING AND PROGRAMMING[630]

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630—3.1(17A) **Providing declaratory rulings.** Pursuant to section 17A.9 of the Code, this agency shall provide declaratory rulings as to the applicability of any statutory provision, rule or other written statement of law or policy, decision, or order of this agency when petitioned to do so by those members of the public where it is necessary or helpful for them to conduct their affairs in accordance with the law.

3.1(1) Petitions for all such declaratory rulings should be made to the director of the agency in writing.

3.1(2) Within thirty days after submission of a request for a declaratory ruling, the director shall issue a declaratory ruling on the rule in question, in writing except in the following instance: The director of this agency may decline to rule on any rule, regulation, order or statute which is or are outside of the director's realm of authority.

[Filed July 15, 1975]

CHAPTER 4
PROCEDURES FOR INFORMAL SETTLEMENTS IN
CONTESTED CASES

630—4.1(17A) **Informal settlements.** Pursuant to section 17A.10 of the Code, and unless precluded by statute, informal settlements of controversies over rules of this agency that may culminate in contested case proceedings as prescribed in section 17A.12, are encouraged.

4.1(1) All such informal settlements or waivers shall be made by the director when possible under statute and by the parties contesting the rule(s) in question.

4.1(2) Pursuant to section 17A.10(2), both parties to a contested case proceeding may, by written stipulation representing an informed mutual consent, waive any provision of chapter 17A relating to proceedings on contested cases when the following rules are followed:

a. All waivers for settling a controversy over a rule or rules of this agency shall be made by and between the director of this agency and by a representative of the party contesting the rule.

b. All such waiver action can be initiated by either the director of this agency or by a representative of the party contesting the rule in question.

c. If the rule, order or regulation over which the controversy was raised, is amended, or repealed as mutually agreed upon by the director and a representative of the party contesting the rule, the procedures for the adoption of rules, section 17A.4, shall be followed.

d. Informal settlement of controversies over rules of this agency are encouraged to be made prior to the initiation of contested case proceedings.

[Filed July 15, 1975]

CHAPTER 5
STATE OF IOWA BUILDING CODE

630—5.1(103A) **Purpose.** The state building code shall as far as practical provide uniform standards and requirements for construction, construction materials, and equipment through the adoption by reference of applicable national codes where appropriate and providing exceptions when necessary.

630—5.2(103A) **When applicable.** The state building code shall for the buildings and structures to which it is applicable, constitute a lawful local building code.

5.2(1) The state building code shall be applicable:

a. To all buildings and structures owned by the state or an agency of the state.

5.1 5.99
5.100-5.199

b. In each governmental subdivision where the governing body has adopted a resolution accepting the application of the code.

5.2(2) Provisions of the state building code relating to the manufacture and installation of factory built structures shall apply throughout the state. (Factory built structures approved by the commissioner shall be deemed to comply with all building regulations applicable to the manufacture and installation and shall be exempt from any local building regulations.)

630—5.3(103A) **Building code commissioner.** The director of the division of municipal affairs, in the office for planning and programming shall, in addition to other duties, serve as the state building code commissioner, or may designate the building code commissioner.

5.3(1) *Alternate materials and methods of construction.* Application for approval of alternate materials and methods of construction shall be submitted to the commissioner in writing and shall contain any data necessary to show evidence that the alternate is satisfactory and that the material, method, or work offered is for the purpose intended, at least the equivalent of that prescribed in the state building code in quality, strength, effectiveness, fire resistance, durability, and safety.

5.3(2) *Additional data.* The commissioner may request additional data, tests, and reports in order to make a determination, for compliance with building code requirements.

5.3(3) *Approval.* Alternate materials and methods of construction approved by the commissioner shall be submitted to the next regular advisory council meeting for approval or disapproval by the council.

5.3(4) *Disapproval.* Appeals of disapproval by the commissioner can be made to the state building code board of review and the advisory council pursuant to provisions of sections 103A.16 and 103A.17 of the Iowa Code 1977.

5.3(5) *Review of local board of appeals decisions.* For purposes of assuring compliance with approval of alternate materials and methods of construction, section 103A.13, and to maintain a file to study the operation of the state building code, local building regulations, and other laws relating to the construction of structures as required by section 103A.5, local board of appeal decisions, which affect compliance with requirements of the state building code, shall be filed with the commissioner.

5.3(6) *Commissioner action.* Upon receipt of a local board of appeal ruling the commissioner shall promptly notify the local board of one of the following:

a. The decision of the local board is an acceptance of an alternate material or method of construction and, therefore, must be submitted as per 5.3(1) above for approval by the commissioner and the advisory council.

b. The decision of the local board is a reasonable interpretation of the state building code and the decision is accepted and filed.

c. In the opinion of the commissioner, the local board decision is not in keeping with the intent of the state building code, and hereby request a reconsideration of the decision.

d. The commissioner intends to take whatever action is necessary to appeal the local board decision.

5.3(7) *Appeals by the commissioner.* The commissioner shall use all administrative and informal settlement procedures available before taking any other appeal action and shall notify the affected parties of his intended appeal.

630—5.4(103A) **Building code advisory council.** The state building code commissioner is advised and conferred with on matters relating to the state building code by the state of Iowa building code advisory council, a seven member council established by section 103A.4 of the Code.

5.4(1) *Meetings.* The building code council shall meet on the third Thursday of each month at a time and place determined by the commissioner. The regular meeting may be cancelled if the commissioner has no matters to consult with the council.

5.4(2) *Special meetings.*

- a. The commissioner shall call for special meetings when required for public hearings, appeals, and other necessary business.
- b. Meetings may be called by the council chairman or by the request of three members.

630—5.5(103A) Adoption of rules. The state building code commissioner in conjunction with the building code advisory council shall adopt rules and shall hold public hearings on its proposed rules within the state at reasonable hours.

5.5(1) Pursuant to section 103A.11, all rules adopted by the state building code advisory council are certified by the state building code commissioner and filed with the secretary of state.

5.5(2) The Iowa state building code administration section, which begins at 630-5.100(103A) of this code, shall be transmitted to the secretary of state by the building code commissioner, and will constitute the rules under section 103A.11 Code of Iowa. Copies of the Iowa state building code administration section are available upon written or oral request from the State Building Code Commissioner, Division of Municipal Affairs, 523 East 12th Street, Des Moines, Iowa 50319 (515) 281-3807.

630—5.6(103A) Board of review. The three-member board of review as required by section 103A.15 Code of Iowa 1977 is hereby established. A list of the current advisory council members assigned to the board may be obtained from the commissioner.

5.6(1) Appeals. Grounds for an appeal to the board of review are found in section 103A.16.

5.6(2) Procedures. In addition to the requirements of section 103A.17, the following procedure shall be followed:

1. Upon receipt of a request for an appeal, the commissioner shall establish a hearing date and time.
2. The commissioner may request or obtain any additional information or data which may be necessary to make a determination.
3. Hearings shall be conducted in the following manner:
 - (a) Call to order.
 - (b) Presentation by applicants.
 - (c) Presentation by objectors.
 - (d) Comments by commissioner, the staff or consultants.
 - (e) Questions and comments by the board.
 - (f) Discussion between board members only.
 - (g) Board action shall be one of the following:
 - (1) Decision as per subsection 103A.17(6).
 - (2) Request for additional data and continuance.
 - (3) Continuance of hearing.
 - (h) Adjournment.

5.6(3) Appeal of board of review decision. The decision of the board of review may be appealed to the advisory council as per subsection 103A.17(7) and the same hearing procedure will follow as in 5.6(2).

630—5.7(17A) Forms and publications. A description of the forms utilized by the state building code appear in the Iowa State Building Code Administration Section, and are available upon request for certificate of compliance, (factory built structures); compliance certificate, (factory built structures); installation certificate, and code compliance insignia (seals).

5.7(1) Those parties interested in being placed on the Iowa building code mailing list, should complete the mailing list request form, available from the building code commissioner.

5.7(2) Those parties interested in obtaining copies of the (1) Uniform Building Code, (2) Uniform Mechanical Code, (3) Uniform Plumbing Code, (4) Uniform Building Code Standards, (5) Uniform Fire Code, (6) National Electrical Code, (7) Standards for Mobile

Homes, (8) One and two-family dwelling code, and (9) binder for the Iowa state building code administration section, can do so by writing directly to the building code commissioner or by completing the code order blank form available from the building code section of the office for planning and programming.

5.8 to 5.99 Reserved.

IOWA STATE BUILDING CODE ADMINISTRATION SECTION

630—5.100(103A) ISBC administration rules and regulations.

5.101-5.109 Reserved.

DIVISION 1

PART 1

630—5.110(103A) Part 1, Legislative.

5.110(1) *Legislative history.* The 1972 General Assembly of the state of Iowa passed House File 6, an Act to institute an Iowa state building code for the purpose of insuring the health, safety and welfare of its citizens. House File 6 later became known as Chapter 103A, Code of Iowa.

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

The Iowa state building code, I.S.B.C. 100.0 was adopted by the advisory council on January 25, 1973 and became effective on February 1, 1973. Revisions to I.S.B.C. 100.0 were approved by the council on June 1, 1974 and became known as I.S.B.C. 100.1, later amendments, approved by the council due to the adoption of the 1973 editions, of model codes and became I.S.B.C. 200.0. I.S.B.C. 200.0 has been revised to adopt the 1976 editions of model code and will be identified as I.S.B.C. 300.0.

5.110(2) *Legislative authority.* Statutory provisions governing the administration, enforcement, and the promulgating of rules and regulations set forth in the state building code Act, chapter 103A—Code of Iowa 1977, defines the authority, powers and duties of the advisory council and the building code commissioner. Other statutes concerning enforcement of this code, and promulgating of rules shall include chapter 104A—Code of Iowa 1977, known as the Handicapped Requirements.

5.110(3) *Title.* These administrative and construction rules and regulations (I.S.B.C. 300.0) promulgated by the commissioner and approved by the advisory council shall be known as the state building code, may be cited as such and will be referred to herein as this code.

5.110(4) *Applicability.* These rules and regulations for those buildings and structures to which it is applicable, shall constitute a lawful local building code, and shall take precedence over any other local ordinance or resolution.

5.110(5) *Enforcement.* This code shall be enforced by the commissioner in accordance with Chapter 103A, Code of Iowa 1977. The guidance of legal counsel and the co-operation of the advisory council and local building departments is herewith recommended to assist in furthering the purposes and objectives of this code, as mandated by the Sixty-fourth General Assembly.

5.110(6) *Interpretations.* Except as otherwise provided in this code, the commissioner shall have arbitrary authority with regard to provisions of this code. Written interpretations of any requirements or provisions of these rules will be issued upon request. A request shall be accompanied by sufficient substantiating data as may apply to the conditions for which an interpretation is requested.

5.110(7) *Appeals.* The commissioner shall establish a state building code board of review—appeals, as empowered by section 103A.15. The board shall function to hear peti-

tions, and to revoke, modify or affirm determinations by the commissioner. Written request for a hearing on appeals must be received by the commissioner, two weeks before the meeting of the advisory council. Regularly scheduled meetings of advisory council are held on the third Thursday of each month. Special hearings may be called by the commissioner by urgent written request or at the discretion of the commissioner. Further appeal may be petitioned to the full membership of the advisory council. (See IAC 630—5.0 for other appeal procedures.)

5.110(8) *Judicial appeal.* Judicial review of actions by the commissioner, board of review, advisory council may be sought in accordance with the Iowa Administrative Procedure Act and section 103A.18.

5.110(9) *Alternate materials and method of constructions.* The commissioner is authorized to approve any alternate if satisfactory and performs as required by this code.

a. Requests for consideration of alternate provisions or application thereof shall be submitted to the commissioner by the building owner or his agent in writing with substantiating data. See IAC 630—ch 5, 5.3(1).

b. The granting of such alternates or applications will be stated in writing, along with limitations or conditions thereof.

5.110(10) *Violation and penalties.* Any person, firm or corporation determined to be in violation of the applicable provisions of state building code shall be subject to the actions and penalties prescribed in chapter 103A, Code of Iowa 1977.

5.110(11) *Validity.* If any section, subsection, sentence, clause, or phrase of this code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

5.111 to 5.119 Reserved.

DIVISION 1
PART 2

630—5.120(103A) Part 2. General administration.

5.120(1) *Adoption by reference.* The specifications and regulations which are mentioned by title and date below are hereby adopted and declared to be a part of this code when not in conflict with a specific statement contained herein.

5.120(2) The Uniform Building Code, 1976 edition, and the Uniform Building Code Standards, 1976 edition as published by the International Conference of Building officials.

5.120(3) The National Electrical Code, 1975 edition, NFPA No. 70-1975, as published by the National Fire Protection Association.

5.120(4) The Uniform Mechanical Code, 1976 edition as published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials.

5.120(5) The Uniform Plumbing Code, 1976 edition as published by the International Association of Plumbing and Mechanical Officials.

630—5.121(103A) *Optional alternate to adopted codes.* Specifications and regulations which are enumerated by title and date below may be used as an optional alternate to the "Uniform Building Code", "Uniform Mechanical Code", "Uniform Plumbing Code", and "The National Electrical Code", only in those buildings classified as one- and two-family dwellings.

5.121(1) The one and two-family dwelling code, 1975 edition, published jointly by the American Insurance Association, Building Officials and Code Administrators International, Southern Building Code Congress International and the International Conference of Building Officials.

5.121(2) Any governmental subdivision which has by ordinance or resolution adopted the state building code as their building code, may include the one- and two-family dwelling code. The acceptance of the one- and two-family dwelling code voids all provisions of the code adopted at 5.120(2) to 5.120(5) which apply to one and two-family dwellings.

650—5.122(103A) Definitions.

5.122(1) "*Board of appeals*" means the local board of appeals as created by local ordinance.

5.122(2) "*Board of Review*" or "*Board*" means the state building code board of review created by the state building code Act.

5.122(3) "*Building*" means a combination of materials, whether portable or fixed, to form a structure affording facilities or shelter for persons, animals or property. The word "building" includes any part of a building unless the context clearly requires a different meaning.

5.122(4) "*Building component*" is any part, subsystem, subassembly, or other system designed for use in, or as a part of, a structure, including but not limited to: Structural, electrical, mechanical, fire protection, or plumbing systems, and including such variations thereof as are specifically permitted by regulation, and which variations are submitted as part of the building system or amendment thereof.

5.122(5) "*Building department*" means an agency of any governmental subdivision charged with the administration, supervision, or enforcement of building regulations, prescribed or required by state or local building regulations.

5.122(6) "*Building system*" means plans, specifications and documentation for a system of manufactured factory-built structures or buildings or for a type or a system of building components, including but not limited to: Structural, electrical, mechanical, fire protection, or plumbing systems, and including such variations thereof as are specifically permitted by regulation, and which variations are submitted as part of the building system or amendment thereof.

5.122(7) "*Commissioner*" means the state building code commissioner created by the state building code Act.

5.122(8) "*Construction*" means the construction, erection, reconstruction, alteration, conversion, repair, equipping of buildings, structures or facilities, and requirements or standards relating to or affecting materials used in connection therewith, including provisions for safety and sanitary conditions.

5.122(9) "*Equipment*" means plumbing, heating, electrical, ventilating, conditioning, refrigeration equipment, and other mechanical facilities or installations.

5.122(10) "*Governmental subdivision*" means any state, city, town, county or combination thereof.

5.122(11) "*Label*" is an approved device affixed to a factory-built structure or building, or building component, by an approved agency, evidencing code compliance.

5.122(12) "*Listing agency*". An agency approved by the commissioner which is in the business of listing or labeling and which maintains a periodic inspection program on current production of listed models, and which makes available timely reports of such listing including specific information verifying that the product has been tested to approved standards and found acceptable for use in a specified manner.

5.122(13) "*Public building*". Any building or structure used by the public which is constructed in whole or in part by the use of state funds, or the funds of any political subdivision of the state.

5.122(14) "*Structure*" means that which is built or constructed, an edifice or building or any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner except transmission and distribution equipment of public utilities. The word "structure" includes any part of a structure unless the context clearly requires a different meaning.

630—5.123(103A) Other rules. Adherence to the requirements of this code is not intended to supersede any specific authority of other state agencies, federal agencies or governmental subdivisions within the state of Iowa, except as prescribed by statute. Special attention is herewith directed to the following state agencies.

1. Department of public safety

2. State fire marshal
3. Bureau of labor, elevator safety and boiler inspections
4. Department of social services
5. Department of health
6. Department of environmental quality
7. Natural resources council.
8. Commerce commission

5.123(1) *Creation of department.* There may be established within the governmental subdivision a "building department" which shall be under the jurisdiction of the building official designated by the appointing authority. Within the publications of this Code such terms as "administrative authority", "authority having jurisdiction", or "authorized representative" shall mean the building official.

5.123(2) *Powers and duties of building official.* The building official in those governmental subdivisions establishing a building department shall enforce all the provisions of this code as prescribed by local law or ordinance and as outlined by section 103A.19.

5.124 to 5.129 Reserved.

DIVISION 1
PART 3

630—5.130(103A) Scope.

5.130(1) *Application.* The provisions of this code shall apply to construction, alteration, moving, renovation, repair and use of any building or structure in those political subdivisions of the State of Iowa, which have accepted this code as authorized by the state building code Act.

5.130(2) *Applicability.* Provisions of this code shall be mandatory for the following:

a. Manufacture and installation of factory-built structures. Factory-built structures approved by the commissioner shall be deemed to comply with all building regulations applicable to its manufacture and installation and shall be exempt from local building regulations except as herein provided. (See Division 6 for requirements for factory-built structures.)

b. All buildings owned by the state or any agency of the state.

c. In those governmental subdivisions which by ordinance or resolution have adopted the state building code as their local building code.

d. All buildings and structures intended for use by the general public shall meet the requirements for the physically handicapped. (See Division 7, Handicapped Rules and Regulations, of this Code.)

5.130(3) *Application to existing buildings.* Buildings or structures to which additions, alterations, or repairs are made shall comply with all of the requirements for new buildings or structures except as specifically provided herein.

a. Additions, alterations, and repairs: More than fifty percent. When additions, alterations, or repairs within any twelve-month period exceed fifty percent of the value of an existing building or structure, such building or structure shall be made to conform to the requirements for new buildings or structures.

b. Additions, alterations, and repairs: twenty-five to fifty percent. Additions, alterations, and repairs exceeding twenty-five percent but not exceeding fifty percent of the value of an existing building or structure and complying with the requirements for new buildings or structures may be made to such building or structure within any twelve-month period without making the entire building or structure comply. The new construction shall conform to the requirements of this code for a new building of like area, height and occupancy. Such building or structure, including new additions, shall not exceed the areas and heights specified in this code.

c. Additions, alterations, and repairs: twenty-five percent or less. Structural additions, alterations, and repairs to any portion of an existing building or structure, within any

twelve-month period, not exceeding twenty-five percent of the value of the building or structure shall comply with all of the requirements for new buildings or structures, except that minor structural additions, alterations, or repairs, when approved by the building official, may be made with the same material of which the building or structure is constructed. Such building or structure, including new additions, shall not exceed the areas and heights specified in this code.

d. Nonstructural alterations and repairs: Twenty-five percent or less. Alterations or repairs, not exceeding twenty-five percent of the value of an existing building or structure, which are nonstructural and do not affect any member or part of the building or structure having required fire resistance, may be made with the same materials of which the building or structure is constructed.

e. Repairs: Roof covering. Not more than twenty-five percent of the roof covering of any building or structure shall be replaced in any twelve-month period unless the new roof covering is made to conform to the requirements of this code for new buildings or structures.

5.130(4) Existing occupancy. Buildings in existence at the time of adoption of this code may have their existing use or occupancy continued, if this use or occupancy is legal at the time of passage of this code, provided such use or occupancy is not dangerous to life. Any change in use or occupancy of an existing building or structure must comply with the requirements of a new building or structure within the changed occupancy.

5.130(5) Systems and equipment. In existing occupancies which remain in the same classifications, mechanical, plumbing and electrical systems shall comply as follows:

a. Mechanical. Heating, ventilating, comfort cooling, or refrigeration systems, incinerators or other miscellaneous heat-producing appliances lawfully installed prior to the effective date of this code may have their existing use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and location and is not a hazard to life, health, or property.

All heating, ventilating, comfort cooling, or refrigeration systems, incinerators or other miscellaneous heat-producing appliances, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this code in heating, ventilating, comfort cooling, or refrigeration systems, incinerators or other miscellaneous heat-producing appliances when installed, altered, or repaired shall be maintained in good working order. The owner or his designated agent shall be responsible for the maintenance of heating, ventilating, comfort cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances.

b. Plumbing. Plumbing in existing buildings or on existing premises shall be in accordance with the uniform plumbing code sections 201, 320, and 1320.

c. Electrical. Any electrical installation existing at the time of adoption of this code may continue if such an installation was legal at the time of adoption of this code, provided such continued use is not dangerous to life. Any change or revision in existing wiring must comply with this code and additional revisions necessary must be made to comply with this code.

NOTE: All buildings or structures both existing and new and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this code in a building or structure when erected, altered or repaired, shall be maintained in good work order. The owner or his designated agent shall be responsible for the maintenance of buildings and structures.

5.130(6) Handicapped. The provisions of chapter 104A, Code of Iowa 1977 are part of this code and shall be so enforced. (See also Division 7 of this code for further requirements.)

5.130(7) Historic buildings. Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made without conformance to all of the requirements of this code, when authorized by those having jurisdiction provided:

a. The building or structure has been designated by official action of the legislative body as having special historical or architectural significance.

b. Any unsafe conditions as described in 5.130(9) will be corrected in accordance with approved plans.

c. Any substandard conditions will be corrected in accordance with approved plans.

d. The restored building or structure will be less hazardous, based on life and fire risk, than the existing building.

5.130(8) Moved buildings. Buildings or structures moved into or within the jurisdiction of this code shall be made to comply with these provisions as if for new buildings or structures. (See U.B.C. sec. 1601(c) for requirements for fire zones).

5.130(9) Unsafe buildings. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety, health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage, or abandonment, as specified in this code or any other effective ordinance, are, for the purpose of this section, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with procedures provided by local or state law.

5.130(10) Unsafe appendages. Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to, or a part of a building and which are in a deteriorated condition or otherwise unable to sustain the design loads which are specified in this code, are hereby designated unsafe and as such are public nuisances and shall be abated in accordance with the local or state laws governing.

5.130(11) Tests. Whenever there is insufficient evidence of compliance with the provisions of this code or that any material or any construction does not conform to the requirements of this code, the commissioner or building official may require tests as proof of compliance to be made at the expense of the owner or his agent by an approved testing agency.

Test methods shall be as specified by this code for the material in question. If there are no appropriate test methods specified in this code, the commissioner or building official shall determine the test procedure. Copies of the results of all such tests shall be retained for a period of not less than two years after the acceptance of the structure.

5.130(12) Permits and inspections. In those governmental subdivisions that have by ordinance or resolution adopted procedures for issuance of permits and specific or special inspections as per sections 103A.19 and .20, Code of Iowa 1977. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure in the governmental subdivision, or cause the same to be done, without first obtaining a permit for each building or structure from the building official. (See Division 6 for additional permit requirements for factory built structures).

5.130(13) Certificate of occupancy. The requirements for and the issuance of certificates of occupancy shall be included in the local laws and ordinances and may provide the requirements as outlined in section 103A.19, Code of Iowa 1977.

5.130(14) Use or occupancy. No building or structure of A, E, I, H, B or R, occupancy classifications as defined by the uniform building code 1976, used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy.

630—5.131(103A) Plans and specifications review. Plans and specifications for all state-owned buildings, and other buildings covered by chapters 103A and 104A, Code of Iowa 1977, shall be filed with and approved by the commissioner before construction is commenced. Such plans and specifications shall be filed by the owner or his authorized agent, agency or the responsible design architect or engineer whose seal shall appear on

each page of the drawings and on the title page of the specifications; said architect or engineer shall be legally qualified to practice such profession in the state of Iowa.

EXCEPTION: Plans and specifications reviewed by a local building official or duly authorized person or agency in accord with chapters 103A and 104A shall be exempt from filing said documents with the commissioner.

5.131(1) Certificate of review. A certificate of review shall be filed, along with plans, specifications and other supporting information, for each project, on forms obtained from the state building code commissioner.

5.131(2) Minimum review requirements. Plans, specifications and other supporting information shall be sufficiently clear and complete to show in detail that the proposed work will comply with the requirements of this Code and shall include the following:

a. Plot plan. Include fire zone, site size, streets, footages, yards and boundaries, drainage, countours. All proposed and existing buildings.

b. Construction. Foundation, floor, roof and structural drawings. Door, window and finish schedules. Sections, details, connections and material designations. Loads and engineering data calculations signed by a registered engineer or architect may be required.

c. Electrical. Floor and ceiling plans, lighting, receptacles, motors and other equipment. Service entry location, line diagram, and wire, conduit and breaker sizes.

d. Plumbing. Floor plan, fixtures, pipe sizes and other equipment and materials. Isometric with pipe sizes, fixture schedule and sewage disposal.

e. Mechanical. Floor or ceiling plans, equipment, distribution location, size and flow. Locate dampers and safeguards. Indicate all materials.

f. Soils data. A soils report by a recognized authority shall be filed with plans and specifications, when available.

g. Other. Any additional information may be requested to substantiate that the project is in compliance with this code.

h. Responsibility. Approval by the commissioner or his designee of any plan review does not alter the responsibility of the professional certifying such design.

5.131(3) Fees for review. Schedule "A" shall be used to determine the fee to be assessed to the state agency, filing a certificate for review of construction, addition, remodeling, or alteration of a building or structure. Normal repair and maintenance and equipment replacement shall not require submission. (See Division 7 and Division 6, Part 3 for fees for compliance with handicapped provisions and factory-built structure installation).

5.131(4) Additional service and consultation. When inspections are made by the state building code staff, a charge shall be made based on time spent on services, plus travel expenses. The hourly rate shall be \$15.00 per hour and direct cost for travel.

NOTE: All plans submitted to the commissioner after January 1, 1976 shall be subject to the fees contained herein.

Schedule "A"

TOTAL VALUATION*

FEE

\$1.00 to \$25,000.00

\$10.00 for the first \$2,000.00 plus \$2.60 for each additional \$1,000 or fraction thereof, to and including \$25,000.00

\$25,001.00 to \$50,000.00

\$70.00 for the first \$25,000.00 plus \$1.95 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00

\$50,001.00 to \$100,000.00

\$120.00 for the first \$50,000.00 plus \$1.30 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00

\$100,001.00 to
\$500,000.00

\$185.00 for the first \$100,000.00 plus \$0.98 for
each additional \$1,000.00 or fraction thereof,
to and including \$500,000.00

\$500,001.00 and up

\$577.00 for the first \$500,000.00 plus \$0.65 for
each additional \$1,000.00 or fraction thereof.

*Total Valuation—In computing the plan-check fee the value of all construction work covered by the State Building Code as well as all finished work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems, and any other permanent work or permanent equipment shall be included. The Commissioner will use as a guide to determine the valuation the latest "Building Valuation Data", and the "Regional Modifiers", as published annually by the International Conference of Building Officials, unless the agency can show that the actual cost will be less.

5.132 to 5.139 Reserved.

DIVISION 1
PART 4

630—5.140(103A) General construction rules and regulations.

5.140(1) Adoption. Chapters 4 (through 54 of the uniform building code, 1976 Edition, as published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601 are hereby adopted by reference as the construction rules and regulations, Division 1, Part 4 of the Iowa state building code, administration section, with the following revisions and amendments.

a. Chapters 1, 2 and 3 of the uniform building code, 1976 Edition, are deleted and replaced by the administration rules and regulations, Division 1, Parts 1, 2 and 3 of this code.

b. Delete all appendices to the uniform building code, 1976 Edition, and all references hereto.

c. Section 502 last paragraph, line 2 delete reference to section 306 and replace with subsection 5.130(13).

d. Chapter 14, add new section 1414 to read:
Special Construction Requirements

Sec. 1414(a) Foundation Retaining Walls. Notwithstanding other design requirements of Chapter 24, 26 and 29, foundation retaining walls for group R, Division 3 occupancies of Type V construction may be constructed in accordance with the provisions set forth, provided that use, or building site conditions affecting such walls are within the limitations specified herein.

1. The maximum height of the foundation wall shall be seven feet eight inches measured between the foundation plate and a concrete floor slab having a minimum thickness of three and a half inches. If such floor slab is not provided, a specially designed means of providing lateral support at the bottom of the wall shall be required.

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

3. Material used for back-filling shall be carefully placed granular soil of average or high permeability except the top two feet may be an impervious type material and shall be drained with an approved drainage system. The wood and earth separation requirements of Sec. 2517 Subsection (c)7 shall be observed at all times.

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

(b) Hollow Concrete Masonry Foundation Walls.

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

2. All footings shall be of cast-in-place concrete having a minimum compressive strength

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

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

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

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

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

(i) The minimum thickness of wall shall be seven and one-half inches (7½").

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

e. Section 1711. Delete subsections (a), (b), and (c) and insert new subsections in place thereof.

(a) Floors and walls. In other than dwelling units, toilet room floors shall have a smooth, hard, nonabsorbent surface such as portland cement, concrete, ceramic tile or other approved material which extends upward onto the walls at least four inches. Walls within water closet compartments and walls within two feet of the front and sides of urinals shall be similarly finished to a height of four feet and, except for structural elements, the materials used in such walls shall be of a type which is not adversely affected by moisture.

(b) Toilet facilities. Water closet compartments in all occupancies shall be not less than thirty inches in width and shall provide a clear space in front of the water closet not less than twenty-four inches.

(c) Other toilet facilities. For other provisions see Division 7, "Handicapped Rules and Regulations" in this code.

Delete sections 1712 and 1713.

f. Section 1807(a) Add new paragraph at end of subsection (a).
"Buildings having floors used for human occupancy located less than seventy-five feet above the lowest level of fire department vehicle access, but of greater height than the ladder capability of the local fire department, shall conform to the requirements of this section in addition to other applicable requirements of this code."

g. Section 1807(i) Delete the last sentence of the first paragraph, and add a new sentence.

"For other requirements, contact the Iowa state labor commissioner and chapter 51 of this code."

h. Section 1807(m). Delete Subsection (vi).

i. Section 2305(d) 1. Delete the last sentence of paragraph 2, and insert the following:
Roofs shall sustain a minimum snow load of 30 pounds per square foot. The building official shall determine if conditions warrant the need for greater snow loads.

j. Section 2310. The minimum horizontal wall anchorage force of 200 pounds per lineal foot of wall shall not be applicable.

k. Section 2312. Add to subsection 2312(a) after the first paragraph the following: The requirements of section 2312, Earthquake Regulations shall be applicable only to those buildings or structures listed hereinafter:

1. Any building housing a Group A, E, I, Group H, Division 1, or Group H Division 2 occupancy.

2. Any tower structure exceeding fifty feet in height, including, but not limited to, water towers and transmission towers.

3. Any major public building or structure, including, but not limited to, office buildings, police stations, fire stations, water treatment and/or supply facilities, sewage treatment facilities, bridges.

4. Any other building or structure other than those listed above, in which the fundamental period of vibration "T" is in excess of one-half a second.

l. Table 24H Footnote No. 3 shall not be applicable for seismic zone No. 1.

m. Table No. 29-A Delete Table and insert in place thereof:

| Number of Stories | Thickness of Foundation Walls (Inches) | | Minimum Width Footing (Inches) | Thickness of Footing (Inches) | Minimum Depth of Foundation Below Natural Surface of Ground and Finish Grade (Inches) |
|-------------------|--|--------------|--------------------------------|-------------------------------|---|
| | Concrete | Unit Masonry | | | |
| 1 | 8 | 8 | 16 | 8 | *42 |
| 2 | 8 | 8 | 16 | 8 | *42 |
| 3 | 10 | 12 | 18 | 12 | *42 |

*NOTES: See Sec. 2905 for requirements for unusual conditions. If unusual or deeper frost conditions may be encountered, the building official may require additional depth.

n. Table 33A Delete right hand column "Egress by means of a ramp or an elevator must be provided for the physically handicapped as indicated." (See Division 7. Rules and Regulation for the Handicapped, Table 705A for Accessibility Requirements.)

o. Section 3704(c) Anchorage requirements of this section shall apply to Seismic Zone No. 1 within the State of Iowa.

p. Sec. 5101, Paragraph 2. Delete paragraph and insert in place thereof.

"Compliance with the rules and regulations of Elevator Division of the Department of Labor of Iowa shall also be herein required, and in the event of a conflict of provision in this code, the rules and regulations promulgated by the department of labor shall apply".

In addition to these provisions, see section 1807 of the uniform building code 1976 for elevator requirements in high rise buildings, and Division 7 of the state building code, administration section for compliance with handicapped requirements.

5.141 to 5.199 Reserved.

DIVISION 2

630—5.200(103A) Electrical rules and regulations.

5.200(1) Adoption. Chapters 1 to 9 of the National Electrical Code, 1975 Edition, NFPA No. 70 as published by the National Fire Protection Association, 470 Atlantic Avenue, Boston, Mass. 02210, are hereby adopted by reference as the Iowa Electrical Rules and Regulations, Division 2 with the following deletions and amendments.

a. Article 90. Delete the text of Article 90 and insert in place thereof:

90.1 Purpose.

The purpose of these rules and regulations is the practical safeguarding of life and property from hazards arising from the use of electricity.

90.2 Scope.**(a) Provisions covered.**

1. Electrical conductors and equipment installed within or on public and private buildings or other structures, including yards, carnival, parking and other lots and industrial substation.

2. Conductors that connect the installation to a supply of electricity.

3. Other outside conductors on the premises.

(b) Provisions not covered.

1. Installations in ships, watercraft, railway rolling stock, aircraft, automotive vehicles and mobile homes constructed to the Federal standards.

2. Installations underground in mines.

3. Installations of railways for generation, transformation, transmission or distribution of power used exclusively for operation of rolling stock or installations used exclusively for signaling and communication purposes.

4. Installations of communication equipment under exclusive control of communication utilities, located outdoors or in building spaces used exclusively for such installations.

5. Installations under the exclusive control of electric utilities for the purposes of communication, metering; or for the generation, control, transformation, transmission and distribution of electric energy located in buildings used exclusively by utilities for such purposes or located outdoors on property owned or leased by the utility or on public highways, streets, roads, etc., or outdoors by established rights on private property.

b. Appendix—Note: The Appendix has not been adopted as a requirement of these rules and regulations but may be used as general information concerning NFPA.

5.201-5.299 Reserved.

DIVISION 3**630—5.300(103A) Mechanical rules and regulations.**

5.300(1) Adoption. Chapters 4 to 20, and Appendices A, B, and C of the Uniform Mechanical Code, 1976 Edition as jointly published by the International Association of Plumbing and Mechanical Officials, 5032 Alhambra Avenue, Los Angeles, California 90032, and the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, are hereby adopted as the Mechanical Rules and Regulations, Division 3, of the state building code with amendments as follows:

a. Section 404, Building code. Delete definition and insert in place thereof: "Building code is the 1977 Edition of the Construction Rules and Regulations, Division I of the Iowa State Building code."

b. Appendix B. Delete Sec. 2203.

5.301 to 5.399 Reserved.

DIVISION 4**630—5.400(103A) Plumbing rules and regulations.**

5.400(1) Adoption. Chapters 1 to 13, of the Uniform Plumbing Code, 1976 Edition as published by the International Association of Plumbing and Mechanical Officials, 5032 Alhambra Avenue, Los Angeles, California 90032, are hereby adopted by reference as the Plumbing Rules and Regulations, Division 4, of the Iowa state building code, with amendments as follows:

a. Section 201 Delete the subsections, e, f, g, h, i, and j. (See 630—5.110(7) for alternate materials and methods of construction)

b. Section 209 Add

When backwater valves are required by section 409(a), they shall include a manually operated valve. In addition, approved valves which are automatic in operation as described in subsection 209(b) may also be used but are not required.

c. Table A—Plumbing Material Standards Delete reference to “homogenous bituminized fiber drain and sewer pipe”, on page 22.

d. Subsection 401(a) Delete exception 2 and rewrite as follows:

2. ABS or PVC installations are limited to residential construction not more than two stories in height. Residential construction shall include sleeping rooms of hotels or motels.

e. Subsection 409(a). Add the following exception after 409(a):

1. EXCEPTION. The requirements of section 409(a) shall apply only when it is determined necessary by the administrative authority or the engineers of the governing body, based on local conditions.

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

g. Section 502. Delete Subsection (a) and add:

(a) No vents will be required on a downspout or rain leader trap, a backwater valve, a subsoil catch basin trap, a three (3) inch basement floor drain, or a water closet provided its drain branches into the house drain on the sewer side at a distance of five (5) feet or more from the base of the stack and the branch line to such a floor drain or water closet is not more than twelve (12) feet in length.

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

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

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

(c) In basements of residential construction a stand-pipe receptor for any clothes washer may discharge directly over a floor drain.

j. Section 608. After the word “MACHINE” in the last paragraph substitute a comma for the period, and add the following sentence:
“or by looping the discharge line of the dishwasher as high as possible near the flood level of the kitchen sink where the waste disposer is connected.”

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

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

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

a. One fixture of two or less units may drain into the vent of a three inch closet branch.

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

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

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

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

4. Basement closets. Basement closets or floor drains may be vented by the waste line from a first floor sink or lavatory having a 1½-inch waste and vent pipe.

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

| Trap Arm | Distance Trap to vent | |
|--------------|-----------------------|--------|
| | Feet | Inches |
| 1¼ | 5 | 0 |
| 1½ | 6 | 0 |
| 2 | 8 | 0 |
| 3 | 12 | 0 |
| 4 and larger | 12 | 0 |

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

Sec. 1105. Size of building sewers.

The size of any building sewer shall be determined on the basis of the total number of fixture units by such sewer, in accordance with Table 4-3, except that the minimum diameter for any building sewer regardless of the number of fixtures shall be four inches.

n. Appendicies. Appendix A, B, C, D, E, G, H, and I are not approved as rules, however they may be used as a point of reference when circumstances warrant.

5.401—5.499 Reserved.

DIVISION 5

630—5.500(103A) One and two-family dwelling rules and regulations.

5.500(1) Adoption. The one and two-family dwelling code, Chapters 2 to 26, Appendices A, and B, 1975 Edition, published under the auspices of the Nationally Recognized Model Code Group listed in Division 1, Part 2, Subrule 5.121(1) of this Code is approved as an optional alternate for one and two-family dwellings to the Uniform Building Code, National Electrical Code, Uniform Plumbing Code and the Uniform Mechanical Code, with the following deletions and amendments.

a. Delete Sec. R-202, including Table 2-A. Insert new paragraphs and Table 2-A to read:

General Design Requirements.

Sec. R-202—Design criteria set forth in Division I of the construction rules and regulations of this code as repeated herein shall apply to one- and two-family dwellings: Horizontal wind pressure shall be considered as acting upon the gross area of the vertical projection of that portion of the building or structure measured above the average level of the adjoining ground.

Table 2-A. Wind Pressure

| Height Zones (Feet) | Wind Pressures-Map Areas Zone 30 (Pounds per sq. ft.) |
|------------------------|--|
| Less than 30 | 25 |
| 30 to 49 | 30 |
| 50 to 99 | 40 |

Roof snow loads shall be required to sustain a minimum snow load of 30 pounds per square foot.

No roof shall be designed for live loads less than the required minimum snow load. Snow loads reduced for each degree of pitch over 20 degrees as determined by the following formula:

$$R_s = \frac{S}{40} - \frac{1}{2}$$

Where:

R_s=snow load reduction in pounds per square foot per degree of roof pitch over 20 degrees.

S=Total snow load in pounds per square foot.

b. Sec. R-216. Smoke Detectors. Delete title and text of Sec. R-216 and insert in place thereof:

Fire warning system.

Sec. R-216. Every dwelling unit shall be provided with approved smoke detectors conforming to U.B.C. standard No. 43.6. Smoke detectors shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes. Care shall be exercised to insure that the installation will not interfere with the operating characteristics of the detector. When actuated the detector shall provide a clear and distinctive alarm.

c. Sec. R-302. Delete second paragraph and insert the following:

The ultimate compressive strength of concrete at 28 days shall be not less than 2000 pounds per square inch.

EXCEPTION: Where weathering may require a higher cement content or grade of masonry as determined by the local building official or others having jurisdiction, such material shall be subject to approval by the authority.

d. Sec. R-304. Delete reference to Table No. 2-A. "as established in Table No. 2-A."

Add a new paragraph to Sec. R-304:

In lieu of structural design when required by Table No. 3-B, the provisions of Division 1 Part 4 Subrule 5.140(1)d may be used when applicable.

e. Sec. R-308. Delete reference to Table No. 2-A in first paragraph and add: "appropriate map in Appendix."

5.500(2) *Application*. The use of the one-and two-family dwelling code as an alternate method of construction for one- and two-family dwellings by a local governmental subdivision (See 630—5.120(103A)) or a manufacturer for use in the construction of factory-built structures under the requirements of Division 5 of this code (See 630—5.600(103A)) voids all provisions of Division 1, Part 4, Division 3 and Division 4 which apply to one- and two-family dwellings.

5.501 to 5.599 Reserved.

DIVISION 6

PART 1

630—5.600(103A) Factory-built structures rules and regulations

630—5.601(103A) **Definitions**. These definitions apply to all parts of this division. Definitions found in Division 1 also apply in this division. This section covers terms and definitions that will be defined herein for purposes of clarification when used in Part 1.

5.601(1) "*Section*". A division of a factory-built structure that must be combined with other sections to form a complete structure.

5.601(2) "*Unit*". A single factory-built structure approved by the state building code commissioner. Units may be combined to form a larger complex structure or may be a combination of sections.

5.601(3) "*Modular*". A general term to describe all factory-built structures which are not mobile homes, mobile home add-on units, or temporary field construction offices, including, but not limited to, panelized units, components, sections, modules.

5.601(4) "*Module*". A unit or a section which is assembled in its final form and transported in such a manner.

5.601(5) "*Component*". Any part, material or appliance which is built in as an integral part of the factory-built structure during the manufacturing process, or any factory-built system subsystem or assembly not approved as part of a unit, section, or module.

5.601(6) "*Structure*". That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some

definite manner except transmission or distribution equipment of public utilities. The word structure includes any part of a structure unless the context clearly requires a different meaning.

5.601(7) "Factory-built structure". Is any structure, building, component, assembly or system which is of closed construction and which is made or assembled in manufacturing facilities, on or off the building site, for installation or assembly and installation, on the building site. Factory-built structure may also mean, at the option of the manufacturer, any structure or building of open construction, made or assembled in manufacturing facilities away from the building site, for installation, or assembly and installation, on the building site. Factory-built structure also means "Factory-built unit".

5.601(8) "Closed construction". Is any structure, building, component, assembly or system manufactured in such a manner that all portions cannot be readily inspected at the installation site without disassembly, damage to, or destruction thereof.

5.601(9) "Open construction". Is any structure, building, component, assembly or system manufactured in such a manner that all portions can be readily inspected at the installation site without disassembly, damage to, or destruction thereof.

5.601(10) "Building". A combination of materials, whether portable or fixed, to form a structure affording facilities or shelter for persons, animals or property. The word "building" includes any part of a building unless the context clearly requires a different meaning.

5.601(11) "Building component". Is any part, subsystem, subassembly, or other system designed for use in, or as part of, a structure, including but not limited to : Structural, electrical, mechanical, fire protection, or plumbing systems, and including such variations thereof as are specifically permitted by regulation, and which variations are submitted as part of the building system or amendment thereof.

5.601(12) "Seal" or "insignia". A device or insignia issued to the manufacturer by the commissioner for affixing to a factory-built structure or system evidencing compliance with the code.

5.601(13) "Third-party agency". Is an approved person or organization, private or public, determined by the state building code commissioner to be qualified to act as an evaluation, inspection, testing, or listing agency, as defined in this section.

5.601(14) "Code compliance certificate". Is the certificate prepared by an approved manufacturer and submitted by the manufacturer.

5.601(15) "Model or model groups". One or more manufacturer-designed modular homes which can constitute one model group.

5.601(16) "Building department". An agency of any governmental subdivision charged with the administration, supervision, or enforcement of building regulations, prescribed or required by state or local building regulations.

5.601(17) "Evaluation or inspection agency" is an approved person or organization, private or public, determined by the commissioner to be qualified by reason of facilities, personnel, experience and demonstrated reliability and independence of judgment, to investigate, evaluate and approve factory-built structures or building, building components, building systems, or compliance assurance programs.

5.601(18) "Independence of judgment" means not being affiliated with or influenced by or controlled by building manufacturers or producers, suppliers, or vendors of products or equipment used in factory-built structures or buildings and building components in any manner which is likely to affect their capacity to tender reports and findings objectively and without bias.

5.601(19) "Testing agency". An organization approved by the commissioner which is:
a. Qualified and equipped for the testing, observation, evaluation, or approval of building components, construction, materials, equipment, or systems as regulated by approved standards;
b. Not under the jurisdiction, affiliation, influence, or control of any manufacturer or supplier of any industry;

c. Makes available a published report in which specific information is included certifying that the equipment and installations listed or labeled have been tested and found acceptable according to approved standards.

5.602—5.609 Reserved.

630—5.610(103A) “**Modular factory-built structures**” Part 1 of Division 6 contains the rules and regulations which are to apply to all factory-built structures which are not specifically included in Part 2 of this division.

5.610(1) *Authority to promulgate rules.* Provisions contained within all sections of Part 1 are authorized under section 103A.9.

5.610(2) *Scope.* The provisions contained within Part 1 shall apply to the following:

a. Plan evaluation, manufacture, inspection, and installation of “modular factory-built structures,” of closed-type construction and of open-type construction for those manufacturers who have by option chosen to have their building component, assembly or system considered to be closed construction.

b. Approval by the commissioner or his designated representative of an organization or person referred to as a third-party agent, or independent inspection agency.

c. All “modular factor-built structures” manufactured for installation in Iowa after February 1, 1973.

5.610(3) *Applicability.*

a. Every modular factory-built structure, building, building system, component, assembly or system manufactured for installation in Iowa, on or after February 1, 1973 shall bear a seal issued by the commissioner which certifies that the unit complies with the code and that the certificates and approvals required by these rules have been submitted or obtained.

b. Every modular factory-built structure, building, building system, component, assembly, or system, manufactured before February 1, 1973, and proof of such manufacture date is in writing, shall not be required to bear an Iowa seal. A certificate of title dated before February 1, 1973 or manufacturer’s data plate information will be satisfactory evidence of manufacture date. The local building official shall determine if those units manufactured before February 1, 1973 are safe and acceptable according to approved standards, before installation is permitted.

c. Certified buildings and modular structures moved after the first installation shall comply with the provisions of this code. Local enforcement agencies shall determine if those moved buildings or structures meet the requirements of this code and local zoning ordinances.

5.610(4) *Administration.* This section covers the basic requirements for constructing modular structures and all of the administrative procedures under which the modular program functions including methods of certification approval, manufacturing requirements, inspection and installation.

5.610(5) *Modular construction requirements.* All factory-built structures not designated as a mobile home, mobile home add-on or a temporary field construction office shall be constructed to the requirements in Division 1, Part 4, Division 2, Division 3, Division 4, or the alternate method of construction as provided for in Division 5.

5.610(6) *Procedures of approval.* The method of third-party certification approval shall be used. Approvals shall be through the building code commissioner and evidence of approval or conditional approval must be on file at each manufacturing plant. All plans and specifications and other documentation for these units must be approved by a third-party agency and certified by a registered architect or engineer where required by the Iowa Code. All plant facilities and in plant inspections shall be made and approved by a third-party agency.

5.610(7) *Certificate of compliance.* The manufacturer shall provide the building code commissioner with a certificate of compliance for each model or model group of the approved modular design. This certification shall be on a copy of Form ISBC-3 and shall include the following:

a. Model or model group number which will appear on the data plate and compliance certificate.

b. The signature of an authorized representative of the manufacturer.

c. The name of the third-party agency certifying compliance with the code, for each of the three certifications.

d. Evidence of code compliance certified by the third-party agencies, for the specific model or model group being submitted.

e. The type of Iowa seal and prefix letters which will be attached to the modular structure.

5.610(8) Limitations. For all types of structures other than one and two-family dwellings, there shall be, with the certificate of compliance, an attached statement which sets out the limitations of the structure based on fire zones, type of construction, area, and height limitations. A statement to the effect that the structure should not be used except where it meets these conditions will not be acceptable.

5.610(9) Certification seals. Every module, unit, section, or component shall have a state seal securely affixed. When components and systems are included within a module, section or unit and have been approved by the third-party agency to be part of that module, section or unit, only one seal is required for the module, section, or unit.

5.610(10) Seal issuance. The state seal shall be issued by the state building code commissioner upon application and after approval of the plans and manufacturing procedures have been certified by the third-party agency evidencing compliance with this code. Applications for seals shall be made to the commissioner on the supplied form and include the following:

a. Number of seals requested for each type of seal and the letter prefix when required.

b. Iowa model or system approval numbers and third-party agency or agencies included.

c. Reference to manufacturing procedures approval and third-party agency or agencies involved.

d. A statement by the applicant that he consents to inspection and investigation by the state at all reasonable hours.

e. The seal fees.

5.610(11) Seal types and prefixes. When ordering seals the manufacturer shall indicate the number of each type of seal requested and the letter prefixes required. MOD type seals shall be attached to all modular units which are as constructed to provisions of Division 6, Part 2 of these rules. Prefix letters (A, B, C, D, etc.) shall be required on seals for all multiple sectioned structures and the seal numbers shall be identical except for the prefix letters. Prefix letters are not required for single-unit structures.

5.610(12) Seal placement on modular units. Every seal shall be assigned and securely affixed to a specific section or unit. Assigned seals are not transferable and are void when not affixed as assigned and all such seals shall be returned to or may be confiscated by the commissioner. The seal shall remain the property of the commissioner in the event of violation of the conditions of approval. Every seal shall be placed and affixed to each section or unit in a readily visible location.

5.610(13) Denial and repossession of seals. Should investigation or inspection reveal that a manufacturer is not constructing modular units in accordance with the plans approved by the third-party agency, and such manufacturer, after having been served with a notice setting forth in what respect the provisions of these rules and the Code have been violated, continues to manufacture units in violation of these rules and the Code, applications for new seals shall be denied and the seals previously issued shall be confiscated. Upon satisfactory proof of compliance such manufacturer may resubmit an application for seals.

5.610(14) Seal removal. In the event that any unit bearing the seal is found to be in violation of the Code, the commissioner may remove the seal (after furnishing the owner or his agent with a written statement of such violations). No new seals shall be issued until proof of corrections has been submitted to the commissioner.

5.610(15) Lost or damaged seals. When or if a seal has been lost or damaged, the commissioner shall be notified immediately in writing by the manufacturer. The manufac-

turer shall identify the unit serial number, and when possible, the seal number.

a. All seals that are damaged shall be promptly returned to the commissioner.

b. Lost and damaged seals shall be replaced by the commissioner with a new seal upon payment of the seal fee as provided in this section.

5.610(16) *Return of seals.* When a manufacturer discontinues production of a unit carrying plan approval, the manufacturer shall within ten days advise the commissioner of the date of such discontinuance and either return all seals allocated for such discontinued unit or assign said seals to other approved units.

5.610(17) *Compliance certificates.* Each manufacturer will provide compliance certificates as prescribed on Form ISBC-1 issued by the building code commissioner when seals are purchased. The manufacturer shall complete this form and distribute it as follows:

a. Copy 1A is returned to:

Building Code Commissioner
Division of Municipal Affairs
Office for Planning and Programming
523 E. 12th Street
Des Moines, IA 50319

b. Copy 2A is retained for plant records and to be used to make additional copies if necessary. Such an additional copy must accompany other shipping documents carried by the transporter and be available for inspection by any authorized official or department.

c. The remainder of the compliance certificate is forwarded to the dealer, distributor, or any other person who is to obtain a local building permit, or oversee installation.

5.610(18) *Installation certificates.* The installation certification portion of the supplied form ISBC-2 shall be completed either by the local building official or the installer.

a. When a building permit is required, Forms 1B, 3A, and 3B are presented to the local building official at the time application is made for a permit. The building official shall sign Forms 1B and 3B and forward Form 1B to the commissioner at the address designated in this section.

b. When a building permit is not required, Forms 1B and 3B are signed by the installer and forwarded to the commissioner at the address designated in this section.

5.610(19) *Manufacturer's data plate for modular units.* The following information shall be placed directly or by reference on one or more permanent manufacturer's data plates in the vicinity of the electrical distribution panel box or in some other designated location that is readily accessible for inspection.

a. Manufacturer's name and address.

b. Serial number of the structure or unit.

c. Model designation and name of each of the manufacturer's of major factory installed appliances.

d. Wherever applicable, identification of permissible type of gas for appliance and direction for water and drain connections.

e. Name and date of the standards complied with in construction of this structure or unit.

f. The seal serial number.

g. Design loads and special conditions or limitations.

h. Date of manufacture.

i. Electrical ratings. Instructions and warnings on voltage, phase size and connections of units and grounding requirements.

5.610(20) *Installation of modular units.* Every factory-built structure constructed as a modular unit shall conform to the installation procedure requirements outlined in 5.630 of Division 6, Part 3. See 5.630(4) of Division 6, Part 3, for exception.

5.610(21) *Requirements and procedures for obtaining third-party agency approval.*

a. The commissioner or his designated representative shall be responsible for approving any person, state or organization who submits an application to the commissioner for approval and whose application is accompanied by written material evidencing that said agency is:

1. Capable of discharging without bias the responsibilities assigned by these regulations.
2. Not under the jurisdiction or control of any manufacturer or supplier of any industry.
3. Professionally competent with independence of judgment to perform the function for which he (or they) are commissioned.

4. Qualifies to submit all findings regarding code compliance in a detailed report to the commissioner.

5. Willing to be inspected and reviewed by the commissioner for all phases of his (or their) work.

b. The commissioner may consider the information supplied by the application such that the scope of the agencies approval may be limited to particular types of factory-built structures, buildings, building systems, components assemblies or system.

c. Other states wishing to exercise application with this state in order to act in the capacity of an approved third-party agency, may do so provided that:

1. The state laws for issuing seals or insignia for code compliance are equally effective as those specified in this code.

2. The conditions in (1) are enforced in their state.

3. Other states agree to monitoring of this reciprocal agreement by representatives of this state assigned by the commissioner.

4. Violations of any condition as part of the reciprocal agreement may be deemed just cause for revocation or suspension of this agreement by the commissioner.

5.610(22) *Reapproval of third-party agencies.* Any agency approved by the commissioner or his designated representative must file for reapproval annually. Such application for reapproval may be filed at any time from the forty-fifth day prior to the scheduled annual expiration date of the current approval. The applying third-party agency seeking reapproval shall completely and accurately furnish all pertinent information as is necessary to make current the information previously submitted to the commissioner or his representative as part of its original application for approval and all subsequent applications for reapproval. The application for reapproval shall then become a permanent record of the department administering the provisions of the code. Should there be no change in the status of the applying agency from its original application for approval, an affidavit to that effect shall suffice for consideration of approval.

5.610(23) *Third-party agency responsibilities.*

a. Follow enclosed rules for third-party agency approval outlined previously in this section.

b. Evidence of approval by the state must be on file at each manufacturing facility.

c. Notify the commissioner when they have contracted with a manufacturer to serve as their third-party agency.

d. Plans and specifications must be approved by the third-party agency.

e. File of all plans and documents must be maintained at each manufacturing facility and in the third party office.

f. Send a report to the commissioner stating that the plans and specifications are in compliance with the Iowa state building code.

1. Plans and specification are not necessary for submittal with this report.

2. A list of approved models for each manufacturing facility.

3. Verify that all engineering documents have been signed by a registered engineer or architect.

4. Update the report as necessary.

5. Indicate approval of installation procedures for all of these structures as well as the personnel who will do the installation. However, installation of factory-built structures shall be, in addition to provisions of this code, in accordance with any local ordinances which apply. (That is those construction processes which are not included as part of the state approval).

g. Notify the manufacturer of plan and specification approval including model numbers for use in preparing certificates of compliance.

h. Inspect manufacturing facilities and review or establish a quality control program and test procedure.

i. Notify the manufacturer of facilities approval for use in preparing certificates of compliance.

j. Prepare an inspection manual to be used by the third-party inspectors and the commissioner. This manual shall be on file at each manufacturing facility.

k. Report to the state outlining in-plant procedures and include a typical inspection check-off sheet.

l. Notify the manufacturer when in-plant inspection program is in force for use in preparing certificates of compliance.

m. Report each quarter to the state for each manufacturer and submit information as follows:

1. Account for all Iowa seals used by each manufacturer during the quarter.
2. Manufacturers serial number and model number.
3. Third-party seal number.
4. Iowa seal number.
5. The portion of the unit which was actually inspected during an in-plant inspection.

5.610(24) *Third-party agency documentation and plan verification.* The third-party agency will be responsible for the investigation, evaluation, review of test results, of plans and documents, and each revision thereto submitted to the agency by the manufacturer with which it has a contract for compliance with applicable requirements set forth in this code. Such a review shall include but not be limited to:

a. All documentations and plans shall indicate the manufacturer's name, office address, and manufacturing facility address.

b. Manufacturers plans shall show all elements relating to specific systems on drawings properly identifiable.

c. Each plan which contains material requiring engineering evaluation shall bear the signature and seal of a registered architect or engineer.

d. The plans shall also indicate the method of evaluation and inspection for all required on-site testing of each system.

e. Plans shall designate all work to be performed on site, including all system connections, equipment and appliances and all work performed within the plant.

f. Space shall be provided on all sheets of plans near the title box for the approved stamp.

g. Individual system design or any structural design or method of construction and data shall be in accordance with the Iowa state building code. Plumbing, electrical, heating and mechanical systems constitute individual system designs.

h. Grade, quality, and identification of all materials shall be specified.

i. Design calculations and test reports shall be submitted when specified or required.

j. Plans shall be drawn to scale.

k. Plans shall indicate the location of the approved seal and data plate locations.

l. Copies of approved plans showing third-party agency approval shall be on file at each manufacturing facility or made readily available.

m. Review and approval of all installation procedures must conform to the following:

1. Crews performing installation which are under the jurisdiction of the unit manufacturer or his designee, are approved as competent by the authorized third-party agency.

2. Copies of the installation manual must be available during installation for use by the commissioner or his representative or by the local building official.

3. Installation of all units must conform with provisions as specified in 5.630 of Division 6, Part 3.

5.610(25) *Third-party agency plant investigation for quality control.* All manufacturing facilities shall be inspected to the performance objectives as stated in the Iowa state building code. These include as follows:

a. Review of the manufacturer's quality control manuals or establishing a quality control procedure to insure code compliance.

b. Implementation of inspection and test procedures which will control the quality of fabrication and workmanship.

c. Make a complete report to the commissioner that includes certification of all manufacturing procedures.

5.610(26) *Third-party agency in-plant inspections.* To assure compliance with the approved specifications and plans and the Iowa state building code and in conjunction with monitoring each manufacturer's quality control program, every approved third-party agency shall:

a. Maintain a record of inspections and such records shall be reported to the commissioner every quarter and include the seal report.

b. Witness and verify all required testing in accordance with the Quality Control Manual.

c. Certify that all seals are being attached as required and only after each unit meets the code requirements.

d. Prepare a detailed inspection manual that specifies the third-party agency procedures in making the required inspections and have this manual available for use by the commissioner or his representative when periodic inspection monitoring is performed.

e. One hundred percent inspection is not required, however some part of every unit is required to be inspected. A complete inspection of a typical structural plumbing, heating and electrical system shall be made each visit to the manufacturing facility.

5.610(27) *Requirements and procedures for modular manufacturers.*

a. Every manufacturer shall be responsible for all corrective actions required and the contractual agreement that each has with the approved third-party agency shall not diminish this responsibility.

b. Every manufacturer shall notify the building code commissioner that his facility desires to construct units which are to be installed in the state of Iowa.

c. Every manufacturer shall contract with an approved third-party agency to perform all duties listed in 5.610(23), 5.610(24), 5.610(25), and 5.610(26). The commissioner will furnish a list of approved third-party agencies upon request.

d. Every manufacturer shall file certificates of compliance with the commissioner for each model or model group, after all third-party reviews are completed. Whenever additional models or changes are proposed, the manufacturer shall file additional certificates of compliance or request that additions be made to existing model lists.

e. Every manufacturer shall notify the commissioner in writing within sixty days after the effective date of this code, the current Iowa approval(s) number that the manufacturer has been assigned and the models which will be manufactured to these standards. Approvals which have not been reaffirmed within this sixty-day period shall be considered to be canceled.

f. Every manufacturer shall purchase Iowa Seals from the office of the commissioner in accordance with requirements of 5.610(10).

g. All units or sections shall have seals if manufactured after February 1, 1973 and if they are to be installed in Iowa.

h. Every manufacturer shall complete and furnish compliance certificates and installation certificates in accordance with the requirements of 5.610(17) and 5.610(18).

5.610(28) *Local issuance of building permits.*

a. The issuance of building permits and occupancy permits shall be according to local ordinances.

b. Local building codes and regulations shall apply to all parts of any project which are not included in the state approval of either the manufactured structure or the installation procedure.

c. The provisions for installation of factory-built structures in Division 6 Part 3 shall apply.

d. Nothing in these rules or the state building code exempts any building or structure from the requirements of local zoning or fire zone requirements.

5.610(29) *Changes and alterations to factory-built structures.*

a. Changes to approved plans, drawings or installation instructions proposed by the manufacturer or third-party agency are to be requested in writing and submitted to the building code commissioner. All work being performed in the manufacturing plant that is affected by these changes will not proceed until written approval is received from the commissioner. Where these changes do not affect code compliance, then approval is permitted when changes are authorized through the third-party agency and said changes are then incorporated into the design documents.

b. The commissioner shall notify the manufacturer and the third-party agency of all amendments, deletions or additions to the code provisions and the commissioner shall allow the manufacturer a reasonable time frame in which to submit a request for a change in plan approval, if required, in order to conform to the code change.

c. Basic changes in manufacturing facility locations, company name or address changes, and changes resulting in companies changing ownership or dissolving their business are all to be reported promptly to the commissioner, in writing, generally within a two-week period after said change was made. The manufacturer shall also notify the third-party agency of said changes.

d. Alterations to factory-built structures pursuant to the construction, plumbing, heat producing, electrical equipment or installation or fire safety in a unit after an Iowa seal has been affixed are all considered to be subject to the same requirements that exist for any structure within the local jurisdiction.

e. The following shall not constitute an alteration to a factory-built structure.

1. Any repairs to approved component parts.
2. Conversion of listed fuel-burning appliances in accordance with the terms of their listing.
3. Adjustment and maintenance of equipment installed in the factory-built structure.
4. Replacement of equipment in kind.

5.610(30) Fees.

a. *Form of remittance.* All remittance shall be:

1. In the form of checks or money orders.
2. Payable to: Iowa State Treasurer.
3. Addressed to:

Building Code Commissioner
Division of Municipal Affairs
Office for Planning and Programming
523 E. 12th Street
Des Moines, Iowa 50319

b. *Seals.*

1. Fees for seals:

| | |
|------------------------------|------------------|
| No prefix or "A" prefix | \$20.00 per seal |
| B, C, D, E and etc. prefixes | \$ 5.00 per seal |
2. Replacement seals: \$ 5.00 per seal

c. *Installation fees.* See 630—5.631(11) for fees relating to installation of factory-built structures.

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

5.610(31) Noncompliance to code provisions. Any noncompliance or unauthorized deviation with the provisions of this code from the approved plans or production procedures shall be just cause for the revocation of the plan approval and the return of the seals.

5.611 to 5.619 Reserved.

DIVISION 6

Part 2

630—5.620(103A) Mobile home construction.

5.620(1) Authority to promulgate rules. Pursuant to section 604 of Public Law 93-383, the National Mobile Home Construction and Safety Act of 1974, specified in 42, U.S.C. 5403 and signed into law on August 22, 1974, the authority to promulgate rules and regulations in order to establish federal mobile home construction standards and procedures of enforcement were established by Congress and subsequent provisions for their implementation were so granted to the United States Department of Housing and Urban Development (HUD). Title VI of this Act authorizes the Secretary of HUD to promulgate the federal standards and to issue the rules and regulations to insure adequate administration and enforcement of such standards.

5.620(2) Scope and applicability.

a. All provisions contained within part 2 shall apply to all factory-built structures defined as a "mobile home" in subrule 5.620(3) of part 2. These regulations shall govern mobile homes that enter the first stage of production on or after June 15, 1976, and mobile homes that entered the first stage of production prior to June 15, 1976 to which HUD (Department of Housing and Urban Development) labels were affixed. These provisions supercede all local, state, or other governmental regulations for mobile home standards and are applicable for every mobile home unit newly manufactured and offered for sale in the United States and its governing territories. These provisions do not apply to the following:

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

(2) Mobile homes manufactured for installation in the state of Iowa on or after February 1, 1973 and prior to June 15, 1976. (These provisions are covered in subrule 5.620(14) of Part 2.)

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

5.620(3) Definitions and terms. Terms and definitions for purposes of clarification when used in Part 2.

1. "**Mobile home**". A structure transportable in one or more sections which when erected on site measures eight body feet or more in width and thirty-two body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein.

2. "**Mobile home add on**". A structure which is designed and produced and to be made an integral part of a mobile home and will be considered part of the mobile home.

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

4. "**Multifamily home**". Mobile homes designed and manufactured with more than one separate living unit.

5. "**SAA**". A state administrative agency approved by the Department of Housing and Urban Development (HUD) to participate in the enforcement of all provisions to which a mobile home is regulated under the HUD standard.

6. "**IPIA**". A production inspection agency approved by (HUD) to perform the in-plant quality assurance inspection programs.

7. "**DAPIA**". A design inspection agency approved by (HUD) to perform in-plant design reviews on all drawings and specifications in order to provide compliance to the HUD code.

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

5.620(4) Administration. This section covers the basic requirements for constructing mobile homes and all of the administrative procedures under which the mobile home program functions including information pursuant to certification approval and manufacturing requirements. This section also applies to those structures defined in subrule 5.620(3) of Part 2 as mobile home add-on units, temporary field construction offices and multifamily homes. There are also included within Part 2, subrule 5.620(18) and 5.620(19) sections dealing with installation procedures and information pursuant to the handling of consumer complaints consistent with the duties of the state of Iowa to be performed as a state administrative agency (SAA) in conjunction with the mobile home program.

5.620(5) Mobile home construction requirements. All factory-built structures that are defined as a mobile home under subrule 5.620(3) of Part 2, shall be constructed to the standards as promulgated by the United States Department of Housing and Urban Development hereafter referred to as HUD. These standards were published as final rules in the December 18, 1975 issue of the Federal Register, Volume 40, No. 244. These standards are herein adopted and apply to all mobile homes manufactured after June 15, 1976. All provisions for mobile home procedural and enforcement regulations are covered within the May 13, 1976 Federal Register, Volume 41, No. 94. All factory-built structures defined as a mobile home by the federal standard must be manufactured and so regulated by these documents.

5.620(6) Procedures of approval for mobile homes. Every mobile home unit or structure approval will follow the method of third-party certification approval with all approvals obtained through the HUD secretary. All mobile home plans, specifications, documentation, plant facilities and in-plant inspections must be submitted to and approved by a third-party certification agency so designated by the HUD secretary. Rules and regulations pursuant to these procedures are outlined in the Mobile Home Procedural and Enforcement Regulations, Part 3282.351 which sets out all requirements to be met by states or private organizations which wish to qualify as primary inspection agencies (See subrule 5.620(3) of Part 2 definitions for IPIA and DAPIA).

5.620(7) Compliance certification. Every mobile home unit or structure must conform to the certification requirements within section 3282.205 of the mobile home procedural enforcement regulatory document.

5.620(8) Certification seals (labels) and other seal requirements. Every mobile home unit or structure must conform to the requirements within the mobile home procedural and enforcement regulatory document that are contained within seal procedures including provisions of section 3282.454 for monitoring inspection fees. These fees include the HUD label requirements.

5.620(9) Mobile home installation certificates. The installer of every mobile home will supply the Iowa building code commissioner with the signed and completed installation certificate issued by the Iowa building code commissioner, as designated in Division 6, Part 3.

5.620(10) Mobile home installations. Every mobile home installed in the state of Iowa will meet the provisions outlined in 630—5.630(103A).

5.620(11) Mobile home add-on units. Every factory-built structure manufactured as a mobile home add-on unit as defined in subrule 5.620(3) of Part 2 shall be constructed to the standards set forth in subrule 5.620(5) of Part 2 except that these units will bear an Iowa seal in accordance with the provisions of the Iowa state building code. Manufacturers of mobile home add-on units with the exception of constructing to the HUD standard, which has been herein adopted for these units, must comply with all other provisions of the Iowa state building code as described within Division 6 Part 1 for factory-built structures.

5.620(12) Multifamily homes. Every factory-built structure manufactured as a multifamily home within the definition contained in subrule 5.620(3) of Part 2 shall be constructed to the standards set forth in subrule 5.620(5) of Part 2 except that these units will

bear an Iowa seal in accordance with the provisions of the Iowa state building code. Manufacturers of multifamily homes, with the exception of constructing units to the HUD standard which has herein been adopted for these units, must comply with all other provisions of the Iowa state building code as described within Division 6 Part 1 factory-built structures.

5.620(13) *Temporary field construction offices.* Every factory-built structure manufactured as a temporary field construction office within the definition as contained in subrule 5.620(3) of Part 2 shall be constructed to the standards set forth in subrule 5.620(5) of Part 2 except that these units will bear an Iowa seal in accordance with the provisions of the Iowa state building code. Manufacturers of temporary field construction offices with the exception of constructing units to the HUD standard which has herein been adopted for these units, must comply with all other provisions of the Iowa state building code as described within Division 6, Part 1 factory-built structures.

5.620(14) *Manufacture of units prior to June 15, 1976.* Mobile home units, add-on units, multifamily homes and temporary field construction offices that were manufactured for installation in Iowa prior to June 15, 1976, which established the effective date of the HUD standard, shall have been constructed to the standards of mobile homes of the Iowa state building code which was in effect at the time of manufacture.

5.620(15) *Seal types for mobile home add-on units, temporary field construction offices and multifamily homes.* When ordering seals for mobile home add-on units, temporary field construction offices or multifamily homes, each manufacturer will indicate the number of each type of seal requested and the letter prefix required. Examples of seals issued are as follows: (A00-0000MH), (B00-0000MH), C, D, and E, etc. Single units are without prefix letters (00-0000MH). For more details, see Division 6, Part 1, subrule 5.610(10).

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

5.620(16) *Local requirements.* See Division 6, Part 1, subrule 5.610(28) for local permit and zoning requirements.

5.620(17) *Noncompliance.* Failure to conform to the provisions of Part 2 as they apply to the federal standard for the construction of mobile homes are subject to the penalties where applicable as set forth within Division 6, Part 1. The state of Iowa having adopted the federal standard and the enforcement regulations shall participate in the federal program as an agent of HUD thereby providing assurances to insure code compliance when these units are offered for sale for subsequent installation in the state of Iowa.

5.620(18) *Installation of mobile home add-on units, temporary field construction offices and multifamily homes.* Every mobile home add-on unit, temporary field construction office, and multifamily home shall conform to the installation provisions outlined in 630—5.630(103A).

5.620(19) *Consumer complaints.* The state building code department serving as an approved State Administrative Agency (SAA) for the federal Department of Housing and Urban Development shall receive complaints and process them in accordance with the requirements of the federal regulations as outlined in subpart I paragraph 3282.401 entitled Consumer Complaint Handling and Remedial Actions of the Mobile Home Procedural and Enforcement document. These specific complaints are categorized as possible imminent safety hazards or possible failures to conform to the federal standard. Imminent safety hazards shall be those items that could result in an unreasonable risk of injury or death to the occupants of the mobile homes. Failures to conform to the federal standard are those items that do not result in an unreasonable risk of injury or death to the occupants of mobile homes, but nevertheless do not meet the provisions of the federal standard in some specific manner.

5.621 to 5.629 Reserved.

DIVISION 6

PART 3

630—5.630(103A) Installation of factory-built structures.

5.630(1) Authority. These rules and regulations are formulated and adopted to establish reasonable and minimum safeguards in the installation of factory-built structures as authorized by section 103A.7 subsection 3, and section 103A.9, Code of Iowa, and apply only to the initial installation of factory-built structures manufactured on or after February 1, 1973, and to factory-built structures manufactured before February 1, 1973, which have never been installed in Iowa, and are approved by the commissioner. In the event these regulations differ with other standards published by national organizations or associations, the regulations herein shall govern in all cases.

NOTE: Amendments to chapter 103A which were enacted by the 1977 General Assembly effecting mobile home tie-downs for new or used mobile homes will be effective after January 1, 1978.

5.630(2) Enforcement. The commissioner shall administer and enforce all the provisions as set forth. Any person, agent, organization approved and certified by the commissioner shall inspect any installation system and equipment to ensure compliance with these regulations. After the effective date of these rules, no person, agency or organization shall install or connect a ground support or anchoring system, unless such system complies with these rules governing such installation. Evidence of such compliance shall be supported by the submission to the commissioner of a certificate of installation. One copy of such certificate will remain in possession of the owner of the anchored structure.

EXCEPTION: Obtaining installation seals and submission of certificates of installation for factory-built structures which are installed between the effective date of these rules and January 1, 1978 will not be required until after January 1, 1978.

5.630(3) Definitions. In addition to the definitions listed below, other definitions in this code shall apply.

a. Anchoring equipment. Straps, cables, turnbuckles, and chains, including tensioning devices, which are used with ties to secure a mobile home to ground anchors.

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

c. Baling. Baling is a method of "wrapping" a cross section (roof, walls, and floor) and the main frame (chassis) of a mobile home or other structures with straps.

d. Diagonal tie. A tie intended to primarily resist horizontal or shear forces and which may secondarily resist vertical, uplift, and overturning forces.

e. Footer. That portion of the support system that transmits loads directly to the soil, and shall be sized to support the loads shown herein.

f. Ground anchor. Any device at the mobile home stand designed to transfer mobile home anchoring loads to the ground.

g. Hurricane resistive mobile home. A mobile home which meets the wind design load requirements of HUD mobile home standards.

h. Main frame. The structural component on which is mounted the body of the mobile home.

i. Pier. That portion of the support system between the footer and the mobile home exclusive of caps and shims.

j. Stabilizing devices. Each mobile home, upon being installed on a mobile home stand, shall have stabilizing devices as specified herein, except that the authority having jurisdiction may not require compliance with the provisions on anchoring systems where low design wind velocities do not justify such systems.

k. Support system. A combination of footers, piers, caps, and shims that will, when properly installed, support the mobile home.

l. Tie. Strap, cable or securing device used to connect the mobile home to ground anchors.

m. Vertical tie. A tie intended to primarily resist the uplifting and overturning forces.

n. Certified installer. Approval by the commissioner or his designated representative of a person, dealer, agency or organization, certified to inspect, install or design ground anchoring systems for mobile homes or other manufactured structures who within any consecutive twelve-month period, installs for others three units at site of occupancy by attaching support and anchoring systems.

o. Certificate, installation. The certificate provided by the installer to both the commissioner and the owner which warrants that the support system complies with these rules.

p. Seal, installation. Is a device or insignia issued by the commissioner or building official upon application, supported by such evidence as deemed necessary to establish that the installer has been approved by the commissioner.

5.630(4) Installer approval. Application for certification as an installer must be submitted to the building code commissioner accompanied by written material that the applicant meets the following:

a. Has the training and capability of discharging without bias the provisions set forth.

b. Not under the control of any manufacturer or supplier, so as to impair his judgment with regard to safety of occupants.

c. Has the proper equipment and personnel to select the necessary anchor systems for various soil conditions.

d. Is familiar with manufacturers anchoring systems and equipment.

EXCEPTION: Installer approval will not be required when approved by a third-party as authorized by the Building Code Commissioner to review and approve the installation procedures of a specific manufacturer. (See 5.610(24)(m)).

630—5.631(103A) Installation seal procedures.

5.631(1) Application for seals. Any installer who has met the applicable requirements of 5.630(4) shall apply for installation seals. Such seals may be obtained from the commissioner or local building officials or building department who is a participant in the state's installation program.

5.631(2) Recertification. An approved installer shall renew his certification annually. The building code commissioner may require such written material as he deems necessary evidencing the applicants performance during the previous twelve months.

5.631(3) Incomplete installation. When climatic or other conditions interfere with the completion of installation, the installer will assign a specific seal for that incomplete installation and notify the commissioner stating the condition prohibiting the completion. When conditions permit the completion of installation, such installations shall be promptly finished and seal affixed in the manner as provided within. The certificate of installation shall be completed and copies dispersed as required.

5.631(4) Denial and repossession of installation seals. Should investigation or inspection reveal that an approved installer has not installed an anchoring system according to these rules and the code, the commissioner may deny such installer's application for new installation seals and any installation seals previously issued shall be confiscated. Upon satisfactory proof of modification of such installation bringing them into compliance, such dealer or installer may resubmit an application for installation seals.

5.631(5) Seal removal, installation. Should a violation of the rules and regulations regarding installation be found, the commissioner may remove the installation seal after furnishing the owner or his agent with a written statement of such violation. The commissioner shall not issue a new installation seal until corrections have been made and the owner or his agent has requested an inspection pursuant to 5.632(3) under Inspections.

5.631(6) Placement of seal, installation. Only one installation seal shall be assigned to a mobile or modular home or other miscellaneous structures whether such consists of one or multiple units. The installation seal shall be placed in a readily visible location adjacent to the state factory-built seal.

5.631(7) *Lost or damaged seals, installation.* When an installation seal is lost or damaged, the commissioner shall be notified in writing. The notice shall identify the construction seal serial number, the manufacturer, the manufacturer's serial number and the location of the installation, and where available, the date of installation of the unit including the installation seal serial number. Damaged or lost installation seals shall be replaced by the commissioner upon payment of the installation seal fee as provided in 5.631(14) Fees.

5.631(8) *Return of seals, installation.* When a dealer or installer discontinues the installation of mobile homes, he shall notify the commissioner within ten days of the date of such discontinuance and return all unused installation seals which have been issued to him. Installation seals may not be transferred by any dealer or installer.

5.631(9) *Obtaining installation certificates.* When an approved installer applies for an installation seal, each seal will be accompanied by a certificate which when completed shall indicate that the support system complies with these rules.

5.631(10) *Component identification.* Each component of the support system will bear a permanent identification mark or label indicating approval of a code standard, or a testing agency.

5.631(11) *Seals for existing mobile homes.* Seals may be obtained for existing mobile homes at the option of the owner in accordance with the requirements of rule 5.635.

630—5.632(103A) Support systems approval procedures.

5.632(1) *Approval of support systems.* All support systems must have the approval of the commissioner. Manufacturers shall obtain approval of such systems by submitting to the Building Code Commissioner, system drawings and other related data e.g. material specifications or standards, calculations of loads and stresses, soils data, etc. Support systems designed and signed by a registered engineer competent in this field shall submit systems drawings only, unless other technical data is requested by the commissioner.

EXCEPTION: Support or foundation systems for factory-built structures, constructed to the requirements of Division 6 Part 1 of this code, designed to meet local building regulations are exempt from approval by the commissioner. The installation certificate, 5.610(18), shall show that the support system has been approved by the local authority.

5.632(2) *Application for support and anchoring system approval.* Submissions for approval by the commissioner shall include, but not be limited to:

a. Support consisting of one of the following:

- (1) Engineered on grade support systems.
- (2) Other approved systems.
- (3) Foundations installed in conformance with the state building code, e.g., piers, continuous footings, posts or isolated footings extending below the frost line. (See 5.634(1)“b”, for exception)

(4) Use of concrete slabs or continuous footings. If such slabs or footings are used to transfer the anchoring loads to the ground, they shall be so constructed to provide the holding strength as required by 5.634(2)“g”.

b. Materials specified.

(1) Wood supports in contact with the ground shall be pressure impregnated in accordance with Uniform Building Code Standards 25-12.

(2) Concrete, where used, shall have a minimum compressive strength of 2000 P.S.I. and be in conformance with Uniform Building Code Standard 26-11.

(3) Masonry units, where used, will be in accordance with Uniform Building Code Standard 24-4 and 24-5.

c. Ground anchoring systems.

(1) Submission for approval and registration for components which constitute portions or parts of support and anchoring systems by the manufacturer shall clearly indicate compliance with the requirements of the Iowa state building code “Structural Design.” The requirements of rule 630—5.634(103A) shall be considered minimum.

5.632(3) *Inspections.* Any person holding title to a manufactured unit may request an inspection of the support and anchoring system, such request should be made by letter to the building code commissioner. The commissioner in connection with a request for inspection may require plans, specifications, calculations and test results.

5.632(4) *Action after inspection.* If the requested inspection was to determine compliance with respect to support and anchoring requirements and all applicable fees have been remitted, the installation seal may then be affixed to that specific unit.

5.632(5) *Other inspections.* The commissioner or his designee shall make periodic inspections of the facilities of persons who are subject to these rules and regulations.

5.632(6) *Fees.* All remittances shall be in the form of checks or money orders, payable to: Treasurer, State of Iowa and deliver to:

Building Code Commissioner
Division of Municipal Affairs
Office for Planning and Programming
523 E. 12th Street
Des Moines, Iowa 50319

- 1. Installation seal fees \$10.00
- 2. Installation Replacement seal \$ 5.00
- 3. Installer Certification Initial fee \$25.00
- 4. Annual installer renewal certification fee \$10.00
- 5. Support and anchoring system approval fee \$50.00

630—5.633(103A) **Procedure for governmental subdivisions participating in installation program.** The following provisions are intended for those jurisdictions wishing to ensure that manufactured structures (mobile homes, modular, and others manufactured to state building code requirements) are in compliance with these rules and regulations within their jurisdictional boundaries.

5.633(1) *Approval for local authority.* A building official may apply to the commissioner by letter, stating that he or his department wishes to participate in this installation program, such approval may be by contractual agreement with the state, or by letter from the commissioner designating such person, agency, or department as his representative.

5.633(2) *Installation verification.* Local building authorities or approved installers that inspect the approved support and anchoring system for proper installation shall sign and complete the installation certificate and attach the installation seal and deliver a copy of the installation certificate to the building code commissioner. A copy of the installation certificate shall be retained by the owner and the building official.

5.633(3) *Installation certificates and seals.* The commissioner will issue installation certificates and seals on request from the building official or other approved local authority.

5.633(4) *Fee structure.* The seal fee as scheduled in section 5.631(14) fees shall be maintained with the approved local authority retaining seventy percent and thirty percent going to the state.

630—5.634(103A) **Guidelines for mounting and anchorage of mobile homes.** The following provisions are intended primarily as an anchoring system for existing units and for those units for which the manufacturer has not provided an approved anchoring and support system, or owners and other persons installing less than three units per twelve-month period. Manufacturers installation instructions, if supplied with the unit, must be followed.

5.634(1) *Minimum requirements.* The following requirements are nationally recognized standards and meet the provisions published within this code.

a. Piers placed on foundations should be installed directly under the main frame longitudinal beams. The piers should not be further apart than ten feet on centers and the main frame, front or back, should not extend further than two feet beyond the center line of the end piers.

b. Pier foundations shall be placed below the frost line but in no case less than six inches into stable soil. The pier foundation shall be at least 16 x 16 x 4 solid concrete pad, precast or poured in place, or equivalent. Concrete foundations shall have compressive strength of not less than two thousand pounds per square inch.

EXCEPTION: Pier foundations may be exempt from extending below the frost line only on mobile home installations and if the owner agrees to be responsible for loosening of the anchor system, November 1 or earlier to prevent frost heave damage to the unit and to re-tighten the anchors each spring.

c. Soil bearing capacity should be two thousand pounds per square foot. Soils with bearing capacity less than two thousand pounds per square foot will require proportionally increased size foundations to support piers.

d. Piers may be constructed of concrete or undamaged 8 x 8 x 16 concrete blocks, open celled or solid (with open cells vertical) placed on the foundation. A nominal 2 x 8 x 16 wood plate, or equivalent, shall be placed on top of each pier with shims fitted and driven between the wood plate and the main frame longitudinal beam. Shims shall not occupy more than one inch of vertical space.

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

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

(3) Piers over eighty inches in height may be concrete or double block construction following exactly the procedure given in paragraph two above. Celled concrete blocks only may be used (with open cells vertical) with 3/8 diameter steel reinforcing rods placed in the pier corners and all cells filled with two thousand pounds per square inch concrete (See Figure 3).

5.634(2) Anchoring requirements. When not provided by manufacturer, anchor ties shall be attached vertically and diagonally to a system of ground anchors in a manner as illustrated in Figures 4 and 5. The number of anchor ties are set by Table 6-A.

a. Except when the tiedown system is designed as a registered professional engineer or architect, the maximum spacing between tiedowns beginning from the front wall (Hitch End) should not exceed twenty-four feet on centers and not more than six feet open-end spacing should be provided at rear wall unless additional tiedowns are installed. Diagonal ties between ground anchors and unit shall be installed in conjunction with each vertical tiedown (See Table 6-A).

b. Ties may be either steel cable or steel strapping. Ties are to be fastened to ground anchors and drawn tight with galvanized turnbuckles and yoke-type fasteners and tensioning devices. Turnbuckles shall be ended with jaws of forged or welded eyes (hook ends are not approved).

c. When continuous straps (over-the-top tiedowns) are provided as vertical ties, they should be positioned at rafters and studs to prevent structural damage. Where a vertical tie and diagonal tie are located at the same place, both ties may be connected to a single ground anchor, provided that the anchor used is capable of carrying both loadings. Over-the-top tiedowns will not be required if the baling method of construction has been used.

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

e. When flat steel straps are used as ties they shall be Type 1, Class B, Grade 1, 1 1/4 inches wide and 0.035 inch thick, conforming with federal standard QQ-S-781-F, with a

breaking strength of at least four thousand seven hundred and twenty-five pounds. Zinc coating (weather protection) shall be a minimum of 0.30 ounces per square foot of surface. Steel strap ties shall terminate with D-rings, bolts, or other nationally approved fastening devices which will not cause distortion or reduce breaking strength of ties.

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

g. The material shall be capable of resisting an allowable working load of three thousand one-hundred and fifty pounds with no more than two per cent elongation and shall withstand a fifty per cent overload.

h. Ground anchors shall be resistant to weathering deterioration at least equivalent to that provided by a coating of zinc on steel strapping of not less than 0.30 ounces per square foot surface coated. Screw auger anchor shall have a minimum helix diameter of 6" and be sunk to their full depth (at least 4 feet). Steel rods shall be at least 5/8 diameter, have a yoke-type fastening and tensioning device or a threaded connector and tensioning device. Anchors shall be capable of withstanding four thousand seven hundred and twenty-five pounds of pull in a vertical direction without failure. Anchors to reinforced concrete slab or to rock shall be of comparable strength as provided within this paragraph.

630—5.635(103A) Certification of installed existing units as an owners option. Application may be made to the commissioner for approval of an existing mobile home support and anchor system on the following conditions, and a seal and certificate of installation will be issued upon payment of the fee as required.

a. Certification seal and certificate shall be obtained as per 630—5.631(103A) if the support and anchorage system was installed by an approved installer and are approved systems.

b. Certification seal and certificate will be issued if the existing support and anchorage systems are inspected and approved by a registered architect or engineer.

5.636 to 5.699 Reserved.

TABLE 6-A
NUMBER OF TIEDOWNS REQUIRED FOR SINGLE WIDE
MOBILE HOMES

| LENGTH OF MOBILE HOME BOX NOT EXCEEDING (FEET) | MINIMUM NUMBER OF TIEDOWNS PER SIDE | | | |
|---|-------------------------------------|------------------|-------------------|------------------|
| | HURRICANE ZONE | | NONHURRICANE ZONE | |
| | DIAGONAL TIES | VERTICAL TIES | DIAGONAL TIES | VERTICAL TIES |
| 30 | 3 | 2 | 2 | 2 |
| 40 | 4 | 2 | 3 | 2 |
| 54 | 5 | 3 | 3 | 2 |
| 66 | 7 | 4 | 5 | 3 |

NOTES:

1. DOUBLE WIDE MOBILE HOMES SHALL COMPLY WITH TABLE I EXCEPT THAT NO VERTICAL TIES ARE REQUIRED.

2. WHEREVER A VERTICAL TIE AND A DIAGONAL TIE LIE IN A PLANE WHICH IS VERTICAL AND TRANSVERSE TO THE MAIN FRAME LONGITUDINAL BEAM, THE TWO TIES MAY BE CONNECTED TO THE SAME GROUND ANCHOR.

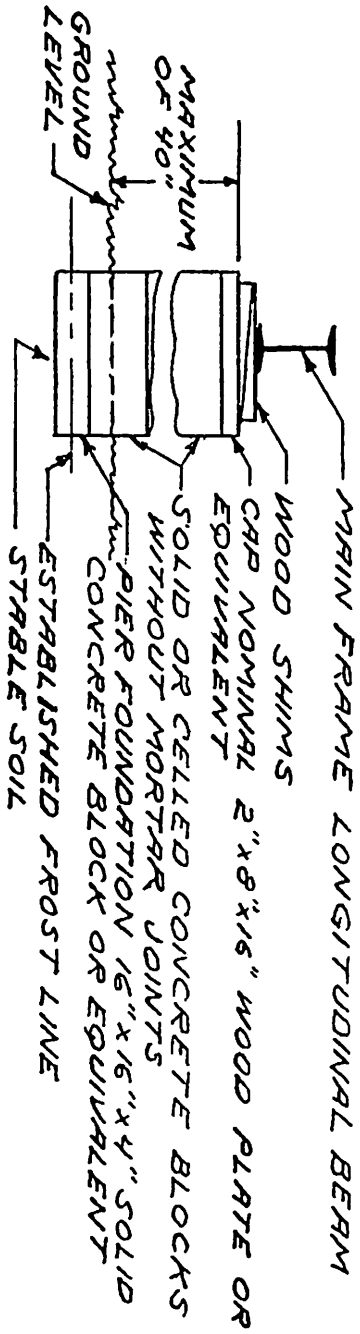


FIGURE 1. PIERS UP TO 40" IN HEIGHT
(SINGLE BLOCK CONSTRUCTION)

NOTE: CORNER PIERS MORE THAN THREE (3) BLOCKS HIGH SHALL BE DOUBLE BLOCK CONSTRUCTION AS SHOWN IN FIGURES 2 & 3

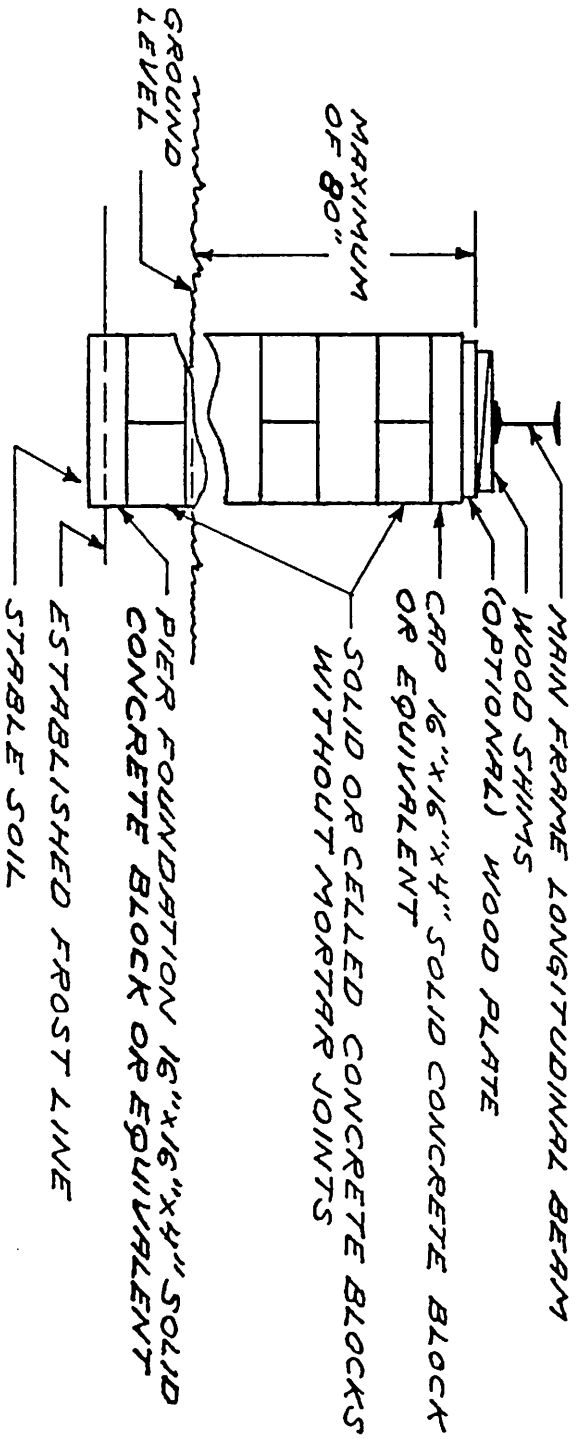


FIGURE 2 - PIERS OVER 40" IN HEIGHT AND NOT EXCEEDING 80" IN HEIGHT (DOUBLE BLOCK CONSTRUCTION)

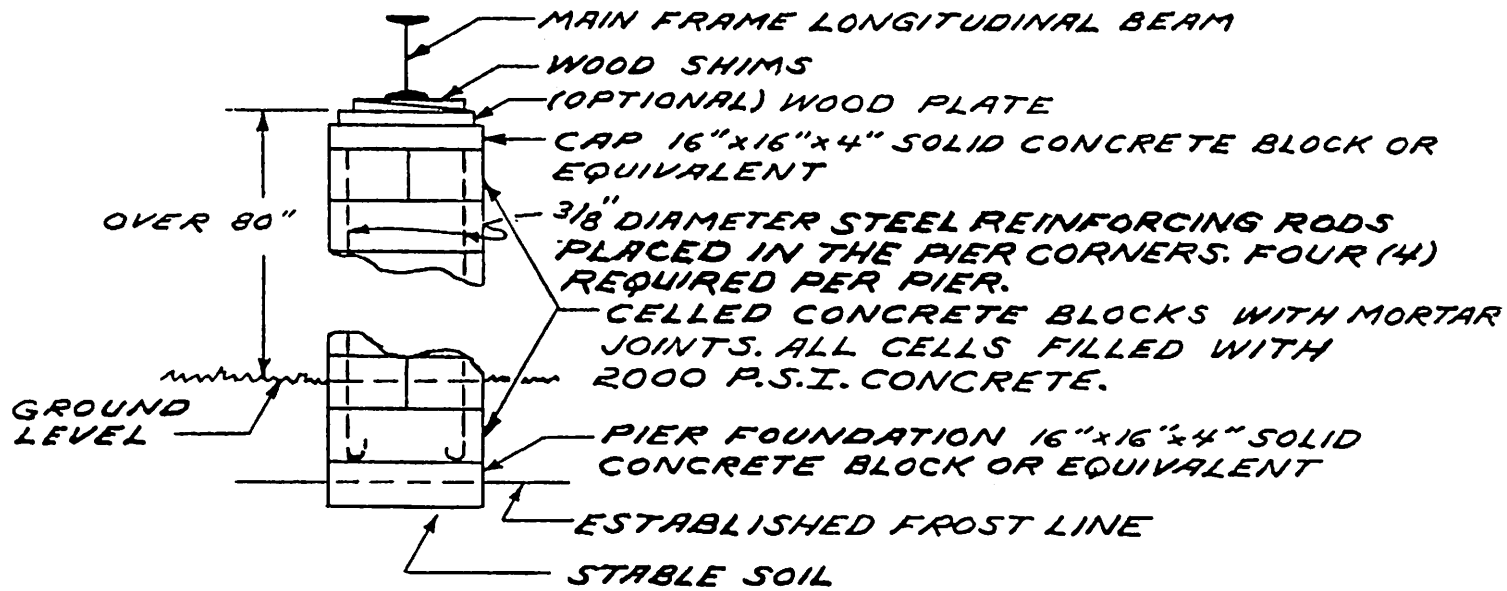
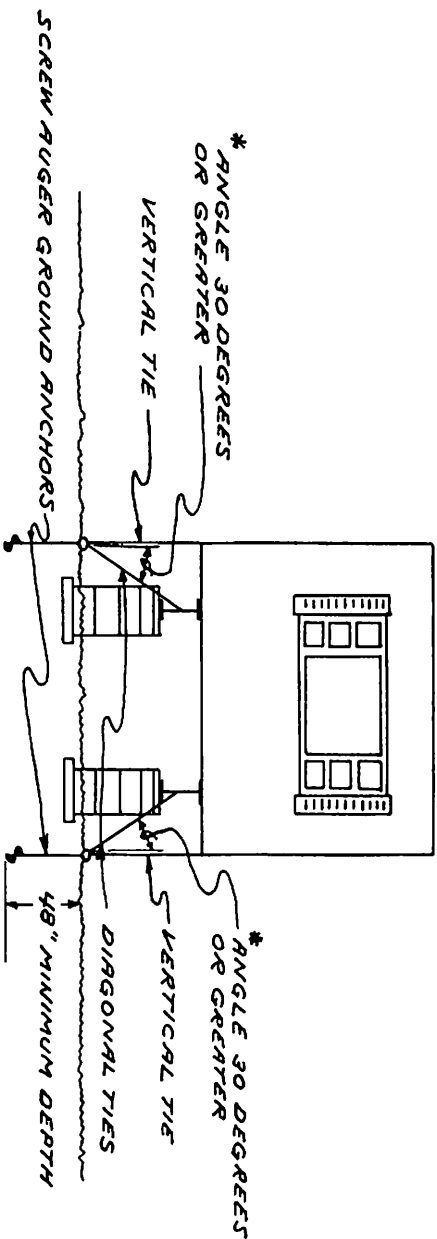


FIGURE 3 - PIERS OVER 80" IN HEIGHT (DOUBLE BLOCK CONSTRUCTION, STEEL REINFORCED)



FIGURE 4

MOBILE HOME TIEDOWN

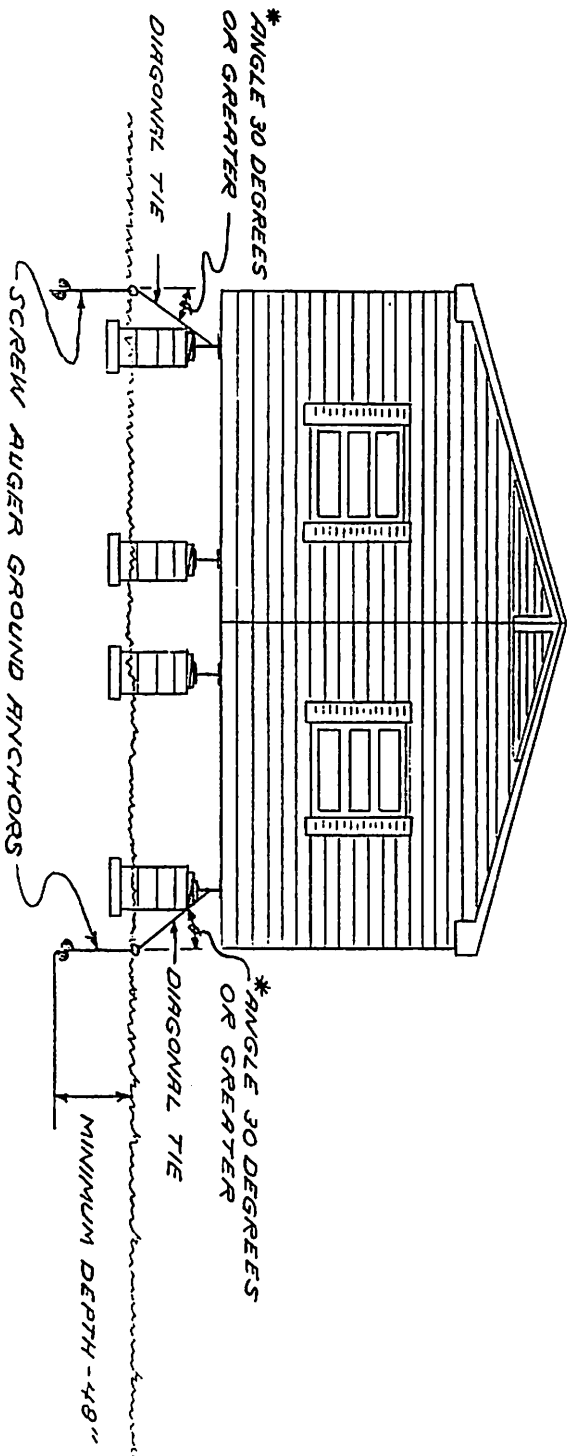


* DIAGONAL TIE SHALL DEVIATE FROM A VERTICAL DIRECTION 30 DEGREES OR MORE.

FIGURE 5

DOUBLE WIDE MOBILE HOME TIEDOWN

* DIAGONAL TIE SHALL DEVIATE FROM A VERTICAL DIRECTION 30 DEGREES OR MORE.



DIVISION 7

630—5.700(103A) Handicapped rules and regulations.

5.700(1) Scope. These rules and regulations are applicable to all buildings, temporary or permanent, and their site facilities, including streets used by the general public. These provisions shall also apply to multiple-dwelling unit buildings containing five or more individual dwelling units. Rehabilitation and renovation projects shall be made to comply with these rules whenever such projects shall be required to be in compliance with local or state building codes.

5.700(2) Purpose. These rules and regulations are intended to make all buildings and facilities used by the public accessible to, and functional for, the physically handicapped, to, through, and within their doors, without loss of function, space, or facility where the general public is concerned. The rules and regulations cited herein shall constitute obligatory provisions within any governmental subdivision in Iowa, as mandated by chapter 104A, Code of Iowa.

630—5.701(103A) Definitions.

5.701(1) Appropriate number means the number of a specific item that would be necessary, in accord with the function and purpose of a building or facility, to accommodate individuals with specific disabilities, in proportion to the anticipated number of individuals with disabilities who would be using a particular building or facility. Consideration should be given to the fact that more and more people with physical disabilities are participants in all activities of human life, particularly as the built environment becomes more accessible. In all cases, the term "appropriate number" shall be followed by the term "with a minimum of one."

5.701(2) Common resident space. Rooms or areas available for use by all residents in a multifamily residential structure, e.g., laundry room, recreation room, bulk storage room.

5.701(3) Curb ramp. Short ramp cutting through a curb or built up to it from a lower level.

5.701(4) Handicapped review certificate. A form, indicating by authorized signature, that a building or facility is in compliance with these rules and regulations.

5.701(5) Hearing disabilities. Deafness or partial hearing losses to the extent that an individual may have difficulty perceiving warning signals or sounds.

5.701(6) Insignia or label. The international symbol of accessibility, indicating accessibility and functionality for the handicapped.

5.701(7) Manipulation disability. Limitations in grasping, pinching or handling.

5.701(8) Nonambulatory. Not able to walk at all.

5.701(9) Primary Entrance or Entrances. Any access to a building structure or facility used for entering and giving accessibility to the principal and utilitarian areas concerned with the purpose of said building, structure or facility.

5.701(10) Semiambulatory. Able to walk only with the assistance of aids such as crutches, canes, or walkers.

5.701(11) Sight disability. Partial and full loss of sight to the extent that an individual may be insecure or exposed to danger when functioning independently in familiar places, or have difficulty perceiving graphic information.

5.701(12) Tactile. Can be perceived by the sense of touch; used as a warning device for individuals with sight disabilities.

5.701(13) Walking aids. Canes, crutches, walkers, braces.

630—5.702(103A) Administration and enforcement.

5.702(1) Application. These standards, as set forth, shall apply to all buildings intended for use by the general public and includes provisions from the Iowa state building code, the American National Standard Specifications, ANSI A 117.1-1976 latest edition, Chapter 104A, Code of Iowa 1977. NOTE: Illustrations in Division 7 of this code are to be used as pictorial examples and not to be misconstrued as the requirements for the handicapped.

5.702(2) *Other standards or laws.* For purposes of reference, an Act relating to curb ramps for the physically handicapped, section 601D.9, Code of Iowa 1977. This Act required curb cut outs and ramps in all new curbs constructed at any point along a public street which gives access to a crosswalk. Such Act became effective after January 1, 1975. Also section 601E.6 Code of Iowa, requiring special identification devices for motor vehicles used by the handicapped and provisions for on-street and off-street parking in cities or other political subdivisions.

The Architectural Barriers Act of 1968, Public Law 90-480, was passed by the ninetieth Congress on August 12, 1968. The purpose of the Act was to insure that certain buildings financed with federal funds are designed and constructed to be accessible to the physically handicapped. Administration and enforcement of Public Law 90-480 was granted to the administrator of General Services, Secretary of Housing and Urban Development and Secretary of Defense, each in consultation with the Secretary of Health, Education and Welfare. All adopted as their basic design criteria the American Standard Specifications for the Physically Handicapped, ANSI A117.1 (latest edition.)

5.702(3) Administration. The building code commissioner is authorized by section 103A.5(5) to administer and enforce chapter 104A. The conforming standards of section 104A.6 also include the provisions of the Iowa state building code which apply to making facilities accessible to and functional for the physically handicapped.

5.702(4) Certifying procedures. It will be the duty of the commissioner's office, or a local building official, to certify that each building or facility within their jurisdiction meets the handicapped provisions in the following manner:

a. Before issuance of a permit to construct, the Handicapped Review Certificate must be completed by a person in authority. Such certificates can be obtained from the commissioner on application by letter or other forms of communication.

b. An owner or his agent shall apply directly to the commissioner, if there is no participating local authority, requesting a review of documents (plans, specifications, etc.) for compliance with these standards. The review certificate will then be completed by the commissioner or a member of his staff.

c. On satisfactory review of the documents and completion of the Handicapped Review Certificate, a copy will be forwarded to the commissioner.

d. The commissioner, on receipt of copy of the review, shall issue one or more insignia, as required which shall be placed on all main accessible entrances to the building, by an official of the state or governmental subdivision.

e. There will be a schedule of fees (Table 705B) for plan review and issuance of insignia of approval.

f. Local jurisdictions may set their own fees for plan review. These fees should include cost of insignia and placing of insignia.

5.702(5) Handicapped review certificate. This certificate shall be in triplicate; copies A, B, and C. Each copy shall have a legible signature as required by the procedures in 5.702(4). Copy A shall be forwarded to the commissioner; copy B will remain with the local authority, and copy C will be given to the owner.

5.702(6) Handicapped insignia. This insignia can only be obtained from the commissioner's office. It will be the easily recognized blue international insignia of accessibility. However, there will be a statement attesting to the fact that the building or facility meets the state building code requirements for the handicapped. Also, there will be a specific number on the insignia, co-relating with the certificate. Replacement insignias can be obtained from the commissioner's office for which there will be an additional fee (see Table 705B)

630—5.703(103A) General principal and considerations.

5.703(1) Wheelchair specifications. The collapsible model wheelchair or tubular metal construction with plastic upholstery for back and seat is most commonly used. The standard model of all manufacturers falls within the following limits which were used as the basis of consideration:

a. Length: forty-two inches

b. Width: when open twenty-five inches

c. Height of seat from floor: nineteen and one-half inches

d. Height of armrest from floor: twenty-nine inches

e. Height of pusher handles (rear) from floor: thirty-six inches

f. Width when collapsed: eleven inches

5.703(2) *The functioning of a wheelchair.* These standards are required for the minimum comfortable maneuverability of a wheelchair.

a. The fixed turning radius of a standard wheelchair, wheel to wheel, is eighteen inches. The fixed turning radius, front structure to rear structure, is thirty-one and one-half inches.

b. The average turning space required (one hundred eighty and three hundred sixty degrees) is sixty x sixty inches. However, a turning space longer than it is wide, e.g., sixty-three x fifty-six inches is more workable and desirable.

c. A minimum width of sixty inches is required for two individuals in wheelchairs to pass each other. (See Figure 1 for illustrations on specific turns.)

5.703(3) *The adult individual functioning in a wheelchair.* Extremely large or small or other impairments could affect these specifications. However, tests have determined that a wide-range of individuals are functional with these specifications.

a. The average unilateral vertical reach is sixty inches and ranges from fifty-four to seventy-two inches.

b. The average horizontal working reach is thirty inches and ranges from twenty-eight to thirty-two inches.

c. The bilateral horizontal reach, both arms extended to each side, shoulder high, ranges from fifty-four to seventy-one inches and averages sixty-four point five inches.

d. An individual reaching diagonally, e.g., as would be required for a wall-mounted dial telephone or towel dispenser, the average reach would be forty-eight inches from the floor.

5.703(4) *The individual functioning on crutches.* Most individuals ambulating on crutches or braces, or both, and other aids, are able to maneuver within the specifications prescribed for wheelchairs. However, invariably there are exceptions that must be considered by the persons designing a building or facility.

5.703(5) *Average gait.* A person five feet six inches tall would require an average of thirty-one inches between crutch tips. A person six feet zero inches tall would require an average of thirty-two and one half inches between crutch tips.

5.703(6) *Mobility of people with sight impairment.* Generally, tactile warning signals on walking surfaces are the most effective means to warn a blind or partially sighted person of a hazard. Tactile signals for hand reception are useful only if it is made certain that the signals will be touched. Only extreme hazards, such as a stairway leading down to a walk or corridor need to be marked by a tactile warning signal. (See Figure 2.)

Where floor or room information needs to be communicated, raised characters of the standard alphabet and numerals should be used and should be the minimum of five eights-inch high and raised off their background at least one sixty-fourth-inch. (See proposed ANSI A117.1-1977 for more detailed provisions.) An audible signal can be used as a signal to signify the need for action by individuals with sight impairment, e.g., fire warning.

5.703(7) *Emergency signals.* If such signals are required by the authority having jurisdiction, they should provide a visual as well as an audible signal for those people who have either sight or hearing impairments.

630—5.704 Site development.

5.704(1) *Development.* Proper attention to site development in the early stages in design is the most practical and economical way of making a site accessible and providing accessible entrances to buildings. The siting of facilities, grading, parking, and the routes of walks shall provide convenience, safety and unrestricted circulation of handicapped people and their vehicles.

5.704(2) *Grading.* The grading of ground, even contrary to existing topography, so that it attains a level with at least one normal entrance which will make the building or facility accessible to individuals with physical disabilities.

5.704(3) *Exterior circulation routes.* At least one path of travel from each site access point to the major entrances of buildings shall have no steps. This route should be the most direct route. If it is not the most direct route, this path shall be no more than one hundred feet of horizontal distance longer than the most direct route. Level routes or those with lower than the maximum allowable slope are preferable to more direct routes at maximum allowable slope or with ramps.

The most direct exterior path of travel between parking spaces planned for disabled drivers and the nearest accessible entrances to a building served by those spaces shall be no longer than two hundred feet of horizontal distance when walks have a slope less than 1:20 along their entire distance and no greater than one hundred feet of horizontal distance when any part of the route has a slope greater than 1:30 or includes a ramp. Where applicable, protection against collection of snow and ice should be provided along such routes. The only accessible path of travel shall not lead to a service entry of a building or facility.

NOTE: Moving walkways in the path of travel shall not be counted in calculating length of travel.

5.704(4) Walks. Walks shall be designed to allow free passage to site facilities and adjacent streets, to allow passing of individuals using the walk and to eliminate hazards.

The minimum clear width of a walk shall be forty-eight inches. If a walk has two-way flow, there shall be places wide enough for two wheelchairs to pass at appropriate intervals. The interval used should be based on the slope of the walk, overall length of the walk, visibility ahead, the nature of adjacent ground surfaces and the purpose for which the walk is used. All permanent street furniture serving walks should be located along the sides of the walk, allowing a consistent edge and clear travel area for pedestrians.

Gratings should not be located in walks. If absolutely necessary, gratings on walks shall have spaces no greater than one-half-inch wide. Surfaces shall be stable, firm and relatively slip resistant. The maximum height of surface changes shall be one-fourth-inch.

Walks shall have a maximum slope of 1:50 for at least forty-eight inches in front of accessible entrances. Walks outside of street right-of-ways shall have a slope no greater than 1:20 along their entire distance. Where they serve accessible building entrances, walks shall not be crowned. The cross slope of walks shall be no greater than 1:50.

Wherever walks are intersected by other walks, driveways, parking lots or streets, at least some portion of the walk shall be at or blend to a common level. Methods used to accomplish this shall not restrict storm drainage along street edges nor interfere with snow removal.

5.704(5) Parking and passenger loading zones. Parking spaces, parking lots and passenger loading zones shall provide enough space for convenience and unobstructed entry and exit from vehicles, and shall be identified by the international symbol of the handicapped. (See Figure 3 for parking spaces.)

Parking areas shall have access aisles or passenger loading zones that are located as close as possible to the shortest accessible path of travel to each building, adjacent street or sidewalk served by the area. The design of access aisles shall follow the requirements for walks. Boundaries of access aisles shall be marked by visual means so that they will not be used as parking spaces for small vehicles. Access aisles, passenger loading zones and waiting areas shall have firm surfaces with slopes no greater than 1:50.

Parking spaces accessible to people who use wheelchairs and walking aids shall be at least one hundred forty-four inches wide. Where two adjacent spaces are planned for wheelchair and walking aid users, the total width of both spaces together may be two hundred forty inches if a forty-eight-inch wide access aisle is located between the two spaces.

Passenger loading zones shall provide an unobstructed space at least forty-eight inches wide, parallel to vehicles to allow unloading and loading of passengers from vehicles. Where separation is provided between pedestrian and vehicular areas, the requirements in walks shall apply. (See Figure 3A.)

630—5.705 Building accessible to the general public.

5.705(1) Ramps with gradients. Where ramps with gradients are necessary or desired, they shall conform to the following specifications:

a. Slope. A ramp when necessary or required shall have a slope not greater than one foot rise in every twelve feet or 8.33 percent or four degrees fifty minutes.

b. Handrails. A ramp shall have smooth handrails on at least one side and preferably two sides that are thirty-two inches in height measured from the surface of the ramp, and

extend one foot beyond the top and bottom of the ramp. Ramps over eighty-eight inches in width shall have handrails on two sides.

c. Surface. A ramp shall have a nonslip surface.

d. Level platform.

(1) A ramp shall have a level platform at the top which is at least five feet deep by five feet wide if a door swings out onto the platform or toward the ramp. This platform shall extend at least one foot beyond each side of the doorway.

(2) A ramp shall have a level platform at least three feet deep and five feet wide if the door does not swing onto the platform or toward the ramp. This platform shall extend at least one foot beyond each side of the doorway.

e. Bottom clearance. Each ramp shall have at least six feet of straight clearance at the bottom.

f. Intermediate landings. Ramps shall have level intermediate landing at thirty-foot intervals for purposes of rest and safety and shall have level platforms wherever they turn. The intermediate landing shall have a dimension of at least five feet measured in the direction of travel.

5.705(2) Entrances. Because entrances also serve as exits, some being particularly important in case of emergency, and because the proximity of such exits to all parts of buildings and facilities in accordance with their design and function is essential, an effort should be made to make all or most entrances accessible to individuals in wheelchairs or other forms of disabilities. (See Figure 4.)

The primary entrance or entrances at grade level to each facility shall be usable by individuals in wheelchairs and other physically handicapped persons. Such an entrance or any entrances shall be on a level that shall make the elevators, if any, accessible from that level.

5.705(3) Accessibility within a facility. Table 705A (Table 705A is at the end of this chapter.) This table is applicable to this chapter as relating to requirements for all facilities which shall be accessible to and functional for the physically handicapped. These occupancies are the same as used in the Iowa state building code. Any occupancy not mentioned specifically or about which there is any question shall be classified by the building code commissioner and included in the group which its use most nearly resembles. Accessibility to floors other than those closest to ground level, when required by Table 705A, shall be within the building or facility.

5.705(4) Doors and doorways. These requirements shall apply to interior and exterior doors which are located in areas which are accessible to the physically handicapped. (See Figure 5.)

a. Exterior doors. Doors at the primary entrance or entrances at grade level shall have a clear opening of no less than thirty-two inches when open and shall be operable by a single effort. The floor on the inside and outside of each doorway shall be level for a distance of five feet from the door in the direction the door swings and shall extend one foot beyond each side of the door. Sharp inclines and abrupt changes in level shall be avoided at door sills. Thresholds as much as possible should be flush with the floor.

b. Interior doors. Interior doors which are located in areas which are accessible to the physically handicapped shall meet the same requirements as for exterior doors in "a" except that the floor extension need be on the operating side only.

5.705(5) Stairs. (See Figure 6) Stairs shall conform to the construction standards for stairs in the Iowa state building code or other applicable code with the following additional considerations:

a. Nosings. Steps in stairs that might require use by those with disabilities and by the aged shall not have abrupt nosing.

b. Handrails. Stairs shall have handrails thirty to thirty-four inches high as measured from the tread at the face of the riser. At least one handrail shall extend at least twelve inches beyond the top step and beyond the bottom step and shall be returned or shall terminate in newel posts or safety terminals. (See Fig. 6)

5.705(6) Floors. Shall conform to applicable codes with the following exceptions:

- a. Surface. Floors shall wherever practicable have a non-slip surface.
- b. Common Level. Floors on the same story shall be of a common level throughout or be connected by a ramp in accordance with 5.705(1).

5.705(7) Elevators. When provided in planning, shall be accessible to and usable by the physically handicapped at all levels normally used by the general public.

Controls. Elevators shall have control buttons with identifying features for the blind and shall allow for wheelchair traffic. (See Figure 7.)

5.705(8) Toilet Facilities. At each floor level which is accessible to the physically handicapped and toilets and/or bathroom facilities are available, an appropriate number (at least one) of such facility, shall be accessible to and usable by the physically handicapped. When separate facilities are provided for each sex, accessibility to the physically handicapped shall likewise be provided for each sex. An appropriate number of water closets, urinals (when provided), showers and/or bathtubs (when provided), lavatories, mirrors, towel and disposal fixtures, and other dispensers, shall be provided in each facility, required by the remainder of this section. (See Figures 8 and 9.)

- a. Access. Toilet rooms, bathrooms, and water closets shall have a clear and unobstructed access of not less than thirty-two inches in width and a clear space unobstructed by door swing, grab bars, and similar items of not less than thirty-two inches shall be provided in front of the water closets, which are accessible to the physically handicapped.

Copy

*11. The hand...
who had the charge
take place?
PB - 9/19/84*

c. Step height. Steps should, wherever possible, and in conformation with existing step formulas, have risers that do not exceed seven inches.

5.705(6) Floors. Shall conform to applicable codes with the following exceptions:

a. Surface. Floors shall wherever practicable have a nonslip surface.

b. Common level. Floors on the same story shall be of a common level throughout or be connected by a ramp in accordance with 5.705(1).

5.705(7) Elevators. When provided in planning, shall be accessible to and usable by the physically handicapped at all levels normally used by the general public. Elevators shall have control buttons with identifying features for the benefit of the blind and shall allow for wheelchair traffic. (See Figure 7.)

5.705(8) Toilet facilities. At each floor level which is accessible to the physically handicapped and toilets and/or bathroom facilities are available, an appropriate number (at least one) of such facility, shall be accessible to and usable by the physically handicapped. When separate facilities are provided for each sex, accessibility to the physically handicapped shall likewise be provided for each sex. An appropriate number of water closets, urinals (when provided), showers and/or bathtubs (when provided), lavatories, mirrors, towel and disposal fixtures, and other dispensers, shall be provided in each facility, required by the remainder of this section. (See Figures 8 and 9.)

a. Access. Toilet rooms, bathrooms, and water closets shall have a clear and unobstructed access of not less than thirty-two inches in width and a clear space unobstructed by door swing, grab bars, and similar items of not less than thirty-two inches shall be provided in front of the water closets, which are accessible to the physically handicapped.

Toilet rooms and bathrooms shall have space to allow traffic for individuals in wheelchairs.

b. Grab bars. Grab bars or handrails shall be provided for water closets, bathtubs and/or showers, accessible to the physically handicapped. Grab bars for water closets shall be within easy reach (within approximately eighteen inches) of the water closet at the side and back, or on each side shall be at a usable height (approximately thirty-three inches above the floor). (See Figures 8, 9, 13 and 14)

c. Compartments. In toilet rooms, which have water closet compartments, those compartments which are accessible to the physically handicapped shall:

(1) Have an unobstructed space not less than thirty-two inches in width and depth in front of the water closet;

(2) Have grab bars or handrails as described in "b" above.

d. Water closets. Water closets which are accessible to the physically handicapped shall have the seat eighteen inches from the floor.

e. Lavatories. Lavatories which are accessible to the physically handicapped shall except for the projection of bowls and waste piping, have a clear unobstructed space at least twenty-six inches in width, twenty-seven inches in height above the floor, and twelve inches in depth. (See Figure 10A.)

f. Other fixtures. Where mirrors, towel and disposal fixtures and other dispensers are provided, at least one shall be installed so that the bottom of the mirror is within thirty-eight inches of the floor, and the other fixtures are within thirty-eight inches of the floor.

5.705(9) Drinking fountain. Where drinking fountains are provided, an appropriate number of at least one shall have a spout within thirty-three inches of the floor and shall have up-front hand-operated controls. When fountains are located in an alcove, the alcove shall be not less than thirty-two inches in width. (See Figure 10B.)

5.705(10) Public telephones. Where public telephones are provided, an appropriate number shall be installed so that the headset dial and coin receiver are within fifty-four inches of the floor. Unobstructed access to the phone within twelve inches of the phone and not less than thirty-two inches in width and depth, shall be provided.

a. Hearing disabilities. An appropriate number of the public telephones shall be equipped for those with hearing disabilities and so identified with instructions for use. These phones can also be used by other persons.

5.705(11) Sign identification. Consideration should be given to appropriate identification of specific facilities within buildings used by the physically handicapped and it is particularly essential to the blind.

a. Identification. The use of raised letters of types of identification should be placed in a standard and convenient place.

b. Doors to hazardous areas. Doors not intended for normal use and which might prove dangerous if a blind person were to exit or enter should be identifiable in some manner such as knurling of the door knob or handle.

5.705(12) Warning signals. When required by the building code or when a general alarm system is provided, consideration should be given for persons with hearing and visual disabilities.

a. Audible. Audible warning signals shall be accompanied by simultaneous visual signals for those with hearing disabilities.

b. Visual. Visual signals shall be accompanied by simultaneous audible signals for the benefit of the blind.

630—5.706(103A) Making apartments accessible and functional for the physically handicapped.

5.706(1) Apartments within multiple-dwelling units. The requirements of this section shall apply to the individual dwelling units which are accessible to the physically handicapped in multiple-dwelling unit buildings containing five or more individual dwelling units. In addition to the requirements in other sections of this chapter, ten percent or a minimum of one individual living unit on each level which is accessible to the physically handicapped shall meet the requirements of this section.

a. The individual dwelling unit shall be on one level throughout unless accessible by wheelchair.

b. Kitchens shall meet or be adjustable to meet the following:

(1) A minimum of five feet clear space between opposite cabinets, or cabinets and wall. (See Figure 11.)

EXCEPTION: If toe space of eight and three-fourths inches in height and at least six inches in depth is provided under the cabinets the clear space may be reduced to four feet.

(2) Knee space for seated work shall be provided under the counter or in kitchens with five feet clear work space, a pull-out or adjustable counter may be provided. The knee space shall be minimum of thirty-inches in width, twenty-four inches in depth and twenty-nine inches in height.

(3) The door opening shall be no less than thirty-two inches clear opening. The door shall not swing into the clear work space. (See Figure 12.)

c. One full bathroom in each unit shall meet or be adjustable to meet the following: (See Figures 13 and 14.)

(1) The clear door opening shall be no less than thirty-two inches. The door swing shall not interfere with the clear floor space inside of the bathroom.

(2) A clear floor space of five feet by five feet shall be provided.

EXCEPTIONS: The clear space may be reduced to four feet in front of the lavatory if the lavatory is wall mounted with the apron at least twenty-nine inches above the floor. The water closet may extend into the clear space if adequate toe space is provided by a deeply recessed base.

(3) Walls shall be capable of supporting grab bars which can support a two hundred fifty pound load. Grab bars shall be provided for bathtubs, showers, and water closets.

(4) Exposed drain and water lines shall be insulated unless the hot water temperature is one hundred twenty degrees or less.

(5) Water closets shall be mounted such that the height of the seat is eighteen inches or a filler ring must be supplied from the floor. (See figure 12E)

(6) Where mirrors are provided, at least one mirror shall be placed above a lavatory no higher than thirty-eight inches above the floor, measured from the bottom of the mirror.

5.707 to 5.799

Table 705A — Accessibility to other levels, by means of a ramp or elevator located within the building, shall be provided for the physically handicapped for the following occupancies. Accessibility shall be from the level or levels at which entrance is made.

USE

- 1. Aircraft Hangers (no repair)
- 2. Auction Rooms
- 3. Assembly Areas^{5,6}
 Concentrated Use⁸ (without fixed seats)
 Auditoriums
 Bowling Alleys (Assembly Areas)
 Churches and Chapels
 Dance Floors
 Lounge Rooms
 Reviewing Stands
 Stadiums
- 4. Assembly Areas^{5,6}
 (Less Concentrated Use)
 Conference Rooms
 Dining Rooms
 Drinking Establishments
 Exhibit Rooms
 Gymnasiums
 Lounges
 Skating Rinks
 Stages

USE

- 5. Children's Homes and Homes for the Aged
- 6. Classrooms
- 7. Dormitories³
- 8. Dwellings¹
- 9. Garage Parking⁴
- 10. Hospitals — Sanitariums — Nursing Homes
- 11. Hotels and Apartments²
- 12. Library Reading Rooms⁵
- 13. Locker Rooms
- 14. Nurseries for Children (Day Care Centers)
- 15. Offices³
- 16. School Shops and Vocational Rooms
- 17. Stores — Retail Sales Rooms
 A. Basement
 B. Ground Floor
 C. Upper Floors
- 18. Warehouses³
- 19. Commercial Kitchens and Mechanical Equipment Rooms⁷

NOTES (for Table 705A)

- 1. To the extent as defined in Section 630—5.706 for multiple dwelling apartment units.
- 2. When more than 3 stories in height (apartments shall also conform to the requirements of Section 630—5.706.
- 3. Access to floors other than that closest to grade may be by stairs only.
- 4. Access to floors other than that closest to grade and to garages used in connection with apartment houses may be made by stairs only.
- 5. Access to secondary areas on balconies or mezzanines may be by stairs only.
- 6. When spectator space is provided an appropriate number of spaces must be provided for the physically handicapped.
- 7. Accessibility not required.
- 8. Seating spaces shall be an integral part of the seating plan and not segregated. The seating shall be provided at the rate of 2% of the total capacity with a minimum number of four (4). One-half of accessible spaces may be designed for patrons using braces, crutches, or similar aids. Patrons using wheel-chairs shall be located on level grade.

**TABLE 705B
SCHEDULE OF FEE FOR HANDICAPPED REVIEW AND COMPLIANCE**

| | |
|---|---------|
| Handicapped Review Certificate and Insignia | \$10.00 |
| Replacement Insignia | 10.00 |
| Plan Review Fee* | 20.00 |
| Hourly Rate (additional for over 3 hours, including revised submissions of the same building) | 15.00 |

*Plan Review Fee applies only to buildings reviewed by the commissioner's office.

NOTES: Plans submitted to the state for review and certification shall include a minimum \$30.00 payment. If more than the minimum three hours are used in handicapped review,

the additional hourly fee will be billed and must be paid before the review certificate is issued.

The plan review fees for state-owned buildings in 630—5.131(103A) include the handicapped review fee.

Rules 5.1 thru 5.99 are intended to implement sections 103A.10, 103A.11, 103A.13, 103A.14, 103A.15, 103A.16 and 103A.17 of the Code.

Rules 5.100 thru 5.799 are intended to implement section 103A.7 and 103A.9 of the Code.

[Filed 7/15/75]

[Filed 7/7/77, Notice 4/20/77—published 7/27/77, effective 9/1/77]

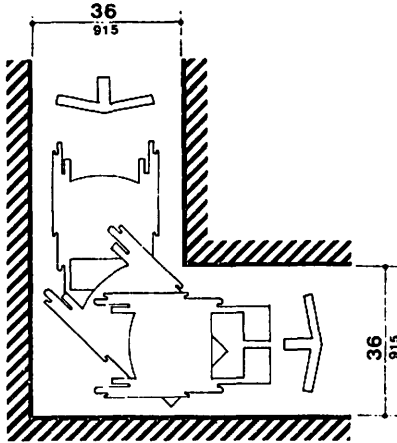


Fig. 1 A. L-Turns

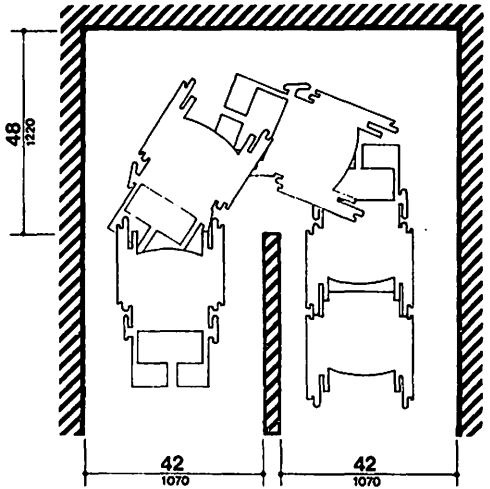


Fig. 1 B. 180° Turn Around Wall

Clearance for Passing

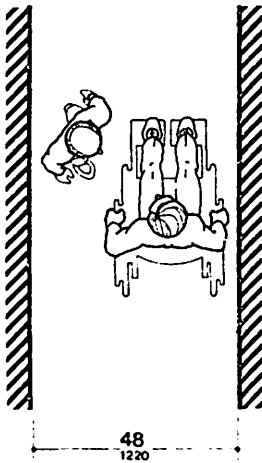


Fig. 1 C. Wheelchair and Pedestrian

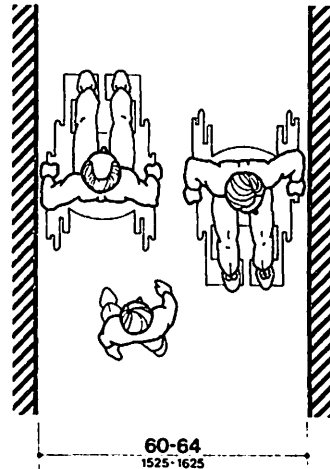


Fig. 1 D. Two Wheelchairs

Fig. 1. Space Requirements for Wheelchair Maneuvering

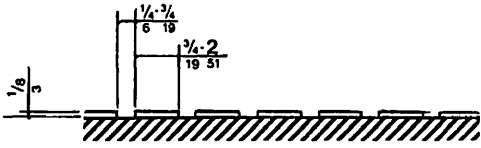


Fig. 2 A.

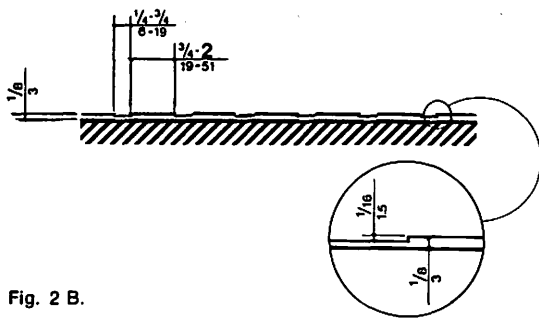
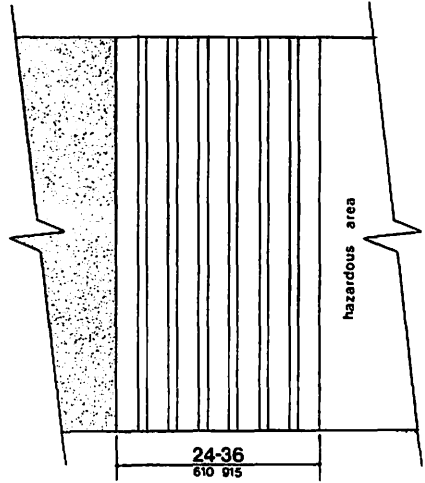


Fig. 2 B.

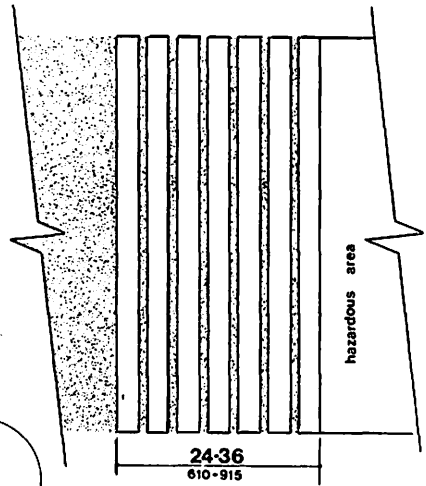


Fig. 2. Tactile Warning Signals on Floor or Ground Surfaces

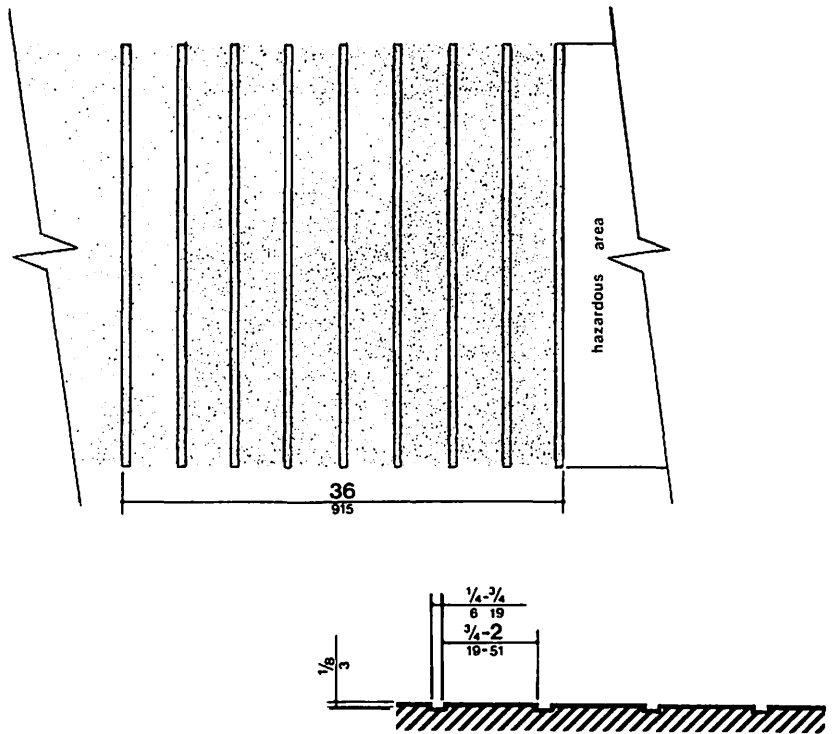


Fig. 2 C.

Tactile warning signals on Floor or ground surfaces/grooves cut into base material

Fig. 2. Tactile Warning Signals on Floor or Ground Surfaces Cont.

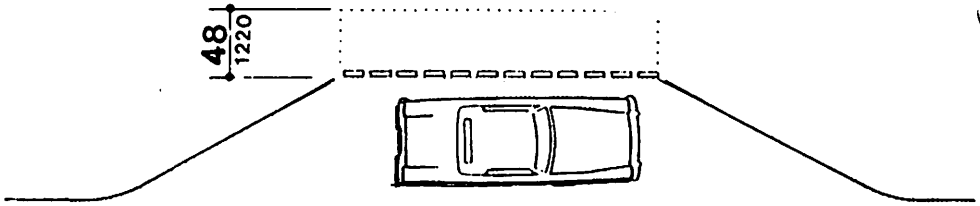


Fig. 3 A. Passenger Loading Zone

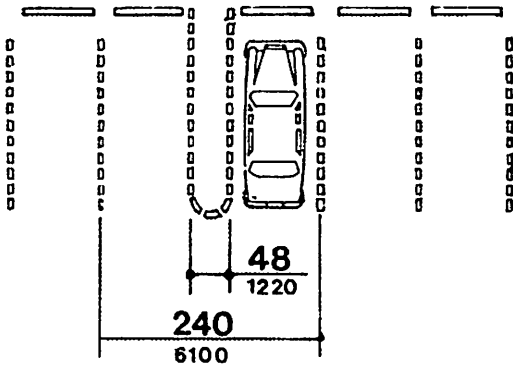


Fig. 3 B. Two Adjacent Parking Spaces

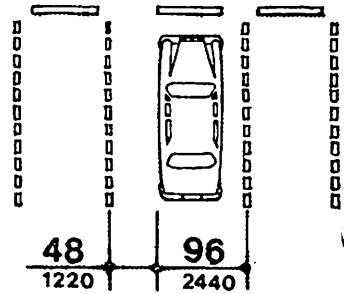


Fig. 3 C. Single Parking Space

Fig. 3. Parking Spaces

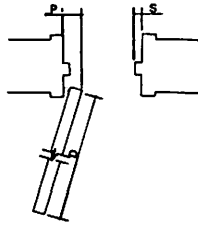


Fig. 4 A. Calculation of Clear Width $C = D - S - P$

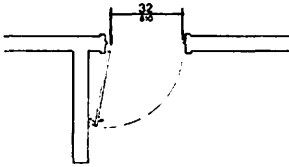


Fig. 4 B.

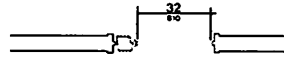


Fig. 4 C.

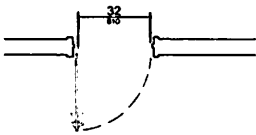


Fig. 4 D.

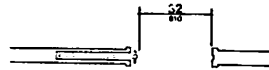


Fig. 4 E.

Fig. 4. Building Entrances

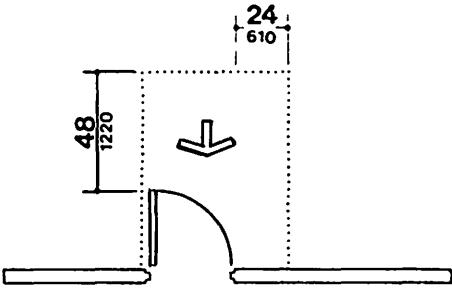


Fig. 5 A. Single Hinged Doors

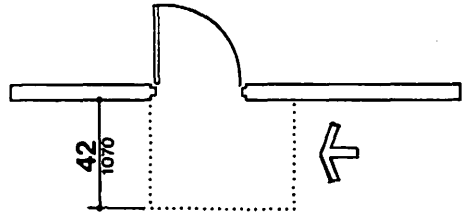


Fig. 5 E.

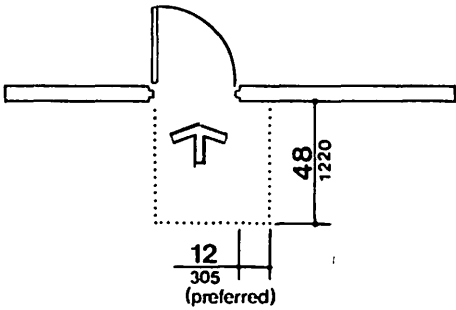


Fig. 5 B.

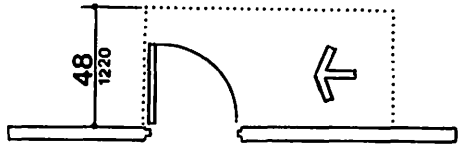


Fig. 5 F.

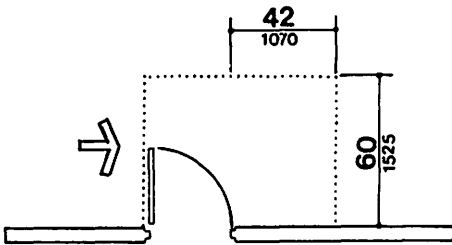


Fig. 5 C.

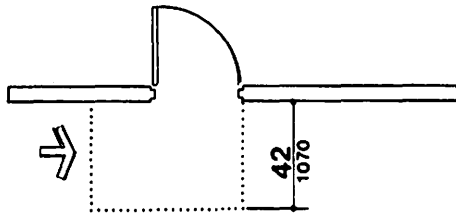


Fig. 5 D.

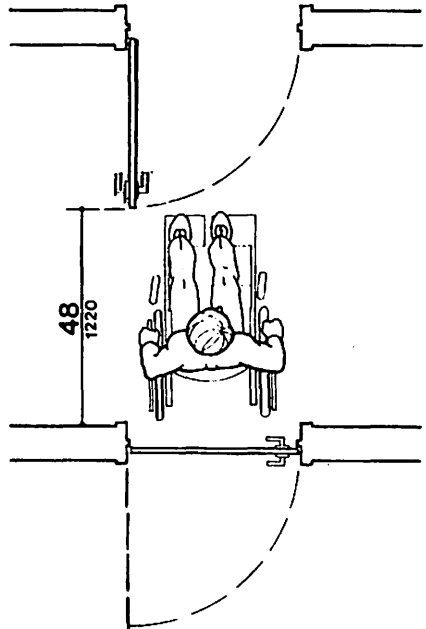
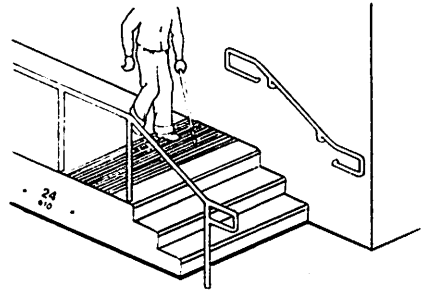
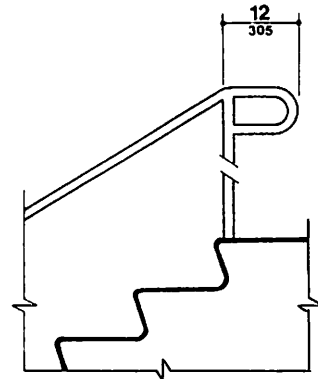
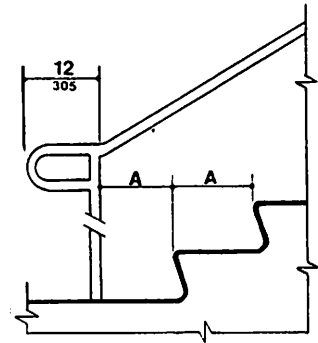
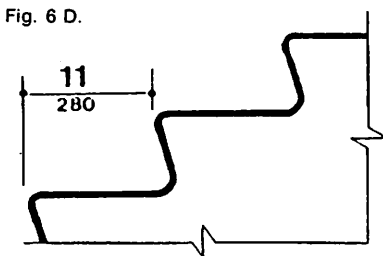
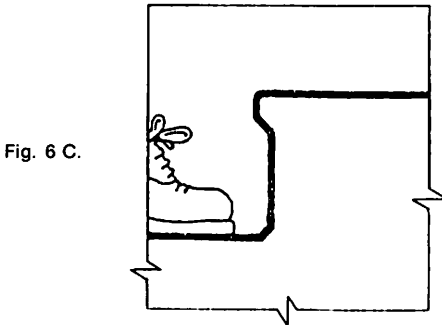
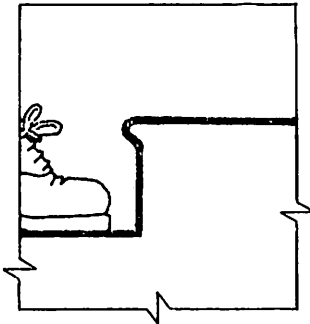
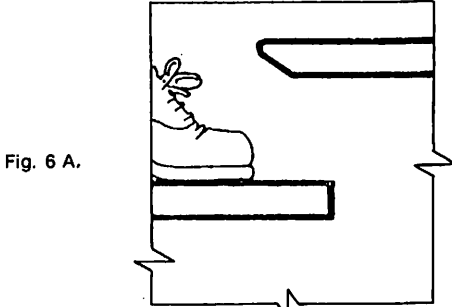


Fig. 5 G. Two Hinged Doors:N Series

Fig. 5. Doors and Doorways



Note: Warning signal shall begin the distance of one tread width from top riser

Fig. 6. Stair Construction Requirements

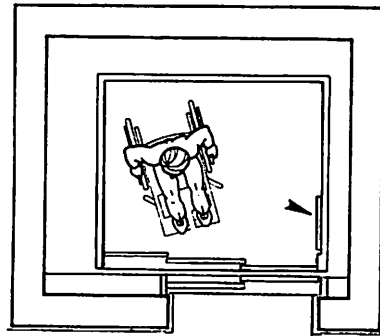
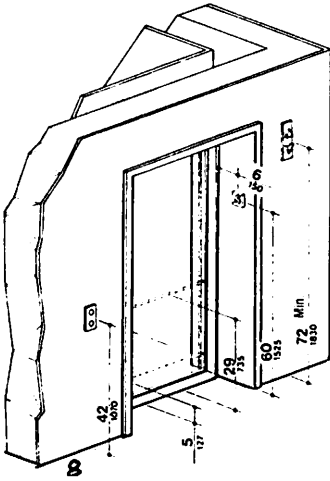


Fig. 7 A. Hoistway and Elevator Entrances

Fig. 7 B. Preferred Location of Panel and Door

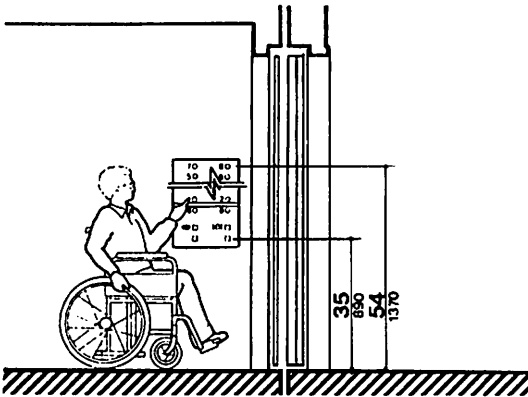


Fig. 7 C. Elevator Control Panel

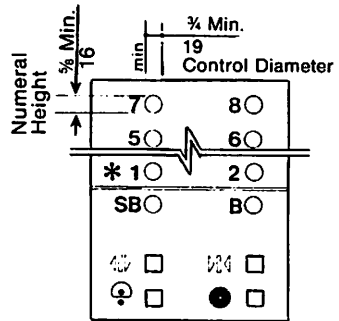


Fig. 7 D. Panel Detail

Fig. 7. Elevators Control

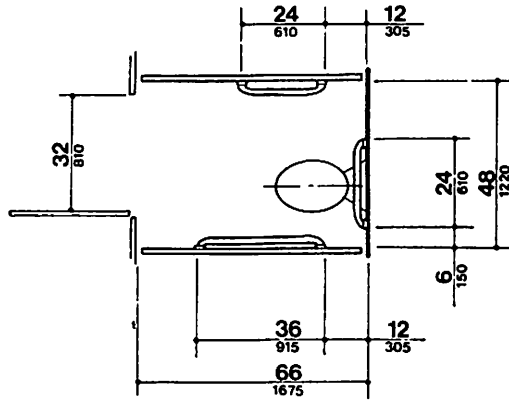


Fig. 8 A.

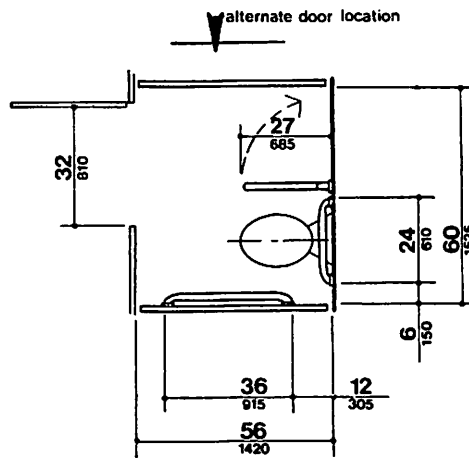


Fig. 8 B.

NOTE: Minimum space required in front of water closet is 32 by 32 inches.

Fig. 8. Toilet Stalls/Preferred Sized Layouts

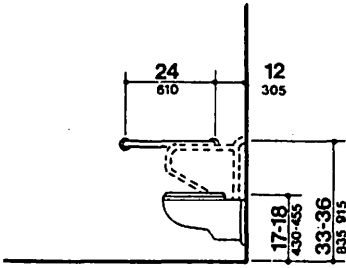


Fig. 9 A.

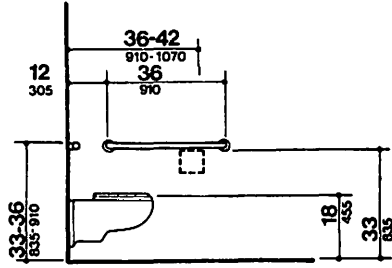


Fig. 9 B.

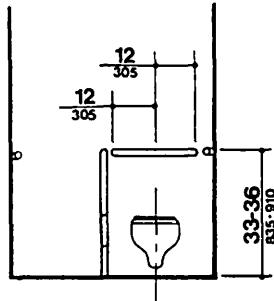


Fig. 9 C.

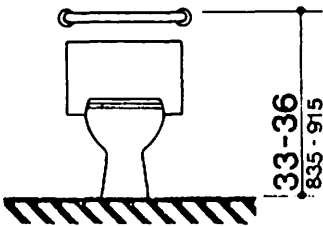


Fig. 9 D.

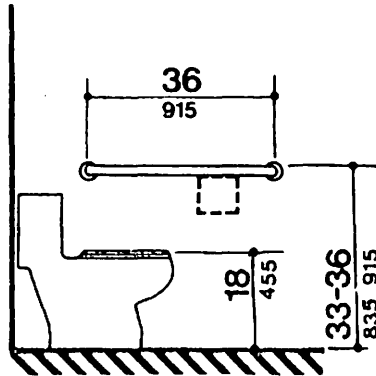


Fig. 9 E.

Fig. 9. Public Toilet Stalls/Location of Grab Bars

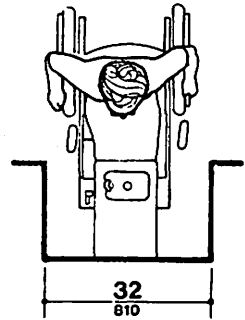
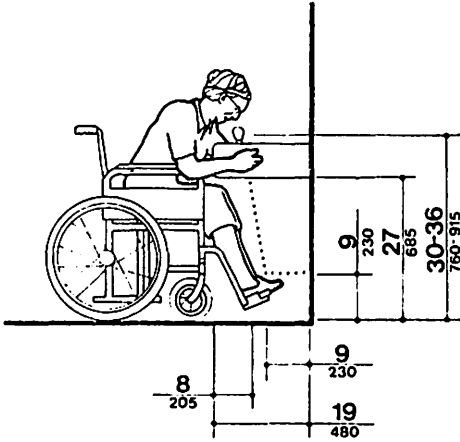


Fig. 10 A. Drinking Fountain

Fig. 10 B. Drinking Fountain (Top View)

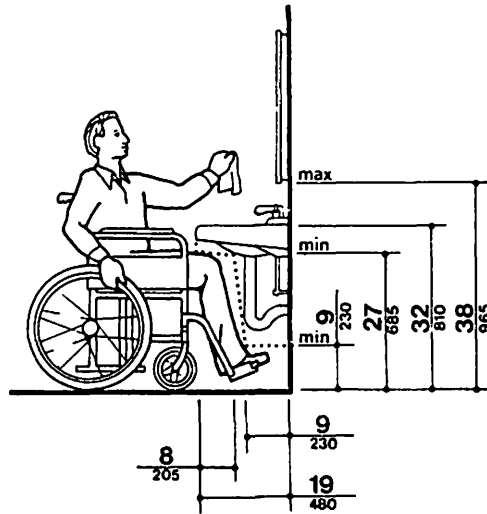


Fig. 10 C. Lavatory

Fig. 10. Clearances for Drinking Fountains/Lavatories

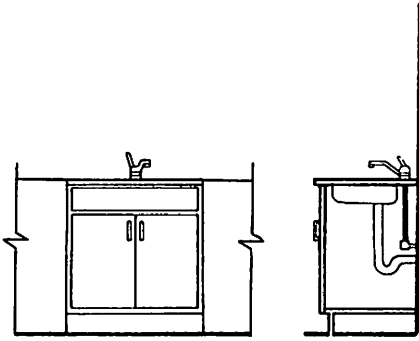


Fig. 11 A. Kitchen Sink Before Conversion

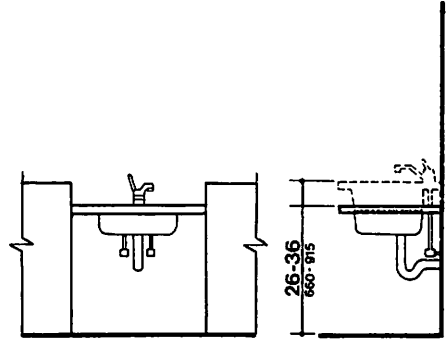


Fig. 11 B. Kitchen Sink After Conversion

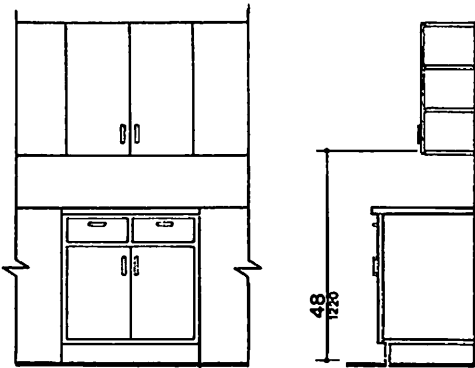


Fig. 11 C. Mix Center Before Conversion

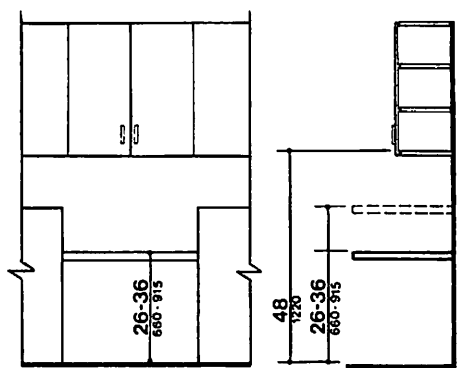


Fig. 11 D. Mix Center After Conversion

Fig. 11. Cabinet and Sink Conversion

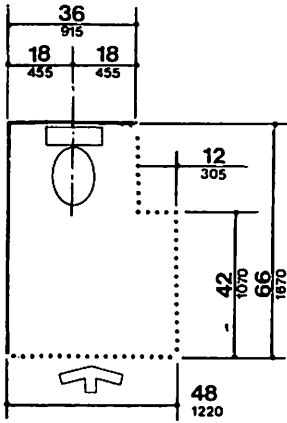


Fig. 12 A. Toilet Clearances

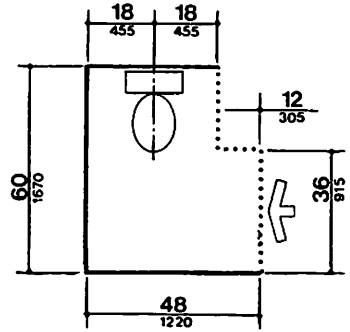


Fig. 12 B.

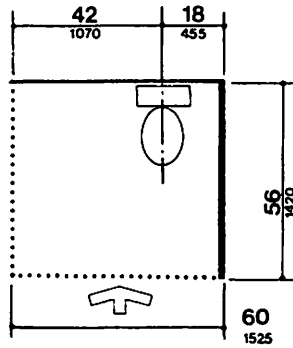


Fig. 12 C.

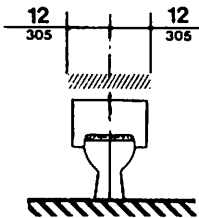


Fig. 12 D. Toilet/Location of Structural Reinforcements

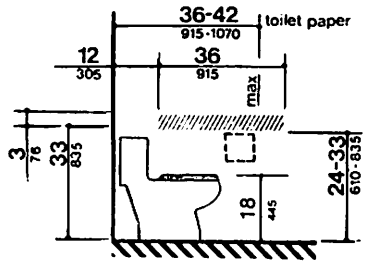


Fig. 12 E.

Fig. 12. Dwelling Toilets

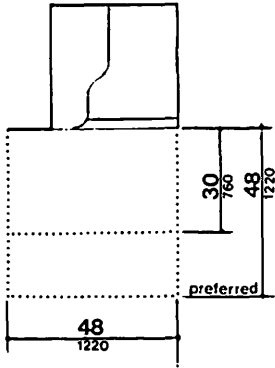


Fig. 13 A. Shower Clearances

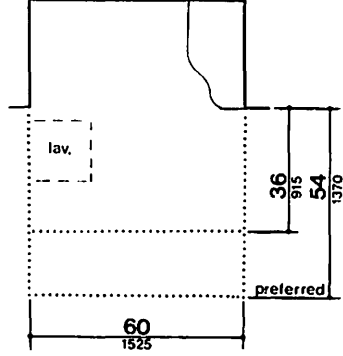


Fig. 13 B.

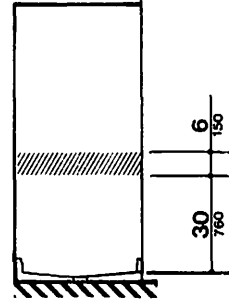
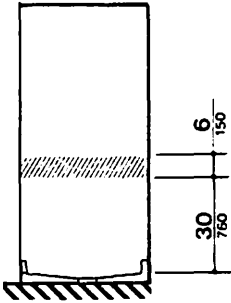
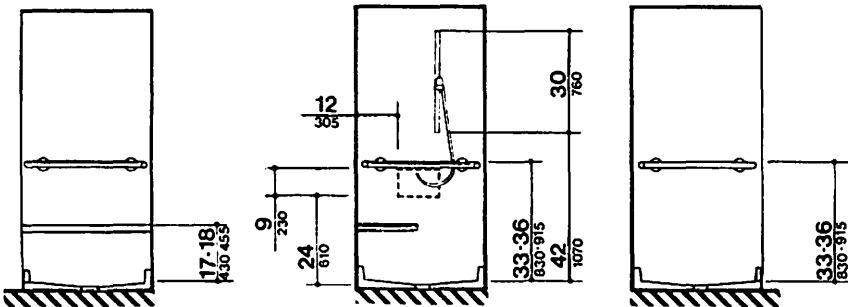


Fig. 13 C. Structural Reinforcement Locations



Note: An auxiliary hook for the hand-held shower spray shall be located in the control area.

Fig. 13 D.

Fig. 13. Shower Stall Clearances and Structural Reinforcements

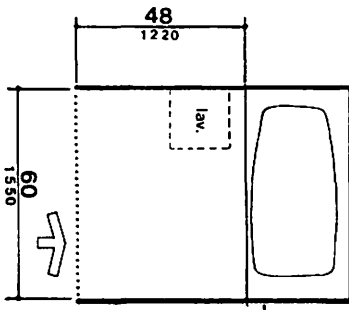


Fig. 14 A.

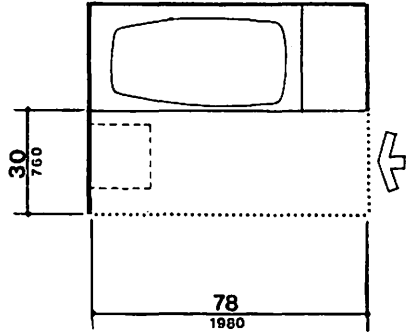


Fig. 14 B.

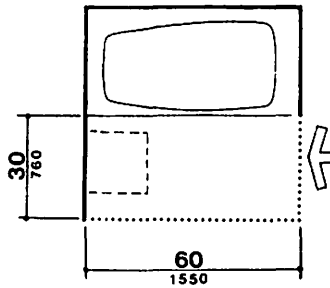


Fig. 14 C.

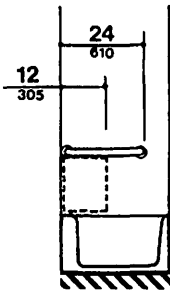


Fig. 14 D.

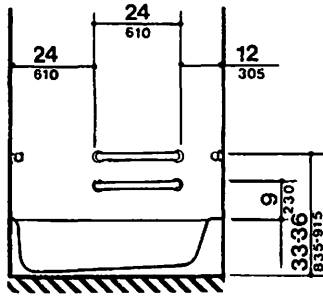


Fig. 14 E.

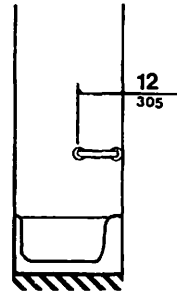
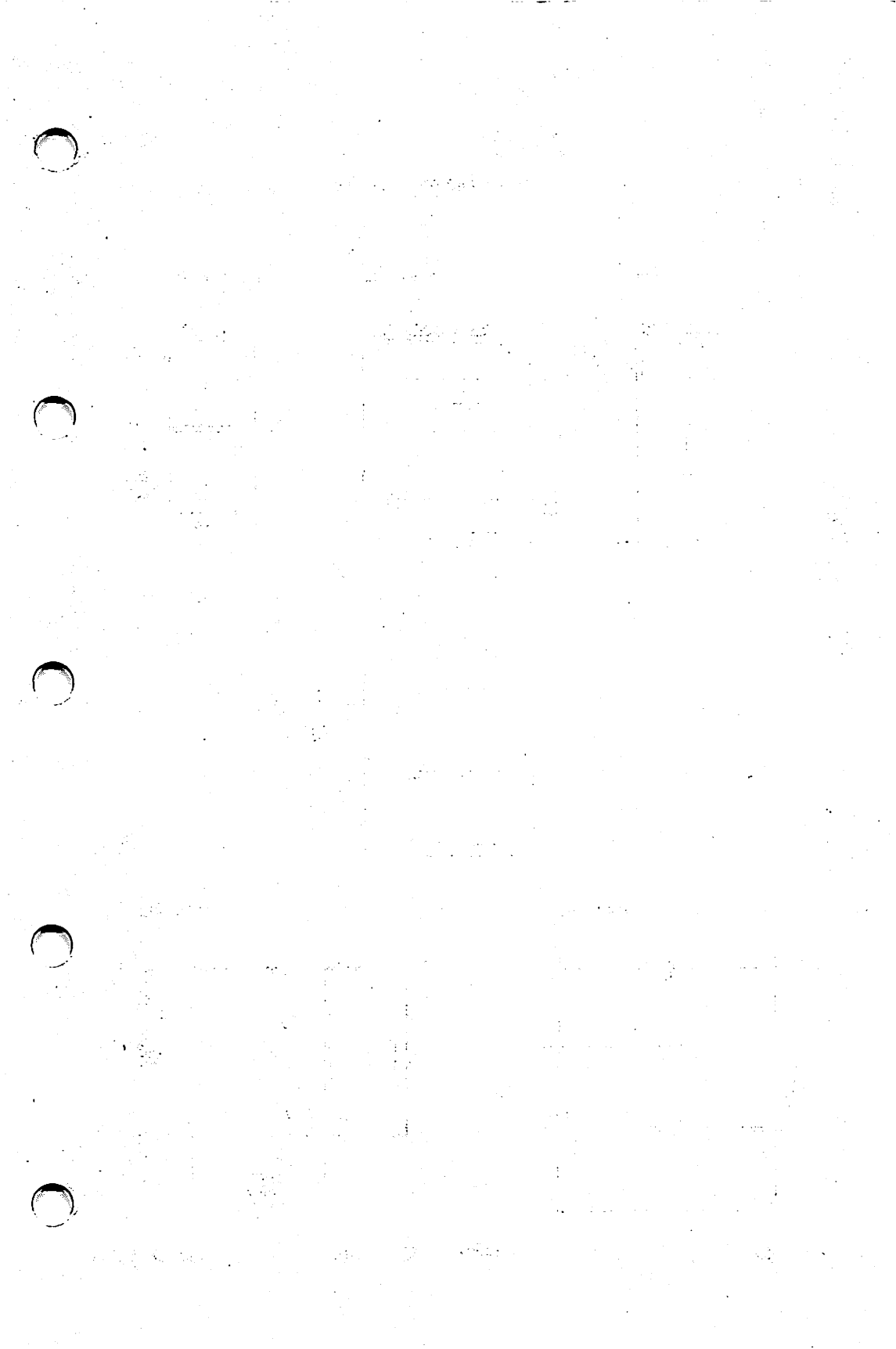


Fig. F.

Fig. 14. Tub Clearances



CHAPTER 6
COMPREHENSIVE EMPLOYMENT AND TRAINING ACT
(CETA)

630—6.1(7A) Assumption of responsibility. The office for planning and programming was delegated by the governor on July 8, 1974 as the administering state agency for the Comprehensive Employment and Training Act (CETA) under the provisions of section 7A.12(3) of the Code.



The following information was obtained from the records of the
 Department of the Interior, Bureau of Land Management, on
 the subject of the above-captioned matter.

The above information was obtained from the records of the
 Department of the Interior, Bureau of Land Management, on
 the subject of the above-captioned matter.

This document is a copy of the original and is not to be
 distributed outside the Department of the Interior.

CHAPTER 12
FORMS OF ANNUAL AGRICULTURAL REPORTS

750—12.1(172C) Corporation, limited partnerships and nonresident alien annual agricultural reports. AR1* is adopted as the annual agricultural report form to be filed by corporations, domestic or foreign as defined in chapters 491, 496A, 497, 498, 499, 504 and 504A of the Code, by limited partnerships, nonresident aliens or any of the foregoing identified as a beneficiary owning or leasing agricultural lands or engaged in farming or certain farm activities as prescribed in the Act.

12.1(1) Fiduciary annual agricultural report. AR2 is adopted as the fiduciary annual agricultural report form to be filed by every person acting in a fiduciary capacity on behalf of any corporation, limited partnerships, or nonresident alien individual, who holds agricultural land in this state, outside the corporate limits of any city.

12.1(2) Annual beef and pork processors. AR3 is adopted as the annual beef and pork processors report form to be filed by any processor of beef or pork in Iowa.

12.1(3) Filing annual reports, public inspection. Forms AR1, AR2 and AR3 are to be filed in the office of the secretary of state on or before the filing dates as shown on the report forms, AR1 at the time of filing annual corporation report, AR2 on or before January 31 and AR3 on or before March 31st.

Copies of forms AR1, AR2, and AR3 are kept in the corporation department of the secretary of state's office in the State Capitol Building, Des Moines, Iowa and may be inspected by anyone during any working day.

1. *Amend Form AR1, section A, subsection 2 by, adding and underlining the words "of an estate, trust, conservatorship, etc".

2. For emphasis:

In section A, subsection 7, underline the words "owned and operated".

In section A, subsection 8, underline the words "by" and "to others".

In section A, subsection 9, underline the words "to" and "by others".

These rules are intended to implement sections 172C.5 to 172C.8 and 567.9, Code of Iowa, 1977.

[Emergency filed 11/12/75—published 12/1/75, effective 11/12/75]

[Filed 4/22/76, Notice 12/1/75—published 5/17/76, effective 6/21/76]

[Emergency filed 11/22/76—published 12/15/76, effective 11/22/76]

[Filed 6/30/77, Notice 12/15/76—published 7/27/77, effective 8/31/77]

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY

REPORT OF THE COMMITTEE ON THE
PROGRESS OF THE WORK OF THE
DEPARTMENT OF CHEMISTRY
FOR THE YEAR 1954

CHICAGO, ILLINOIS
1955

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special cases, tours may be granted for persons under age eighteen at the discretion of the superintendent.

21.7(2) Prior approval from the superintendent is required for relatives or close friends of inmates to tour the institution.

770—21.8(218) Trips of inmates. An outside group wishing an institution's organization to make a trip shall send a written request to the institution. Trips are limited to a one hundred mile radius. Permission may be granted for longer trips at the discretion of the superintendent.

770—21.9(218) Donations. Donations of money, books, games, recreation equipment or other such gifts shall be made directly to the superintendent. The superintendent shall evaluate the donation in terms of the nature of the contribution to the institution program. The superintendent shall be responsible for accepting the donation and reporting the gift to the director, division of community services, in the Iowa department of social services.

[Filed 10/17/75, Notice 8/11/75—published 11/3/75, effective 12/8/75]

[Filed 4/30/76, Notice 3/22/76—published 5/17/76, effective 6/21/76]

[Filed 5/24/77, Notice 3/23/77—published 6/15/77, effective 7/20/77]

CHAPTER 22 Reserved

CHAPTER 23 IOWA STATE INDUSTRIES

770—23.1(218) Sale of products.

23.1(1) Iowa state industries shall sell products to any tax supported institution or governmental subdivision in any level of government which includes state, county, city or school. Iowa state industries may sell products to employees of such entities.

23.1(2) Iowa state industries may sell products to nonprofit organizations such as parochial schools, churches, or fraternal organizations and employees of such nonprofit organizations.

23.1(3) Iowa state industries may sell products to nonprofit health care facilities serving medicaid or social security patients.

23.1(4) Sales shall not be solicited from the general public.

770—23.2(218) Catalogues. Catalogues are available at the Sales Office, Division of Correctional Institutions, Department of Social Services, Lucas State Office Building, Des Moines, Iowa or the Industries Office located at the Iowa State Men's Reformatory, Anamosa, Iowa and the Iowa State Penitentiary, Fort Madison, Iowa.

[Filed 6/25/76, Notice 5/17/76—published 7/12/76, effective 8/16/76]

CHAPTER 24 Reserved

CHAPTER 25
COMMUNITY-BASED CORRECTIONS

770—25.1(217) Definitions.

25.1(1) Pretrial release, supervision, and services shall mean the same as defined in section 763.17 of the Code.

25.1(2) Presentence investigations shall mean the same as defined in sections 789A.3 and 789A.4 of the Code.

25.1(3) Probation shall mean the same as defined in section 789A.1 of the Code.

25.1(4) Parole shall mean the same as parole from jail defined in section 789A.7 of the Code and parole from state institutions defined in section 247.5 of the Code.

25.1(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 sections 217.24 to 217.29, 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.

770—25.2(217) Advisory panel.

25.2(1) An eight-member advisory panel for corrections shall be established which shall be responsible to the commissioner of the Iowa department of social services.

a. The panel shall consist of a legislator; two correctional representatives, one from the state administrative level and one from the local level; a representative from the Iowa crime commission; a member of the board of parole; a judge; and two members from the general public.

b. Appointment of the panel members and the filling of vacancies shall be made by the commissioner of the department of social services after solicitation of recommendations from interested agencies and associations.

c. For those initially appointed, the two correctional representatives, the representative from the crime commission, and one member of the general public shall be appointed to three year terms. The other panel members shall be appointed to two-year terms. Thereafter, all members shall be appointed to two-year terms.

d. The panel shall meet at least every two months.

e. The two members from the general public shall be paid a per diem while in session, consistent with that received by the members of the council on social services, and their reasonable and necessary expenses while attending such meetings.

25.2(2) *Functions of the advisory panel in advising the commissioner of the Iowa department of social services on all matters related to Iowa corrections, both institutional and community-based, will include but not necessarily be limited to:

a. Reviewing and advising on the scope and direction of Iowa corrections.

b. Reviewing the development of plans for corrections.

c. Reviewing and advising on guidelines and rules.

d. Reviewing and advising on program planning.

e. Reviewing of reports and studies on corrections in Iowa and in other states.

f. Serving as an informational conduit to the board of parole and reviewing program areas at the request of the board.

This rule is intended to implement sections 217.14, 217.26, and 217.28 of the Code.

770—25.3(217) 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.

770—25.4(217) Termination. When a community-based correctional program is ter-

*Objection, see filed rules published in IAC Spp. 6/15/77

- g. Resident accounts.
- h. Inservice education program records.
- i. Inspection reports pertaining to conformity with federal, state and local laws.
- j. Residents' personal records.
- k. Residents' medical records.
- l. Disaster preparedness reports.

81.9(2) Retention. Records shall be retained in the facility for a minimum of three years or until an audit is performed on those records, whichever is longer.

81.9(3) Change of owner. All records shall be retained within the facility upon change of ownership.

770—81.10(249A) Payment procedures.

81.10(1) Method of payment. Facilities shall be reimbursed under a cost-related vendor payment program. A per diem rate shall be established based on information submitted according to rule 81.6(249A). The per diem rate shall be no greater than the maximum reasonable cost determined by the Iowa department of social services.

81.10(2) Authorization of payment. The Iowa department of social services shall authorize payment for care in a facility. Such authorization shall be obtained prior to admission of the resident, whenever possible. When only a distinct part of the total facility has been certified as an intermediate care facility payment will be approved through the medical assistance program only for residents who occupy beds in the certified part of the facility.

81.10(3) Determination of client participation. Client participation will commence on the first day of the month following admission to the facility in the instances noted in items "a"—"c" below:

a. Whenever a recipient for whom the department has been making payment is hospitalized, there shall be continuing client participation upon return to the facility. The only instance where a resident does not have client participation upon returning to an intermediate care facility is when the resident leaves the Title XIX program but returns to the facility at a later date after being reinstated in the program.

b. When a recipient for whom the department has been making payment transfers from one facility to another, whether skilled nursing home, intermediate care facility or residential care facility there is continuing client participation and any unused client participation shall be applied toward the cost of care in the new facility.

c. There will be first month client participation in those cases where individuals residing in the facility change from private pay status to Title XIX resident status.

81.10(4) Periods authorized for payment.

a. Payment shall be made on a per diem basis for the portion of the month the resident is in the facility.

b. Payment will be authorized as long as the resident is certified as needing care in an intermediate care facility.

c. Payment will be approved for the day of admission but not the day of discharge or death.

d. Payment will be approved for periods the resident is absent overnight for purpose of visitation or vacation. The facility will be paid to hold the bed for a period not to exceed twelve days in any calendar year.

e. Payment will be approved for a period not to exceed ten days in any calendar month when the resident is absent due to hospitalization. Payment will not be authorized for over ten days for any continuous hospital stay whether or not the stay extends into a succeeding month or months.

f. Payment for periods when residents are absent for visitation or hospitalization will be made at 80% of the reported per diem costs, or the maximum Title XIX per diem rate, whichever is less.

81.10(5) *Supplementation.* Only the amount of client participation may be billed to the resident for the cost of care. No supplementation of the state payment shall be made by any person.

Exception: The resident, the residents' family, or friends may pay to hold the residents' bed in cases where a resident spends over twelve days on yearly visitation or spends over ten days on a hospital stay. When the resident is not discharged from the facility, such payments shall not exceed 80% of the facility's reported per diem costs, or the maximum Title XIX per diem rate, whichever is less. When the resident is discharged, the facility may handle the holding of the reserve bed in the same manner as a private paying resident.

81.10(6) **Payment for out-of-state care.* Payment will be made for care in out-of-state intermediate care facilities. The rate of such payment will be determined by the Iowa department of social services. In no case will the rate paid by the department be greater than the lesser of the maximum payment made to Iowa intermediate care facilities or the maximum payment allowed by the state in which the facility is located for care comparable to that received in Iowa.

81.10(7) *Comparative charges between private pay and medicaid residents.* The department of social services shall not pay intermediate care facilities a per diem rate in excess of the average per diem rate charged to private pay residents.

a. The intermediate care facility shall recompute the average per diem rate on a facility-wide, private pay basis twice yearly. This computation shall coincide with the preparation of the financial and statistical report for nursing homes, form AA-4036-0 which is submitted to the department.

b. An individual private pay resident's rate shall be computed by accumulating the six months' total charges for the individual and dividing the total charges by the total number of days in which the bed was occupied by or was being held for the resident. The total monthly charges will include the basic charge per day plus any standard charges for extra care and service.

c. To compute the facility-wide average private pay per diem rate the facility shall accumulate total monthly charges for all private pay residents for the six-month period and divide by the total patient days for all private pay residents for the same period to arrive at the private pay average per diem rate for the entire facility.

770—81.11(249A) *Billing procedures.*

81.11(1) *Claims.* Claims for service must be received by the Iowa department of social services by the fifth working day following the last day of the month in which service was provided. Claims shall be submitted to the Data Processing Division, Iowa Department of Social Services, Lucas State Office Building, Des Moines, Iowa 50319.

a. When payment is made, the facility will receive a copy of form AA-4163-0, Long Term Care Billing Claim and Payment Register. The right-hand copy of the original shall be returned to the department as a claim for the next month.

b. When there has been a new admission, a discharge, a correction, or a claim for a reserved bed, the facility shall also submit form AA-4164-0, Long Term Care Changes Notice, with the claim.

81.11(2) *Bed survey.* Form AA-4037-0, Survey of Available Beds, will be mailed each month along with the billing form. This form shall be completed and returned along with the following month's claim for payment.

770—81.12(249A) *Closing of facility.* When a facility is planning on closing, the Iowa department of social services shall be notified at least sixty days in advance of the closing. Plans for the transfer of residents receiving medical assistance shall be approved by the local office of the department of social services.

770—81.13(249A) *Conditions of participation for intermediate care facilities.* All intermediate care facilities must enter into a contractual agreement with the state depart-

CHAPTER 140
FAMILY PLANNING SERVICES

770—140.1(234) Definitions.

140.1(1) Delegate agency. Whenever delegate agency is used in these rules, it shall mean a family planning center which has an administrative and financial relationship with the state department of health.

140.1(2) Family planning educational services. Family planning education services are services including group or individual discussions with clients informing them of the various types of birth control methods available and where they may be obtained.

140.1(3) Clinical care services. Clinical care services include those services which assist a client in obtaining contraceptive devices and supplies from health practitioner resource persons such as physicians, nurse clinician, health clinic pharmacy or family planning center, in accordance with Iowa law.

770—140.2(234) Eligibility. Those persons eligible for services from the department shall be eligible for family planning services.

770—140.3(234) Choice of provider.

140.3(1) Individuals shall be assured a choice of provider of services.

140.3(2) When the department pays for the services under a purchase of service contract with the health department, the services must be provided by a delegate agency.

770—140.4(234) Direct referrals. All persons who are income maintenance or services clients of the department and any other client requesting information on family planning, shall be offered family planning services and referred to either a private physician or delegate agency.

770—140.5(234) Outside referrals. When a client goes directly to a delegate agency without referral by the department, the delegate agency shall make the preliminary determination of eligibility based on information provided by the client and shall then refer the information back to the department for final determination of eligibility.

770—140.6(234) Family planning liaison worker. The family planning liaison worker in the local offices of the department of social services shall be the primary contact person for clients requesting family planning services and shall have final responsibility for determining eligibility of clients requesting family planning services.

770—140.7(234) Need. In determining the need for family planning services, the family planning liaison worker shall take the following factors into consideration.

140.7(1) Family limitation, as when parents regard their current family as complete and want no more children.

140.7(2) Child-spacing, when parents seek a longer interval between the births of their children.

140.7(3) A mother's inability to cope with several small children.

140.7(4) A marital conflict which may be at least partially related to the earlier birth of unwanted children.

140.7(5) The presence in the home of a seriously handicapped child or adult with an emotional problem, which requires special, time-consuming and emotionally and physically draining supervision by the mother.

140.7(6) The mother's desire to seek employment outside the home.

140.7(7) Adolescent sexual activity as a social indication of the need for family planning services.

140.7(8) The possibility or the presence of neglect or abuse as an indication of the presence of an unwanted child in the home.

[Filed 4/5/76, Notice 1/12/76—published 4/19/76, effective 5/24/76]

[Filed 9/29/76, Notice 8/23/76—published 10/20/76, effective 11/24/76]

CHAPTER 141*

CHILDREN IN NEED OF ASSISTANCE OR DELINQUENT CHILDREN

770—141.1(232) Admission procedures. When a youth is to be admitted to one of Iowa's children's institutions, arrangements shall be made for the actual admission between 8:00 a.m. and 4:30 p.m., Monday through Friday. The youth being admitted shall be accompanied by such youth's parents, when available, and the local office service worker assigned to the youth. Whenever possible, a preadmission visit by the youth to the institution shall be arranged by the local office service worker.

770—141.2(232) Placement. Before a youth is placed from one of the children's institutions, a Placement Contract, Form SS-3605-0 which outlines the conditions of the placement, shall be signed by the youth, superintendent, field social worker and parents.

770—141.3(232) Return from placement to children's institutions for violation of placement contract.

141.3(1) A youth may be returned to a children's institution for violation of placement contract (parole).

141.3(2) Upon an initial determination by the department of social services' service worker that the youth has violated the youth's placement contract (parole), the youth may be held in a children's institution or other appropriate facility pending a hearing or informal settlement of the matter. In the event a hearing is required, said hearing shall be held within fifteen calendar days of the date from which the youth is held. Nothing in this rule shall be construed to mean that a child in need of assistance may be held at the Iowa training school for boys or the Iowa training school for girls.

770—141.4(242) Hearing procedure for violation of placement contract (parole). The following procedures shall be followed, notwithstanding any conflicting rules in chapter 7 of social services rules in returning a youth to a children's institution for parole violation, unless the return is ordered by an Iowa court.

141.4(1) Informal settlements of controversies are encouraged. (See Section 17A.10 of the Code of Iowa.) Nothing herein shall be in derogation of the youth's right to a hearing. Any waiver of hearing by a youth must be willful and voluntary. It shall be the duty of the service worker to fully inform the youth of the right to a hearing. When a youth waives hearing, however, form SS-3809-0, Waiver of Parole Violation Hearing, shall be signed by the youth and a copy sent to such youth's parents or person responsible for such youth.

141.4(2) When the youth does not waive hearing, the department of social services' service worker shall immediately contact the office of appeals and fair hearings to schedule a hearing. Written notice shall be given to such youth or sent to such youth by the service worker in accordance with subrule 7.9(4), paragraph "b". A copy shall be sent to such youth's parents or person responsible for such youth. The notice of hearing shall be given or sent to the youth at least five calendar days before the hearing and the notice shall contain the following:

*Objection, see filed rules published in IAC Supp. 5/4/77; 6/1/77.

Notification and Review, Part III—State Plans and Multisource Programs, and Part IV—Coordination of Planning in Multijurisdictional Areas, of OMB Circular A-95, constitute the doctrine governing requirements and procedures of statewide and areawide clearinghouses and shall serve as the procedural guide for implementation by the department of transportation of the policies set forth by the federal highway administration (FHWA) relative to clearance and approval by state and areawide clearinghouse agencies of highway projects programmed for federal-aid participation. FHWA requires review in accord with the provisions of Circular A-95, of any proposed federal-aid highway project which is expected to have significant impact upon the comprehensive planning objectives of one or several agencies forming the project clearance group.

820—[06,B]1.2(307A) General requirements for satisfying requirements of environmental impact, public hearings and location/design approval. Section 2—“Environmental Impact and Related Statements”, Section 5—“Public Hearings and Location/Design Approval” and Section 9 “Air Quality Guidelines” of Volume 7, Chapter 7—“Right-of-Way and Environment” of the Federal-Aid Highway Program Manual and Federal Highway Administration Policy and Procedure Memorandum (PPM) 90-2 “Noise Standards and Procedures”, constitute the guidelines and requirements governing environmental impact, air, noise, public hearing requirements, location studies, design studies, and action classification determination for federal-aid highway projects developed by the department of transportation.

820—[06,B]1.3(307A) Compliance with the provisions of the action plan relative to project planning. In compliance with section 109(h), Title 23, United States Code, the department of transportation hereby adopts the June 1977 edition of the action plan as it relates to efforts of the division of highways in project planning. Compliance with the action plan shall be defined as compliance with the requirements of the highway division pertaining to project planning operations.

This rule is intended to implement section 307A.4 of the Code.

820—[06,B]1.4(307A) Predesign project agreements. The department of transportation, hereinafter designated the “state” in accordance with the provisions of chapters 306 and 306A, and sections 313.21 and 314.5 of the Code, shall enter into predesign agreements with a municipality, hereinafter designated the “city”, whenever it is proposed to establish or improve an extension of a primary road as a controlled access facility within that municipality.

Further, pursuant to section 306A.7, all such predesign project agreements between the state and the city shall be prepared respecting the financing, planning, establishment, improvement, maintenance, use and regulation of controlled access facilities.

1.4(1) Preparation and submittal procedures for predesign project agreements. The agreement shall be prepared for that project or portion of a project falling within corporation limits using the concept description as contained in the transportation commission resolution approving the corridor public hearing for the project.

a. The appropriate department of transportation district engineer shall forward the original and one copy of the predesign project agreement to the city for consideration and signature.

b. When the signed agreement copies are returned by the city, they shall be presented for approval by the project planning engineer to the transportation commission.

c. Upon commission approval and execution by the director of transportation or highway director-chief engineer, one copy of the agreement shall be transmitted to the city clerk. Copies of the signed original shall be prepared for distribution as shown on the transmittal to the city clerk.

d. The original signed copy of the agreement shall be filed with the director-chief engineer.

1.4(2) *Federal participation.* If federal funding is to be used, three signed copies shall be transmitted to the division office of the federal highway administration.

820—[06,B]1.5(307A) Availability of information. All federal instructions and procedures and the action plan adopted pursuant to this chapter are available upon request made in person or by mail to the Department of Transportation, 826 Lincoln Way, Ames, Iowa 50010.

These rules are intended to implement section 307A.2 of the Code.

[Filed July 1, 1975]

[Filed emergency 5/12/77—published 6/1/77, effective 6/1/77]

[Filed 7/8/77, Notice 5/18/77, published 7/27/77, effective 8/31/77]

ARTICLE C
DEVELOPMENT SUPPORT

CHAPTER 1
PRIMARY ROAD ACCESS CONTROL

[Appeared as ch 1, Highway Commission, 1973 IDR]

820—[06,C]1.1(306A) Statement of policy. The commission hereby establishes the following rules and regulations for control of access to primary roads.

1.1(1) The commission shall at all times recognize that no property owner shall be deprived of the right to reasonable, free and convenient access to the owner's property without just compensation therefor.

1.1(2) In connection with each application of access rules to a particular situation, the commission shall at all times consider the following:

- a. Safety to the traveling public.
- b. Perpetuation of the traffic-carrying capacity of the highway.
- c. The impact upon the economy of the state.
- d. Protection of the rights of property owners, including the rights of abutting property owners.
- e. The rights and convenience of the traveling public and of property owners to have access to homes and business facilities.

1.1(3) The commission shall at all times reserve the right to make exceptions to any and all rules where the exercise of sound and reasonable judgment indicates that the literal enforcement of any such rules would effect an undue hardship on any interested party, and the commission shall in the enforcement thereof use extraordinary care to see that no undue hardship or injustice results to any affected party, the community or the state.

820—[06,C]1.2(306A) Definitions. The following terms when used in the rules in this part have the following meanings:

1.2(1) *Organization.* The following organizations direct or administer the access rules.
a. *Commission.* The state transportation commission of the state department of transportation.

b. *Department.* The state department of transportation.

1.2(2) *Acquisition.* To receive title by gift, purchase or condemnation.

1.2(3) *Fully controlled access highway.* A highway or street especially designed for through traffic and over, from or to which owners or occupants of abutting land or others shall have no right or easement of access by the reason of the fact that their property abuts upon such highway. Access to a fully controlled access highway shall be via interchanges at designated public roads.

1.2(4) *Expressway controlled access highway.* A highway or street especially designed for through traffic and over, from or to which owners or occupants of abutting land or others shall have no right or easement of access by the reason of the fact that their property abuts upon such highway. Access to an expressway controlled access highway shall be via interchanges and at designated public road intersections at grade.

“Certificate of Completion and Final Acceptance of Agreement Work,” certifying project completion and shall transmit the same to the department.

j. The railway corporation shall submit a final detailed billing covering the actual and necessary costs incurred by the railway corporation for the agreed upon work to the highway authority, which shall be reviewed by the highway authority for reasonable conformance with the agreement. The billing, if approved by the highway authority, shall then be transmitted to the department for payment from the grade crossing surface repair fund.

k. The department, upon approval of the billing, shall pay to the railway corporation an amount equal to one-third of the actual cost of the agreed upon work from the grade crossing surface repair fund.

(1) The department, prior to approval of the billing, may perform an audit of the submitted billing.

(2) Such an audit shall be performed to determine the allowability and propriety of the billing costs in accord with the executed agreement.

l. The department, upon approval of the billing, shall notify the highway authority of said approval. The highway authority shall pay to the railway corporation an amount equal to one-third of the actual cost of the agreed upon work.

This rule is intended to implement Chapter 478 of the Code as amended by House File 1480, Sixty-sixth General Assembly, Second Session.

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ARTICLE D
DESIGN
Reserved

ARTICLE E
Reserved

ARTICLE F
RIGHT OF WAY

CHAPTERS 1 to 7
Reserved

CHAPTER 8
RELOCATION ASSISTANCE

820—[06,F]8.1(316) Definitions. The following terms when used in these rules shall have the following meanings:

8.1(1) *The Act.* When referred to in these rules "The Act" shall mean chapter 316 of the Code.

8.1(2) *Agency.* The department of transportation or other state agencies and political subdivisions offering a relocation assistance program under chapter 316.

8.1(3) *Relocation assistance payment.* Any or all of the payments authorized for displaced persons by chapter 316 and by these rules.

8.1(4) *Family.* Two or more individuals, one of whom is the head of a household, plus all other individuals regardless of blood or legal ties who live with and are considered a part of the family unit. Where two or more individuals occupy the same dwelling with no identifiable head of a household, or are not related by blood or legal ties but live together by mutual consent, they shall be treated as one family for replacement housing payment purposes.

8.1(5) *Claimant.* Any displaced person filing a written claim with the agency for relocation assistance or a relocation assistance payment as provided by these regulations.

8.1(6) *Displaced person or displacee.* Any person who is in occupancy at the initiation of negotiations for the acquisition of the real property in whole or in part; or is in occupancy at the time he is given a written notice by the agency that it is their intent to acquire the property by a given date; and who thereafter moves from the subject property or who thereafter moves his personal property from the subject property and the subject property or any interest therein sufficient to cause displacement is subsequently acquired in whole or in part. If the move occurs after a written order to vacate the subject property is issued by the agency, the occupant is a displaced person even though the property is not acquired for the highway project. If the move occurs after a written notice to vacate real property other than the subject property on which other property the person conducts a business or farm operation is issued by the agency, the person is eligible to receive only those payments and benefits specified in section 316.4(1). Where the agency determines that a sufficient portion of a mobile home park is acquired to either entitle the operator to a payment under section 316.4(3) and these rules or which would justify the operator of such park to move his business or go out of business the owners or occupants of the mobile home dwellings not within the actual land acquired but who are forced to move are displaced persons. Persons in occupancy at the time the property is acquired are displaced persons.

8.1(7) *Initiation of negotiations for the parcel.* The term "initiation of negotiations for a parcel" means the date the acquiring agency makes the first personal contact with the owner or his representative where price is discussed or the date at which he is given a written notice of the agency's intent to acquire the property, whichever date is earlier.

8.1(8) Reserved.

8.1(9) *Dwelling.* Any single family house, a single family unit in a multifamily building, a unit of condominium or co-operative housing project, a mobile home, or any other residential unit used as ones usual and customary abode in which one is domiciled and maintains permanent residence.

8.1(10) *Subject dwelling or subject property.* The dwelling or property being acquired by or on behalf of the agency.

8.1(11) *Comparable dwelling.* A dwelling in a location meeting the standards established in these regulations for comparable available replacement housing.

8.1(12) *Decent, safe and sanitary.* Standards established by these regulations which all replacement dwellings shall meet to qualify their occupants for a replacement housing payment.

8.1(13) Acquisition cost of the dwelling acquired. The price finally paid an owner for the residential portion of the real property acquired by contract, settlement, condemnation or condemnation appeal award.

8.1(14) Nonprofit organization. Any corporation, partnership, individual or other public or private entity, engaged in a business, professional or institutional activity on a nonprofit basis, necessitating fixtures, equipment, stock in trade, or other tangible property for the carrying on of the business, professional or institutional activity on the premises.

8.1(15) Owner or purchaser. An individual (or individuals) owning, legally or equitably, the fee simple estate, a life estate, a ninety-nine year lease, fifty year lease or other proprietary interest in the subject property; the contract purchaser of any of the foregoing estates or interests; or any person who has succeeded to any of the foregoing interests by devise, bequest, inheritance or operation of law, or who is possessed of such other proprietary interest in the real property as, in the judgment of the head of the agency, warrants consideration as ownership. In the event of acquisition or ownership by devise, bequest, inheritance or operation of law the tenure of ownership, not occupancy, of the succeeding owner shall include the tenure of the preceding owner.

8.1(16) Moving cost payments. Actual, estimated, scheduled or statutory payment to displacees for costs, losses and expenses the payment of which is authorized by section 316.4 and these rules.

8.1(17) Federal aid highway project. Any highway project on which federal highway funds or other federal funds are or will be utilized whether to plan or design or acquire real property or to provide relocation assistance or for construction or for any one or more of these purposes.

8.1(18) Habitable floor space. Habitable floor space is that space used for sleeping, living, cooking or dining purposes, and excludes such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

8.1(19) Relocation assistance supervisor. The duly appointed administrator of the agency's relocation assistance program.

8.1(20) Farm operation. Any activity conducted solely or primarily for production of one or more agricultural products or commodities, including timber for sale or home use and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support. The term "contributing materially" used in this definition means that the farm operation contributes at least one-third of the operator's income. In instances where the operation is obviously a farm operation it need not contribute one-third to the operator's income for him to receive a moving cost payment under section 316.4(3) where the farming operation is discontinued as provided in these regulations.

8.1(21) Initiation of negotiations for the project. The date the acquiring agency makes the first personal contact with the owner of any property on the project or his designated representative where price is discussed, except where such contact is made solely for protective buying or because of hardship. The control date thus established shall be documented in the project file.

8.1(22) Taxable year. A taxable year is any twelve-month period used by a business or farm operation in filing income tax returns.

8.1(23) Annual net earnings. Any net earnings of a business or farm operation before federal, state, and local income taxes.

8.2 and 8.3 Reserved.

820—[06,F]8.4(316) Actual reasonable moving costs and related expenses.

8.4(1) Actual reasonable moving expenses include payments for the cost of moving the displacee, his family, his business, his farm operation or for moving a nonprofit organization, for storage, insurance, losses in moving, removal, reinstallation and re-establishment expenses.

a. The expenses incurred in advertising for packing, crating and transportation may be paid when the agency determines that such advertising is necessary. Such advertising payments shall be limited to complicated or unusual moves where advertising is the only reasonable method of securing bids.

b. The cost of storage of the relocatee's personal property where determined necessary by the agency, for a reasonable period but not to exceed twelve months, may be paid. The cost to store displacee's personal property on the property being acquired or on property remaining after the acquisition or on another property owned or controlled by the displacee shall not be paid.

c. The cost of insurance premiums covering loss and damage of personal property while in storage or transit may be paid. Such insurance coverage shall not exceed the reasonable replacement value of personal property.

d. The reasonable replacement value of property lost, stolen or damaged in the process of moving may be paid where insurance to cover such loss or damage is not available provided that in the judgment of the agency the loss or damage was not caused by the fault or negligence of the displacee, his agent or employee.

e. The expenses of removal, reinstallation and re-establishment of machinery, equipment, appliances and other items which are not acquired, including reconnection of utilities to such items, may be paid. No part of any removal, reinstallation and re-establishment expense payment shall be made where the item would constitute an improvement to the replacement realty. No payment of removal, reinstallation and re-establishment expenses shall be made for any item classified by the agency as real property retained by the displacee where the displacee has been paid or is secured to be paid for the item by the terms of the acquisition agreement whether by purchase or as damage or where purchased by the agency and sold to the displacee for its salvage value. Items not so paid for or secured to be paid for may be considered personalty for purposes of the payment of removal, reinstallation and re-establishment expenses where by the terms of the acquisition agreement the displacee and the agency agree that the property is personalty and that the agency is released from any payment for the property as realty.

f. A displacee who chooses to use his dwelling as a means of moving his personal property may be paid a scheduled moving payment.

g. Two or more families occupying the same dwelling unit, who must relocate into separate dwelling units because a single comparable dwelling unit is not available, may elect to be reimbursed either on an actual cost basis or on a schedule move plus a dislocation allowance for each family. Two or more families occupying the same dwelling unit, who relocate into separate dwelling units on a voluntary basis when a single comparable dwelling unit is available, may elect to be reimbursed either on an actual cost basis or on a schedule move plus one dislocation allowance to be divided by the families. A schedule move payment will be based on the number of rooms actually occupied by each family plus community rooms utilized by each family. Two or more individuals, not a family, who occupy the same dwelling unit, are considered to be a single family.

h. In addition to the payment for the moving of personal property, himself and his family from his dwelling unit in accord with the provisions of these rules, a displacee who owns and occupies a multifamily dwelling may also be paid the actual cost of moving the business portion of his personal property or a payment under section 316.4(3) in accord with the provisions of these rules.

i. Services furnished by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any business activity is conducted is considered a business activity solely for purposes of payments made pursuant to section 316.4(1). An advertising sign that is otherwise eligible for moving payments will not be eligible when it is moved to a site in violation of state, federal or local law or regulation.

8.4(2) *Moving cost exclusions.* No payment shall be made for the following costs, losses or expenses as actual reasonable moving expenses.

a. No payment shall be made for additional expenses incurred because of living in a new location.

b. No cost shall be paid for moving of structures, improvements and other real property in which the displacee is reserved ownership, where compensation for the item has been paid or is secured to be paid by the terms of the acquisition agreement whether by purchase or as damage, or where purchased by the agency and sold to the displacee at its salvage value or where reserved pursuant to section 472.44.

c. Unless otherwise authorized by these rules, no payment shall be made for improvements to the replacement realty or for modification of personal property to adapt it to a replacement realty.

d. Interest on loans to cover moving expenses, loss of goodwill, loss of business, loss of profit, loss of trained employees, personal injury and the cost of preparing an application or claim for moving and related expenses shall not be paid.

e. No payment shall be made for such other items as the agency determines should be excluded on the basis that they are not reasonable, or proper.

8.4(3) *Distance of move payment determinations.* There is no limitation on the distance a displacee may move either interstate or intrastate. Displacees may be paid the actual, reasonable costs of moving his personal property onto remaining or other lands owned or controlled by the displacee or elsewhere not to exceed the cost of moving a distance of fifty miles either interstate or intrastate, except where it is determined by the agency that relocation cannot be accomplished within the fifty-mile area. In the case of such a determination payment will be made to the nearest adequate and available site as determined by the agency.

8.4(4) *Commercial or self-moves.* Displacees may either move commercially or may elect a self-move in accord with chapter 316 and by these rules.

a. Payments made on an actual moving cost basis shall be supported by receipted bills or other evidence of expenses incurred but in the case of a self-move shall not be paid in an amount which exceeds the estimated cost of moving commercially. In the case of a self-move, estimates of the cost of moving commercially may be prepared by a commercial moving firm or by a qualified employee of the agency.

b. A displacee electing to move his personal property himself may also elect to be paid an amount to be negotiated with the agency based on the lower of two firm estimates obtained by the agency from two qualified moving firms. A third such estimate may be obtained by the agency where in its judgment, it is necessary to do so.

c. Businesses may be paid actual moving costs where two firm bids or estimates cannot be obtained from qualified moving firms.

d. The owner of a displaced business shall prepare a certified inventory of the items to be actually moved. If the items on the "as moved" inventory deviates to any appreciable extent from the original certified inventory, the amount bid, or estimate, will be appropriately adjusted for payment.

e. Moving cost estimates may also be made by a qualified employee of the agency, other than the employee providing the relocation assistance, if the moving costs do not exceed \$1,000.00 or in such amount as authorized by the appropriate federal authority, in which case the displacee may be paid the amount of such moving expense finding upon completion of the move without supporting evidence of the actual expenses incurred.

f. Negotiated moving cost payments and moving cost payments for commercial moves shall be limited to the rates as established by the Iowa commerce commission.

g. When personal property which is used in connection with the business is of low value and high bulk and the estimated cost of moving would be disproportionate in relation to the value the agency may negotiate with the owner for an amount not to exceed the difference between the cost of replacement of comparable items on the market and the amount which would probably have been received for the items in liquidation.

h. The costs of transportation of individuals and families to a new location may be paid. Such costs may be on a mileage basis, not to exceed fifteen cents per mile, or reasonable

actual fees if commercial transportation is used and may include special services such as the cost of ambulance to transport invalid displacees. The actual reasonable cost of meals and lodging, when the agency determines that such costs are required because of unforeseen circumstances or practical necessities of the moving operation, may also be paid.

8.4(5) *Loss of tangible personal property.* Actual direct losses of tangible personal property may be paid to nonprofit organizations and to displacees who are displaced from their place of business or whose farming operation is discontinued who are entitled to relocate such property in whole or in part but elect not to do so.

a. Payment for actual direct losses of such property made under authority of section 316.4(1)“*b*” and these rules may be made only after a bona fide effort has been made by the owner to sell the item(s) involved.

b. If the item(s) cannot be sold the owner may be compensated for such loss as provided in these rules.

c. The sale prices, if any, and the actual reasonable cost of advertising and conducting the sale shall be supported by copies of the bills of sale or similar documents and by copies of any advertisements, offers to sell, auction records and other data supporting the bona fide nature of the sale.

d. If the business is to be re-established and an item of personal property which is used in connection with the business is not moved but promptly replaced with a comparable item at the new location the payment shall be the lesser of the replacement cost minus the net proceeds of the sale, or the estimated cost of moving the item, or the trade-in value of the item to be replaced.

e. If the business is being discontinued or the item is not to be replaced in the re-established business the payment will be the lesser of the difference between the depreciated value of the item in place and net proceeds of the sale; or the estimated cost of moving the item.

f. If a bona fide sale is not effected for the reason that no offer is received for the property the displacee may be paid the reasonable expenses of the sale and the estimated cost of moving the item. The displacee shall arrange to have the personalty removed from the subject property at no cost by a junk salvage or other dealer. If this fails the agency shall remove the item in the most economical manner.

g. When personal property is abandoned with no effort being made by the owner to dispose of such property by sale or by removal at no cost the owner shall not be paid moving expenses or losses for the item involved.

h. If the owner of a sign is entitled to relocate the sign but elects not to do so, the payment for such loss will be the lesser of the depreciated reproduction cost of the sign as determined by the agency or the estimated cost of moving the sign. The provisions of this rule do not apply separately to advertising signs owned by and located on the business or farm being displaced. Such signs are to be considered items of personal property of the business or farm.

8.4(6) Searching costs. A displacee may receive a payment for actual, reasonable expenses in searching for a replacement site for a nonprofit organization, business or farm not to exceed an amount of \$500.

a. A sign owner may receive a payment for actual, reasonable expenses in searching for a replacement sign site not to exceed \$100.

b. In exceptional cases and with the prior approval of the appropriate federal authority, an amount in excess of these limitations may be paid where in the judgment of the agency circumstances so require but not in excess of \$500 for searching for replacement sign site.

c. Such actual reasonable expenses include transportation expenses at the rate of fifteen cents per mile, meals, lodging away from home and the reasonable value of time actually spent in the search including the fees of real estate agents or brokers.

d. Out-of-pocket expenses shall be supported by receipted bills or other evidence of expenses incurred. A certified statement of the time spent in search and hourly wage rate(s) shall accompany the claim. Payment for time actually spent in search shall be based on the applicable hourly wage rate for the person(s) conducting the search but may not exceed ten dollars per hour.

8.4(7) Scheduled moving costs. Scheduled residential moving payments made under authority of section 316.4(2) and these rules to occupants of furnished and unfurnished dwellings, shall include a dislocation allowance and shall give consideration to room count of those rooms containing personal property which may include basements, attics, garages and outbuildings and may be made to occupants of mobile homes where the mobile home is not moved.

a. Where the mobile home is moved the schedule shall also consider the size of the mobile home and distance moved.

b. Scheduled moving cost payments shall be made on the basis of the then current moving costs schedule as established by the department of transportation not to exceed the limitations established by section 316.4(2) and by these rules.



8.4(8) *Determining substantial loss of existing business patronage.* A business, other than a part-time occupation which does not contribute materially to the displacee's income or which is not part of a commercial enterprise having at least one other establishment not being acquired which is engaged in the same or similar activity, shall be entitled to a payment under authority of section 316.4(3) and these rules where the business shall have suffered a substantial loss of its existing patronage.

a. A business shall have suffered a substantial loss of existing patronage and its owner shall be entitled to receive such a payment, where in the judgment of the agency, the business cannot be re-established or cannot be re-established without creating a substantial reduction in the average annual net earnings of the business during the two taxable years immediately preceding the taxable year in which the business is required to relocate.

b. In determining if the owner of a business will suffer a substantial loss of its existing patronage, consideration shall be given to the size, nature and type of business, capital available, the market area served and availability of sites within the market area served.

c. Business earnings shall include any compensation paid by the business to the spouse or dependents of the owner or to the owner as a majority interest holder where the owner is a corporation. For the purposes of determining majority ownership, stock held by a husband, his wife and their dependent children shall be treated as one unit.

8.4(9) *Determining displacement of a "farm operation".* A farm operation may be considered to have been displaced and the operator shall be entitled to a payment under authority of section 316.4(3) and these rules when:

a. The agency has either acquired the whole farm and the farm operator has discontinued or relocated his entire farm operation, or

b. The agency has acquired only a portion of the farm and the property remaining after the acquisition is no longer an economic unit as determined by the agency during its appraisal process or the taking caused the operator to be displaced from the farm operation on the remaining land, or the taking caused a substantial change in the principal operation or the nature of the existing farm operation as to constitute a displacement.

c. In instances where such operation is obviously a farm operation it need not contribute one-third to the operation's average annual net earnings for him to be so eligible.

d. Income from the farm operation shall include any compensation paid by the farm operation to the spouse or dependents of the farm operator and any paid to the operator as a majority interest holder where the farm is a corporation. For the purposes of determining majority ownership, stock held by a husband, his wife and their dependent children shall be treated as one unit.

8.4(10) *Newly established business or farm operation.* If a business or farm operation affected can show that it was in business twelve consecutive months during the two taxable years prior to the taxable year in which it is required to relocate, had income during such period and is otherwise eligible, the owner of a business or the operator of a farm is eligible to receive a payment under authority of section 316.4(3) and these rules. Where the business or farm was in operation for twelve consecutive months or more but was not in operation during the entire two preceding taxable years, the payment shall be computed by dividing the net earnings by the number of months the business was operated and multiplying by twelve.

8.4(11) *Business owner or farm operator must provide information.* The owner of a business and the operator of a farm shall provide information stating his net business earnings or farm income for support of any claim for a payment under authority of section 316.4(3) and these rules. City, county, state or federal tax returns for the tax years in question are acceptable as evidence of earnings. Any commonly acceptable method may be accepted such as certified financial statements or an affidavit from the owner stating his net earnings providing it grants the state the right to review the records and accounts of the business. The owner's statement alone shall not be sufficient if the claim is in excess of \$2,500.

8.4(12) Temporary storage moving cost payments. When an actual cost basis is used and the agency determines that it is necessary for a displacee to store his personal property for a reasonable time, not to exceed twelve months, the cost of such storage is reimbursable as a part of the moving expenses. Storage of personal property on the property being acquired or on other property owned by the displacee is not eligible for reimbursement.

8.4(13) Moving costs for nonprofit organizations. A displaced nonprofit organization is eligible to receive payments for actual reasonable moving expenses, actual direct losses of tangible personal property and actual reasonable expenses in searching for a replacement site.

a. In lieu of such actual reasonable payments, the nonprofit organization may be paid \$2,500 if it cannot be relocated without a substantial loss of its existing patronage, and it is not part of a commercial enterprise having at least one other establishment not being acquired which is engaged in the same or similar activity.

b. The term "*existing patronage*" as used in connection with nonprofit organizations includes the persons, community or clientele serviced or affected by the activities of the nonprofit organization.

8.4(14) Limitation on moving cost payments. Moving and related expense payments made under authority of section 316.4 and of these rules shall be made only to such displacee's who move from the subject dwelling not later than the one-year period beginning on the date on which the displacee receives from the agency final payment of all costs of the real property acquired or on the date on which he moves from the real property acquired, whichever is the later date and who file claims for moving and related expense payments within six months after the expiration of the one-year period specified.

820—[06,F]8.5(316) Replacement housing payments for homeowners.

8.5(1) A homeowner or a mobile homeowner who is displaced from the subject dwelling who has owned and occupied the subject dwelling in whole or in part or who has owned the mobile home and has occupied the mobile home in whole or in part or who has owned the mobile home and has occupied the mobile home on the site for not less than one hundred eighty consecutive days immediately prior to the date of vacation or the initiation of negotiation for the acquisition of the subject property and who purchases and occupies a decent, safe and sanitary replacement dwelling within the time limitations specified in section 316.5(2) and by these rules may receive an additional payment. Such payment should be in the amount, if any, when added to acquisition cost of the dwelling acquired equals the actual cost which the owner has paid for his replacement dwelling or the amount determined by the agency as reasonably necessary to purchase a comparable replacement home, or mobile home, or mobile home and site, or mobile homesite, whichever is less, not to exceed the payment limitations established by chapter 316 and by these rules.

a. Replacement housing payment offers and payment determinations for such homeowners shall be made on the basis of a survey of market information applicable to the owner's particular circumstance, the availability of comparable replacement housing and the condition and location of the subject dwelling.

b. A displacee who has entered into a contract for the construction or rehabilitation of a replacement dwelling, and for reasons beyond his reasonable control, cannot occupy the replacement dwelling within the time limitations specified in section 316.5(2), shall be considered to have purchased and occupied the dwelling as of the date of such contract. Replacement housing payments under these circumstances shall be deferred until actual occupancy is accomplished.

c. Where a mobile home is acquired from an otherwise eligible displaced mobile homeowner who rents the site, the mobile homeowner shall be eligible to receive the lesser of that payment authorized by section 316.5 and by these rules or a rental replacement housing payment or a purchase down payment authorized by section 316.6 and by these rules.

8.5(2) General provisions for replacement housing payments. Offers for replacement housing payments and payment determinations for payments made by authority of sections 316.5 and 316.6 and these rules shall be made in accord with general provisions.

a. If two or more eligible families occupy the same single-family dwelling unit each family is eligible for a replacement housing payment where comparable replacement housing is not available if they relocate to separate dwelling units.

b. If two or more eligible individuals with no identifiable head of household occupy the same single-family dwelling unit they are to be considered as one family for replacement housing payment purposes where comparable replacement housing is not available.

c. When all individuals do not relocate to decent, safe and sanitary housing the agency shall determine and pay those individuals who do relocate into decent, safe and sanitary housing a pro rata share of the appropriate payments that would have been received if all individuals had relocated together in the same ownership or rental status as they had at the time of the initiation of negotiations.

d. Where an individual relocates or families occupy living quarters on the same premises as a displaced business, farm or nonprofit organization, such individuals or families are separate displaced persons for purposes of determining entitlement to relocation assistance payments.

e. Where only a portion of the subject property is being acquired and the subject dwelling is located on a tract typical in size for residential use in the area, the maximum replacement housing payment is the probable selling price of a comparable replacement dwelling on a tract typical in size for the area less the acquisition price of the acquired dwelling and the tract on which it is located.

f. Where only a portion of the subject property is being acquired and the subject dwelling is located on a tract larger than typical for residential use in the area, replacement housing payment offers and payments shall be determined by the relocation assistance supervisor or his designee, by estimating the value of the dwelling at the present location on a homesite typical in size for the area and deducting this amount from the selling price of a comparable dwelling on a site typical for the area.

g. Where the acquired dwelling is located on a tract where the fair market value is established on a use higher and better than residential, the maximum amount payable is the probable selling price of a comparable replacement dwelling on a tract typical in size for residential use in the area, less the acquisition price of the acquired dwelling plus the acquisition price of that portion of the acquired land which represents a tract typical for residential use in the area.

h. Where displaced individuals or families occupy living quarters on the same premises as a displaced business, farm or nonprofit organization, such individuals or families are separate displaced persons for purposes of determining entitlement to relocation payments.

i. Replacement housing payment offers and payments to owners of multifamily dwellings who occupy one unit shall be determined by the relocation assistance supervisor, or his designee, by estimating that differences, if any, between the value of that portion of the entire property being acquired which represents the owner's living unit and the value of a living unit on the most comparable available property. Where available the comparable dwelling should be the same as that acquired, i.e., if the acquired property is a triplex, then the comparable should be a triplex. If the comparable is a triplex, the replacement housing payment is based on the value of only one of the three units; if a duplex, the payment is based on only one of the two units; if a single family dwelling, the payment is based on the entire value of the dwelling. If similar comparables are not available, then structures of the next lowest density must be used. If there are not any available comparable multifamily structures to be found, then the comparison of the owner's living unit would be to a single family residence. A higher density structure should never be used as a comparable.

j. When a single-family dwelling is owned by several persons and occupied by only some of the owners, the replacement housing payment will be the lesser of the difference between

the owner-occupants' share of the acquisition cost of the acquired dwelling, and the actual cost of the replacement dwelling or the difference between the total acquisition cost of the acquired dwelling and the amount determined by the state as necessary to purchase a comparable dwelling. If the displaced owner-occupants do not purchase and occupy a decent, safe and sanitary dwelling, they will be entitled to receive a rent supplement payment if they rent and occupy a decent, safe and sanitary dwelling in accordance with the provisions of 8.6(316) of these rules.

8.5(3) Comparable replacement housing available. Where comparable replacement housing is available, the replacement housing payment offers and payment determination for eligible homeowners and mobile homeowners shall be the difference between the estimated selling price, the most comparable of at least three comparable dwellings available in the community and the acquisition cost of the subject dwelling but shall not exceed the limitations established by section 316.5 and these rules.

a. The basic replacement dwelling used in computing the replacement housing payment must be comparable to the living unit acquired. When the comparable replacement dwelling used in computing the replacement housing payment is similar except it lacks major exterior appurtenances such as a garage, an out building, a swimming pool, etc., the actual cost to build such items may be added to the computed payment to establish the maximum replacement housing payment. Reimbursement will be limited to the lesser of the maximum replacement housing payment as computed above or the actual cost of the replacement dwelling and the cost of the particular appurtenance, if built, within the one-year time period.

b. If a mobile home does not meet comparable mobile homes park entrance requirements, the amount of such payment will be computed as the difference between acquisition cost (or the trade in value of the mobile home that is personalty and is not acquired) and the price of the mobile home acceptable to the mobile home park or, if less, the cost to rehabilitate the existing mobile home, if practicable, to meet the entrance requirements. If the displacee is required to pay an entrance fee in order to enter a mobile home park, such fee will be included in the rent supplement or replacement housing payment provided the park with the fee is the only comparable park available, and the fee is not returnable to the tenant as a security deposit would be.

8.5(4) Comparable replacement housing no longer available. When comparable replacement housing at the time of the move is no longer available, replacement housing payment offers made to eligible homeowners and mobile homeowners shall be revised. In such a case the revised replacement housing payment offer and payment determination shall be based on available housing which is equal or better and meets the other comparable criteria but shall not exceed the limitations established by section 316.5 and by these rules. However, in no event will the new replacement housing payment be less than the original computed amount.

8.5(5) Absence of available comparable rural replacement housing. In the absence of available comparable replacement rural housing or in the absence of equal or better housing replacement housing payment offer and payment determination to eligible homeowners and mobile homeowners shall be the difference between the acquisition cost of the subject dwelling and estimated cost of constructing a new and reasonable comparable dwelling adequate for the needs of the displacee but shall not exceed the limitations established under section 316.5 and by these rules.

a. Estimated costs of a new dwelling shall be expressed as an average cost per square foot for the building plan, the estimated cost of a typical improved lot where relocating to an urban area, or approximately one acre where remaining in a rural area.

b. Where necessary the estimated cost of a well, septic system, laterals and landscaping shall also be included.

c. All such cost estimates shall be obtained from qualified contractors regularly engaged in building housing in the project area.

8.5(6) Subject dwelling moved as replacement housing. Replacement housing payment offers and payment determinations for eligible homeowners and mobile homeowners electing to move the subject dwelling off the right of way for purposes of replacement housing shall be the difference, if any, between the acquisition cost of the subject dwelling and the estimated cost of re-establishing the subject dwelling off the right of way on a suitable foundation in a comparable and decent, safe and sanitary condition, but shall not exceed the cost of either a payment computed under 8.5(3) of these rules or the cost of a new dwelling adequate for the needs of the displacee nor the limitations established by section 316.5 and by these rules.

a. The estimated cost to re-establish the subject dwelling shall include the cost of a typical improved lot in town where relocating to an urban area or approximately one acre where relocating to a rural area.

b. Where necessary the estimated cost of a well, septic system, laterals and mobile home rehabilitation necessary to meet comparable mobile home park entrance requirements and landscaping shall also be included. All such cost estimates shall be obtained from qualified contractors furnishing such services.

c. Where a mobile home is considered personalty and no acquisition payment has been made either as a purchase price or as a payment for damage, destruction or reduction in value of the mobile home, or the structural condition of the mobile home is such that it cannot be moved without substantial damage or unreasonable cost, the replacement housing payment determination shall be the difference between the salvage value of the subject dwelling and the cost of a comparable replacement dwelling. Where the mobile home is not decent, safe and sanitary, the replacement housing payment shall be the difference between the trade-in value of the mobile home and the cost of a comparable decent, safe and sanitary replacement dwelling.

8.5(7) Increased interest payment determinations. Increased interest payments may be made to compensate a displaced homeowner or mobile homeowner for the increased interest cost he is required to pay for financing a replacement dwelling as provided in section 316.5(1) "b" and these rules.

a. The increased interest payment may be paid only when the dwelling acquired by the state was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than one hundred eighty consecutive days prior to the first contact for acquisition or the date established for the commencement of acquisition by a notice of the agency's intent to acquire the subject property and the mortgage on the replacement dwelling bears a higher rate of interest than the mortgage interest rate on the acquired dwelling.

b. The amount of the increased interest payment will be computed on a form as shown in Exhibit 1 and in accordance with the following procedures. The computation of the payment for increased interest costs will be based on the actual term of the new mortgage or the remaining term of the old mortgage, whichever is the lesser, and the computation will be based on the actual amount of the new mortgage or the amount of the old mortgage whichever is the lesser, reduced to discounted present value.

c. To the amount so derived above will be added the amount actually paid by the purchaser as points and a fee actually charged as an origination or service fee on the amount refinanced but not to exceed an amount which would have been paid if the original mortgage balance was refinanced. The origination or service fees shall not exceed such fees normal to real estate transactions in the area.

d. The interest rate on the mortgage for the replacement dwelling to be used in the computation shall be the actual rate but may not exceed the prevailing interest rate currently charged by mortgage lending institutions in the vicinity.

e. The discount rate shall be the prevailing rate of the interest paid on passbook savings account deposits by commercial banks in the general area in which the replacement dwelling is located.

f. The payment described in this paragraph may be made directly to the displaced

individual or family, or upon written instruction from the displaced individual or family, directly to the mortgagee of the replacement dwelling. In cases where an applicant is otherwise qualified for an interest payment, and upon his specific request, the state may make an advance payment into escrow prior to the displacee's moving.

g. In the case of a partial acquisition, where the dwelling is located on a tract normal for residential use in the area, the interest payment shall be reduced to the percentage ratio that the acquisition price bears to the before value; except the reduction shall not apply when the mortgage requires the entire mortgage balance to be paid because of the acquisition and it is necessary to refinance.

h. Where dwelling is located on a tract larger than normal for residential use in the area, the total mortgage balance shall be reduced to the percentage ratio that the value of the residential portion bears to the before value for computational purposes. This reduction shall apply whether or not it is required that the entire mortgage balance be paid.

8.5(8) *Determining closing costs payments.* Payments made to eligible homeowners and mobile homeowners pursuant to section 316.5(1)"c" shall be limited to the reasonable cost of the following closing costs necessary and incident to the purchase of a replacement dwelling.

a. Costs eligible for payment include legal, closing and related costs including title search, the cost of preparing conveyance documents, notary fees, surveys, preparing drawings or plats and recording fees. Lender's, FHA or VA appraisal fees, FHA or VA application fees and a certification of structural soundness when required by the lender or FHA or VA, may be paid. The cost of a credit report, title opinion, escrow fees and sales or transfer taxes may be paid.

b. No fee, cost charge or expense shall be paid as a closing cost which is not necessary and incident to the purchase of a replacement dwelling nor which is determined to be a part of the debt service or finance charge under the Truth in Lending Act, Title I, Public Law 90-321.

8.5(9) *Limitation on housing payment for homeowners and certain others.* Replacement housing payments to homeowners and certain others shall be limited by the following:

a. No replacement housing or other payment shall be made by authority of section 316.5 or 316.6 or these rules unless and until the agency, or its authorized designee, has inspected the replacement dwelling and determined that it meets the standards of decent, safe and sanitary housing. If it is not possible under the circumstances where the agency or a third party may not be able to inspect the replacement dwelling, the agency may accept the displacee's certification that he has occupied decent, safe and sanitary housing. All such determinations shall be made in writing and shall be signed by the agent or person making the same.

b. No claim for a payment under section 316.5 or 316.6 or these rules shall be paid where it is filed later than six months after the expiration of the one-year period specified in section 316.5(2), except that in the case of an appeal from the awards of a compensation commission, such period shall be extended to six months after final determination.

c. If a dislocated homeowner or mobile homeowner is otherwise qualified for a payment under section 316.5 and these rules, but has previously received a payment under section 316.6(1) and these rules, the amount of such payment so received shall be deducted from the amount to which he is determined entitled under section 316.5 and these rules. In no event shall the combined payments exceed \$15,000.

d. A displaced homeowner who is otherwise eligible for a replacement housing payment under section 316.5 or 316.6 and these rules who acquires replacement housing after the initiation of negotiations on the project but before the first contact for the acquisition of the subject dwelling may be eligible for such payment only if he moves from the subject dwelling after the first contact for its acquisition. No payment shall be made in any such case until the subject dwelling has been acquired.

820—[06,F]8.6(316) Replacement housing payments for tenants and certain others.

8.6(1) Owner-occupants and tenant-occupants of sleeping rooms or of homes or of mobile homes who are displaced from the subject dwelling in whole or in part and have occupied the subject dwelling, for not less than ninety consecutive days immediately prior to the initiation of negotiations for the acquisition of the subject property and who occupy a decent, safe and sanitary replacement dwelling or replacement sleeping room within the time limits specified in section 316.5(2) and by these rules may receive a rental replacement housing payment or a purchase down payment under section 316.6 and by these rules but not to exceed the payment limitations established by chapter 316 and by these rules.

Where a mobile home is acquired from an otherwise eligible displaced mobile homeowner who rents the site, the mobile homeowner shall be eligible for both a rental replacement housing payment for the site and a purchase down payment for the mobile home but not to exceed \$4,000 and the limitations established by section 316.6 and by these rules.

8.6(2) Rental replacement housing payment.

a. Rental replacement housing payments to displacee eligible for a payment under section 316.6 and by these rules who elect to rent replacement housing shall be the difference, as determined by the agency, between the amount necessary to rent a comparable replacement home or mobile home, or mobile home and site, or mobile homesite or sleeping room for the next four years and the amount of rent presently paid but not to exceed the limitations established by section 316.6 and by these rules.

b. The amount necessary to rent comparable replacement housing may be determined by the agency by a schedule, the three comparable or other methods contained in 8.5(3), 8.5(4), 8.5(5) or 8.5(6).

8.6(3) Determining the amount of rent presently paid. For the purpose of determining a rental replacement housing payment the amount of rent presently paid shall be the actual rental paid by displacees renting a mobile home and site or dwelling where the actual rental rate is reasonably equal to the economic rent of the subject dwelling as determined by the agency from market data.

a. The actual rental rate shall include any rent supplement supplied by others except when, by law, such supplement is to be discontinued upon vacation of the subject property.

b. If the actual rental rate is not reasonably equal to the average market rental for similar dwellings the actual rental rate shall be adjusted to the economic rent of the subject dwelling as determined by the agency from market data. For purposes of determining a

rental replacement housing payment for a displacee who is an owner-occupant of the subject dwelling the rent presently paid shall be economic rent for the subject dwelling as determined by the agency from market data.

8.6(4) *Determining comparability of replacement rental dwelling.* An otherwise comparable replacement dwelling shall not be considered a comparable replacement rental dwelling unless it is available at a rental rate within the financial means of the family or individual displacee involved.

a. The rental rate shall not be considered within the financial means of the family or individual displacee where the rental of available replacement housing exceeds twenty-five percent of the gross income of the family or displacee plus the \$4,000 rental replacement housing payment for the next four years.

b. Gross income for this purpose shall include any rent supplements supplied by other except when, by law, such supplement is to be discontinued upon vacation of the subject property.

8.6(5) *Limitation of rental replacement housing payment to homeowners.* No rental replacement housing payment to a displaced homeowner eligible for a replacement housing payment under section 316.5 shall exceed \$4,000.

8.6(6) Replacement housing rental payments shall be paid in a lump sum, unless the displaced person who is entitled to the payment requests that it be paid in installments.

a. On federal aid highway projects rental replacement housing payments in excess of \$2,000 will be made on the basis of periodically confirmed annual certifications by the displacee that he is occupying decent, safe and sanitary housing and shall be disbursed on an annual basis in four equal installments.

b. Rental replacement housing payments of \$2,000 or less may be made, at the election of the displacee, in a lump sum payment or in four annual equal installments.

8.6(7) *Purchase down payments.* Displacees eligible for a payment under section 316.6 and by these rules who elect to buy replacement housing may receive a replacement housing payment as a purchase down payment in the amount of the down payment required by financial institutions for a conventional real estate loan all of which payment shall be applied in full to the purchase of a decent, safe, and sanitary comparable replacement home, or mobile home, or mobile home and site, or mobile homesite.

a. This payment shall include and reimburse the displacee for reasonable and necessary closing costs incident to such purchase but not to exceed \$4,000 and the limitations provided in section 316.6(2) and by these rules.

b. An owner-occupant who elects to retain the subject dwelling for replacement housing purposes who is otherwise eligible to receive a purchase down payment shall be entitled to a payment under this section determined as provided in section 8.5(6) but not to exceed \$4,000.

8.6(8) *Limitation on amount of combined rental replacement housing and purchase down payments.* Within one year from the date he is required to move, a displacee who has previously received a rental replacement housing payment who is otherwise eligible may elect to receive a purchase down payment. Any amount received as a prior payment shall be subtracted from the amount of the subsequent payment for which the displacee is eligible. In no event may any combination of such payments exceed \$4,000 and the limitations provided by section 316.6 and by these rules.

820—[06,F]8.7(316) Notice of relocation assistance advisory service. In order to assure that the public has adequate knowledge of the relocation program the agency shall make a conceptual stage survey, distribute to the public the information contained in the survey, provide an opportunity for discussion of relocation assistance and services, eligibility requirements and payment procedures and give full and adequate notice of the relocation assistance program as hereinafter provided.

8.7(1) Relocation brochure. The agency shall prepare and distribute a brochure adequately describing the relocation program notifying displacees of their right to appeal, determinations made by the relocation assistance supervisor and indicating the procedures for such an appeal and shall distribute the same without cost to all public hearings and to all interested individuals and organizations as appropriate.

8.7(2) Conceptual stage survey. Prior to the agency's selection of the final proposed location of the highway, the agency shall survey the area of the proposed project. This survey shall include an estimate of the number of individuals, families, businesses, farm operations and nonprofit organizations that are to be relocated and the probable availability of decent, safe and sanitary replacement housing within the financial means of each of the individuals or families affected by each of the alternatives under consideration.

a. On federally aided highway projects, the information obtained in the conceptual stage survey shall be submitted to the appropriate federal agency, prior to any public hearing held for the purpose of selecting the location of a proposed highway project.

b. The survey shall be discussed by the agency at any public hearing along with a brochure adequately describing the relocation program, and an explanation of studies that have been and will be made and methods that will be followed to assure that housing needs of displacees will be met.

8.7(3) Highway design public hearings. After the agency's selection of a location of the highway, an explanation of the relocation program and of the relocation plan for the proposed project shall be made as a part of any public hearing held for the purpose of determining the final design of a highway project. This explanation shall include benefits and payments available, eligibility requirements, payment and administrative appeal procedures, available services, an estimate of the number of dwelling units presently available that meet replacement housing requirements, an estimate of the number of individuals or families to be relocated and an estimate of the time necessary for their relocation.

8.7(4) Preparation of project relocation plan. After the agency has selected a location and has developed a design and acquisition plan for a proposed highway project, but not prior to any public hearing held for the purpose of determining the design of a highway project, all apparent displacees shall be personally contacted by a relocation agent.

a. If such personal contact cannot be made, the agent shall note in his record of contacts those reasonable efforts that were to achieve the personal contact.

b. Each apparent displacee shall be provided with a written statement and an explanation of benefits available under the relocation assistance program or under other federal and state housing, disaster loan or other programs offering assistance to displaced persons.

c. The agency shall survey and determine, and the relocation plan shall initiate and include, a current and continuing inventory of the needs of each family or displacee who would be displaced in accord with the proposed design and acquisition plan for the project.

d. The plan shall inventory available replacement housing appropriate to the needs of apparent displacees and shall consider planned and proposed federal, state and local governmental and private project work in the area which may affect the supply and the demand for housing.

e. The plan shall outline the various relocation problems, and indicate the method of operation to resolve such problems and to provide maximum assistance to apparent displacees.

f. The plan shall contain an estimate of the amount of lead time required and demonstrate its adequacy in order to assure that no person shall be required to move from his dwelling on account of any highway project unless replacement housing as required by sections 316.7(3)"c" and 316.8(2) and by these rules, is available to such persons.

8.7(5) Project assurances. Negotiations for the acquisition of real property which will cause the relocation of any person shall not proceed until the agency offering relocation assistance assures compliance with sections 316.7(3)"c" and 316.8(2) and with these rules. All such assurances shall be submitted, in writing, along with the project relocation plan to

the appropriate federal or state authority prior to the commencement of negotiation on the project. The assurance shall include a statement of the relocation program being offered and the project relocation plan. All such submissions shall include a request that the plan be approved, that the agency be authorized to make relocation payments and to proceed with the acquisition of right of way.

8.7(6) *Maintenance of project file.* In order to minimize hardships to displacees, the agency's relocation assistance supervisor shall maintain a file containing information appropriate to the needs of displacees available for inspection on a project basis.

a. This project file shall include a copy of any agreement with another agency or other persons under contract to perform relocation functions. It shall include a current and continuing inventory of available and appropriate replacement housing of comparable commercial properties and locations, and current data for such costs as security deposits, closing costs, typical down payments, interest rates and terms. It shall include a copy of the project conceptual stage survey, and project relocation plan. It shall include a list of realtors and contractors of all appropriate types maintained on a project basis for the benefit of displacees needing or requesting this type of information.

b. Other such information shall be maintained on a project basis concerning financial institutions, brochures or lists of federal, state and local housing, technical and financial assistance programs, loan rates, public transportation rates and utility rates, housing developments and FHA and VA repossessed housing. The agency shall maintain a plan of the proposed highway project and where applicable a map showing the locations of schools, medical facilities, shopping areas, recreational facilities and public transportation routes.

c. The project file shall include requests for project approvals or authorization and such authorization and approvals as are received from appropriate federal or state authorities and shall contain such documentation as necessary to establish the date of initiation of negotiations for the project. Project assurances, project certifications, and project inspection and progress reports shall be maintained in the project file.

d. Semiannual and other statistical summary of relocation assistance and payment statistics reports and such other records as are required by appropriate federal authority may be maintained in this file.

8.7(7) *Initiation of negotiations for the project.* Negotiations may be instituted and relocation payment may be made only after the agency has requested and received from the appropriate federal authority approval of:

a. The proposed project design;

b. Approval of right of way design where there will be federal funding in the cost of acquiring real property for the highway project;

c. Authorization to acquire right of way;

d. Approval of the project relocation plan;

e. Authorization to make relocation payments;

f. A request to approve an advanced purchase and to make relocation payments for hardship or protective buying purposes; and the agency may institute negotiations and may make relocation payments for those parcels thus approved.

8.7(8) *Presentation of relocation assistance offer.* At the first personal contact at which a written offer to purchase the subject property is made, the displacee shall be simultaneously presented with a written offer of relocation assistance and an explanation of the eligibility requirements to receive relocation payments.

a. This offer shall contain the amount of supplemental housing payment to which the displacee has been determined eligible, a statement of the displacee's occupancy rights in the form of a ninety-day notice to vacate the subject property and the name of the relocation agent assigned to the project.

b. Within fifteen days after the initiation of negotiations on the parcel, tenants shall be personally contacted and given a similar written offer of relocation assistance.

c. Out-of-state owners or other unavailable displacees may be presented with such written offer of relocation assistance by certified or registered mail, return receipt requested.

8.7(9) Public notice of commencement of negotiation. Within fifteen days after initiation of negotiations on any project a notice shall be published in a newspaper of general circulation in the area.

a. This notice shall be such as will provide full and adequate notice to the persons affected by the project and shall contain the date negotiations on the project started and the area of the project.

b. The notice shall summarize the eligibility requirements for relocation assistance and requirements to receive payments under chapter 316.

c. The notice shall request that displacees notify the agency if a move is anticipated, stipulate that the property must be sold to the agency to receive relocation assistance and contain a statement indicating where further information and a brochure may be obtained.

d. The notice shall state that no person shall be displaced by the agency unless and until adequate replacement housing has already been provided for or is built.

8.7(10) Notice of intent to acquire. When a displacee requests approval to move in advance of the first contact for acquisition of the subject property, his eligibility to receive relocation payments shall be preserved where the agency sends the displacee a written notice that the agency intends to acquire the subject property by a stated date.

a. Such notice shall offer payments for which the displacee is eligible, state any restrictions thereto and inform the displacee how additional information may be obtained.

b. Such a notice shall be sent when, considering the status of appraisal or other information necessary to value the subject property, a realistic estimate of the time necessary to acquire the subject property and the adequacy of the supply of available replacement housing, it is, in the judgment of the agency, in its best interest to do so.

c. When a notice of intent to acquire is sent to an owner such notice shall also be sent to his tenant within fifteen days.

d. A notice of intent to acquire sent to a tenant shall be simultaneously sent to the owner.

e. No relocation payments shall be made until the subject property has been acquired by the agency.

f. No notice of intent to acquire shall be sent on any federally aided highway project until after the agency has requested and received authorization from the appropriate federal authority to either institute negotiations on the project or to acquire individual parcels solely to protect the interests of the agency or because of hardship.

8.7(11) Standards for decent, safe and sanitary housing. A decent, safe and sanitary dwelling is one which meets the following minimum requirements.

a. It conforms with all applicable provisions for existing structures that have been established under state or local building, plumbing, electrical, housing and occupancy codes and similar ordinances or regulations applicable to the property in question. Where local codes, ordinances or regulations do not exist or in the case of a federal aid highway project have not been submitted to and approved by the appropriate federal agency as acceptable standards for decent, safe and sanitary housing, the following standards shall apply.

b. It has a continuing and adequate supply of potable safe water.

c. It has a kitchen or an area set aside for kitchen use which contains a sink in good working condition and connected to hot and cold water, and a sewage disposal system. A stove and refrigerator in good operating condition shall be provided when required by local codes, ordinances, or custom. In lieu thereof the kitchen area or area set aside for such use shall have utility service connections and adequate space for the installation of such facilities.

d. It has an adequate heating system in good working order which will maintain a minimum temperature of seventy degrees in the living area under local outdoor design temperature conditions.

e. It has a bathroom, well lighted and ventilated and affording privacy to a person within it, containing a lavatory basin and a bathtub or stall shower, properly connected to an adequate supply of hot and cold running water, and a flush water closet, all in good

working order and properly connected to a sewage disposal system.

f. It has provision for artificial lighting in each room.

g. It is structurally sound, in good repair and adequately maintained.

h. Each building used for dwelling purposes shall have two safe unobstructed means of egress leading to safe open space at ground level. Each dwelling unit in a multidwelling building must have access either directly or through a common corridor to two means of egress to open space at ground level. In buildings of three stories or more, the common corridor on each story must have at least two means of egress.

i. It has one hundred fifty square feet of habitable floor space for the first occupant in a standard living unit and at least one hundred square feet of habitable floor space for each additional occupant.

j. The square footage requirements for mobile homes shall be one hundred fifty square feet for the first occupant and seventy square feet for each additional occupant.

k. The floor space is to be subdivided into sufficient rooms to be adequate for the family.

l. All rooms must be adequately ventilated.

m. Rental replacement sleeping rooms shall meet the minimum requirements of local codes, heating, electricity, structural soundness, and egress as set forth herein.

n. Sleeping rooms shall have as a minimum at least one hundred square feet of habitable floor space for the first occupant, fifty square feet of habitable floor space for each additional occupant and lavatory and toilet facilities that provide privacy including a door that can be locked if such facilities are separate from the room.

8.7(12) Adjustments to standards for decent, safe and sanitary housing. Subject to the approval of the appropriate federal authority the agency providing relocation assistance may grant exceptions to decent, safe and sanitary housing standards on those projects or parcels where unusual conditions exist.

a. Requirements for sanitary, electrical or water facilities may be reduced in those areas where a majority of the residences do not have the facilities meeting the minimum standards for decent, safe and sanitary housing.

b. Where large families are being relocated, the minimum square footage requirements may be waived provided there is satisfactory bedroom space based on the age and sex of the occupants.

8.7(13) Determining comparability of available replacement housing. Except as set forth in "i" below, a comparable dwelling is a decent, safe and sanitary dwelling adequate to accommodate the needs of the displacee, which is available on the open market and which meets all of the following minimum requirements.

a. The agency shall, to the extent possible, assist displacees in ensuring against discriminatory practices in the purchase and rental of residential units on the basis of race, color, religion, sex or national origin.

b. The square footage of the available replacement dwelling shall generally be the same, but may be seventy-five square feet less or may be greater than, the dwelling being acquired by the agency.

c. The number of rooms shall equal or exceed the number of rooms in the dwelling being acquired, or have sufficient open space to allow for the construction of the required number of rooms. In no case will a dwelling be considered comparable if it lacks sufficient bedrooms to make it decent, safe and sanitary as defined by these rules.

d. The area of living space exclusive of hallways, closets, bathrooms, and other storage facilities of available replacement dwellings shall generally equal that of the subject dwelling.

e. It shall be of the same or better general type of construction as the subject dwelling.

f. It shall be approximately (within ten years) the same age as the subject dwelling.

g. It shall be located in the same, or a better type of neighborhood or area as determined by the general age and condition of the subject dwelling, availability of public utilities and access to public and commercial facilities and not subject to unreasonable adverse environmental factors.

h. It shall be reasonably accessible in terms of distance or time elapsed in traveling, by the head of the household to his place of employment.

i. Notwithstanding 8.7(13)“*b*” to “*i*”, a dwelling shall be considered comparable when used as a replacement dwelling for persons whose occupance of the subject property begins after negotiations have been initiated or after a notice of intent to acquire the subject property has been given where the dwelling is adequate to accommodate the needs of the displacee.

8.7(14) *Ninety-day notice to vacate.* A written ninety-day notice shall be given to all owners and displacees alike at the initiation of negotiations for the property proposed to be acquired by the agency. This notice shall inform the owner or displacee that he will not be required to move from his dwelling or to move his business, farm or nonprofit organization or personal property sooner than ninety days from the date of said notice. The notice shall also state that he will be sent a written notice specifying the date by which the subject property must be vacated at least thirty days prior to the required vacation date and that the thirty-day written notice will not be sent until he has received payment from the agency as agreed, or that the award of a compensation commission has been deposited by the agency as prescribed by law.

a. A written thirty-day notice to vacate shall be sent by certified mail, return receipt requested, by the relocation assistance supervisor, or his designee, after the agency has obtained legal possession of the subject property.

b. Where the owner or displacee has agreed to convey his interest in the subject property and to give the agency possession thereof, either prior to or on the day he has agreed to receive his final acquisition payment, the thirty-day notice to vacate shall be sent so that the last day of said notice is not earlier than the day he has agreed to surrender possession of the subject property.

c. Where the owner or displacee has agreed to convey his interest in the subject property and has consented to the agency withholding a portion of the agreed purchase price to secure the agency's future possession thereof after the time agreed for said conveyance, the thirty-day notice to vacate shall be sent so that the last day of the notice is not earlier than the day he has agreed to surrender possession of the subject property.

d. All condemnees whether owners, tenants, businesses, nonprofit organizations, farm operators or occupants shall be sent a written thirty-day notice to vacate as herein required.

e. Railroads and utilities shall be sent a thirty-day notice to vacate where there is personal property to be relocated.

f. Except for condemnees who own and occupy a residence or dwelling house located on lands acquired by condemnation, a thirty-day notice to vacate shall be sent so that the first day of said notice is a day not earlier than the day the compensation commissioner's award is deposited as required by law and thus made available to the condemnee.

g. Thirty-day notices to vacate to condemnees who own and occupy a residence or dwelling house located on lands acquired by condemnation shall be sent after the deposit of the condemnation award and after the time for appeal therefrom has passed.

h. In the case of an appeal from the award of a compensation commission, condemnees owning and occupying a residence or dwelling house; shall be sent a thirty-day notice to vacate so that the last day of said notice is not earlier than the day specified for the surrender of possession of such property to the agency either by the terms of a stipulated settlement of the appeal or of an order of the court or, in the absence of such stipulation or order, on the day the agency is entitled to possession of such property by law.

i. No thirty-day notice to vacate need be sent to any owner or displacee who moves or moves his personal property on his own volition prior to the time the agency sends such notice.

820—[06,F]8.8(316) *Preconstruction project certificate.* Prior to advertising the physical construction for bids on any project on which a relocation program is offered or required by chapter 316, the chief officer of the agency offering relocation programs shall submit a project certificate to the appropriate federal or state authority stating that the agency has legal and physical possession of all right of way required and that comparable replacement housing is available or has been provided for or is built for all displacees and that all persons have been relocated from the project.

8.8(1) All residentially improved properties that have not been vacated and those businesses whose operation has not been terminated shall be identified and listed as an exception to the project certificate.

8.8(2) Any exception shown on a certificate shall state the anticipated vacation date for residentially improved properties and the anticipated date for the termination of business operations and indicate the basis for the date or dates stated.

8.8(3) No physical construction shall be advertised for bids and no physical construction shall begin on any project on which a relocation program is offered or required by chapter 316 unless and until the appropriate federal authority has approved the agency's project certificate. For this purpose physical construction includes that part of a construction project which requires the actual displacement of any persons including the clearance of right-of-way, and not the preliminary activities which can be efficiently and practically conducted without such displacement.

820—[06,F]8.9(316) **Record of payment determinations and claims for benefits paid.** The agency offering relocation assistance shall maintain a record of payment determinations and claims for benefits paid.

8.9(1) *Record of agency contacts with each displacee.* Any agent offering relocation assistance shall maintain written notes on a parcel basis of the time, place and date of his personal contacts with each displacee or his representative and shall make and sign such writings immediately after each contact.

a. The notes shall be identified by appropriate federal and other project and parcel identification, and note the type of tenure, the names, addresses and telephone numbers, if any, for all displacees on the subject parcel.

b. The notes shall indicate the name of the agent making the contact and report circumstances necessary to determine the needs of each displacee and to support an offer of relocation assistance and payments.

c. A reasonable effort shall be made to obtain general parcel identification information where displacees moved without assistance.

d. The notes shall indicate the new address and telephone number, if any, for each displacee, whether the offer of assistance in locating or obtaining replacement housing was accepted or declined and the name of the individual accepting or declining the offer.

e. The dates and substance of subsequent or follow-up contacts, the date on which the displacee was required to move from the subject property, the date on which the actual relocation took place and the tenure of each displacee after he has been relocated shall be shown.

f. The notes shall indicate that actual moving costs moves have been monitored in a manner commensurate with expected expenditures involved. Monitoring procedures for large or complex business moves should be agreed to in advance by both the agency and the business.

8.9(2) *Amount determinations and limitations.* Payment eligibility and payment determination shall be made in writing and shall be signed and dated by the person making the determination who shall thereby disclaim any personal interest therein.

a. Parcel files shall show computations necessary to determine and show the amount of the payment, shall recite facts and the rationale used to support payment eligibility determinations and shall contain such proof of payment or support documentation as is required by chapter 316 and by these rules.

b. Such disclaimers of personal interest shall state that the signator has no direct or indirect present or contemplated personal interest in the transaction, nor will he derive any benefit from the payment determinations thus made, and where applicable a statement that it is the understanding of the person making the determination that the determined amount is to be used in connection with a federal aid highway project.

8.9(3) *Audit claims for payment.* Claims for payments to be made by authority of chapter 316 and of these rules shall be made in writing on forms furnished or approved by the department of transportation.

a. All such claims shall contain a certification by the displacee that the above claim is correct, just and unpaid and to the best of his knowledge and belief the housing described

is decent, safe and sanitary as set forth as applicable to federal and state law and regulations.

b. Claims requesting payments shall be approved for payment by the person making the payment eligibility or amount determination or by the relocation assistance supervisor, and by the person auditing the claim.

c. No claim for payment shall be approved in amounts in excess of limitations established by chapter 316 or these rules, or which duplicate payments made to a displacee as a contract seller, or condemnee through an exercise of the power of eminent domain.

d. Claims for the payments made by authority of chapter 316 and of these rules shall be audited prior to their payment and delivery. The audit shall determine that the claim is due, unpaid and supported in the amount claimed by an appropriate approved payment determination, proof of payment and such documentation as is necessary to support payment eligibility and amount determinations made by the agency and as required by chapter 316 and these rules. The person making the claims payment audit shall sign, date and approve the form of the claim for payment.

e. Payments by authority of chapter 316 and of these rules shall not be delivered to a displacee or his assignee or into escrow by the person or agent offering relocation assistance or the person who has made the payment eligibility or amount determination.

8.9(4) *Assignment of relocation payments.* Relocation payments may be made and warrants may be drawn on the basis of written assignments by the displacee, payable directly to the party or parties providing the moving, financing, services or replacement housing for the displacee.

a. Warrants drawn directly to such persons shall be delivered to the assignee or such persons only upon the agency's receipt of an executed contract, receipted bill, or itemized statement for moving, or a contract to purchase, or a rental agreement by the displacee and the contractor, seller or landlord or person furnishing the service.

b. Warrants, in the discretion of the agency, may be drawn payable either directly or jointly to the displacee and to the party or parties providing such moving, financing, services or replacement housing.

c. In cases where the displacee otherwise qualifies for a replacement housing payment, and upon his specific request, the agency may make such payments into escrow prior to the displacee's moving. Any supplemental housing payment made into escrow shall be delivered subject to the condition that it shall not be paid unless and until the agency has, in writing, accepted proof of the displacee's purchase or rental and occupancy of decent, safe and sanitary housing.

d. In the case of an appeal from the award of a compensation commission the agency may at its discretion, pay into escrow the amount of a replacement housing payment to which the displacee is then determined eligible pending final adjudication of the acquisition cost of the dwelling acquired. The delivery of any such payment into escrow shall reserve to the agency the right to recompute the amount of such payment, if any, due as a result of the final adjudication of the acquisition cost of the subject dwelling, to reclaim and to receive delivery of the warrant paid into escrow and to pay that amount, if any, as is determined due as a result of such recomputation.

e. No relocation payment shall be withheld nor amounts deducted therefrom (including closings in escrow) to satisfy claims or obligations to others including those of the agency.

8.9(5) *Statement of eligibility to a lending agency.* At the request of the displacee the agency shall state to any interested party, financial institution or lending agency, that the displacee will be eligible to receive a replacement housing payment in a specific sum provided he purchases and occupies a specified replacement dwelling not later than the end of the one-year period beginning on the date on which the acquisition cost of the acquired dwelling is received from the agency, or on the date on which he moves from the acquired dwelling, whichever is the later date.

a. No such statement shall be made unless the displacee otherwise qualifies for the replacement housing payment except that he has not yet purchased or occupied a suitable replacement dwelling.

b. No replacement dwelling shall be specified in any such statement unless it has been inspected and found to meet the standards for decent, safe and sanitary housing by the agency offering the relocation assistance.

8.9(6) *Avoidance of conflicts of interest.* The individual responsible for determining the

amount of the replacement housing payment shall place in the file a signed and dated statement setting forth:

- a. The amount of the payment;
- b. His understanding that the determined amount will be used in connection with a federal-aid project;
- c. That he has no direct or indirect present or contemplated personal interest, nor will derive any benefit from the payment.

8.9(7) *Administrative appeal and limitations.* Any person dissatisfied with a determination by the agency's relocation supervisor as to his eligibility for a payment or as to the amount of payment offered under the relocation assistance program may have his application or his claim reviewed by the agency providing relocation assistance as in accord with this rule.

a. Persons dissatisfied with any such determination shall have thirty days, after the day the agency's relocation assistance supervisor sends notice of the supervisor's determination, within which to file a written request that the agency review the same.

b. Promptly upon timely receipt of a written request for such review the governing body of the agency shall hear and finally determine the appeal or shall appoint a review board comprised of individuals not directly involved in the agency's relocation program to make a review.

c. The governing body of the agency and any review board appointed shall inform themselves of the nature, scope, standards for eligibility and limitation of benefits and payments established by chapter 316 and by these rules.

d. Where a review board is appointed the board shall make, note and report the necessary computations and line of reasoning used to support their findings and shall recommend such determinations to the governing body of the agency which, in its judgment, are supported by the proof required by chapter 316 and these rules and by the evidence submitted. Similar findings shall be made, noted and reported by the governing body of the agency where no review board is established.

e. The governing body of the agency shall award to the person requesting the review all benefits and payments to the extent and in the amounts, if any, he is determined eligible within the limitations and under the terms of chapter 316 and of these rules.

f. The person requesting the review shall be promptly notified in writing of the decision of the governing body of the agency whose decision shall be final.

8.9(8) *Notice of administrative appeals.* The governing body of the agency shall convene the review, or the review board shall hear testimony after sending the person requesting the review or his representative reasonable notice of the proceeding.

a. Notice of such review proceeding may be sent by ordinary mail and where practical, shall be held at a time and place agreeable to the person requesting the same.

b. The person requesting the review or his representative, and any relocation assistance officer appearing, shall have equal rights and shall have an equal opportunity to be heard.

c. No inferences or presumptions are to be indulged against either the agency, the relocation assistance officer, the review board or the person requesting the review or his representative.

d. Any testimony on the part of any person which indulges in personalities is improper.

e. The person requesting the appeal shall be promptly notified in writing of the findings and recommendations of any review board.

8.9(9) *Statistical reports.*

a. The agency offering relocation assistance shall keep such records and make such other statistical reports as are required by the appropriate federal or state authority.

b. On federally aided highway projects, Form PR-1223, "*Summary or Relocation Assistance and Payment Statistics*", or such other form as from time to time is determined appropriate, shall be submitted to the appropriate highway authority. The form will be submitted for periods ending June 30 and December 31, and shall be furnished within thirty days after the end of the semi-annual period which the report covers. A separate

report shall be submitted for the rural and urban portion of each highway system. The report shall be forwarded to the associate administrator for right of way and environment through the division and regional offices of the federal highway administration and where appropriate to the transportation department.

8.9(10) Relocation assistance forms. Forms used to survey, to plan, to notify displacees or the interested public, to record data necessary to make payment eligibility or payment determinations, to record personal contacts of relocation agents, and forms of claims for payment and forms of statistical reports shall be those of or which are approved by the department of transportation.

8.9(11) Records retention and availability. The agency shall retain those records required by chapter 316 and by these rules for a period of not less than three years after the federal authority's payment of the final voucher on any federally aided project or not less than three years after the state authorizes payment of the final voucher on any joint or local project, whichever date is later. All such records shall be available for inspection by representatives of the federal or state government at any reasonable hour.

820—[06,F]8.10(316) Last resort housing. If a project cannot proceed to actual construction because comparable replacement sale or rental housing is not available or is not available within the payment limitations of sections 316.5(1) and 316.6(2) of the Iowa Code and of these rules, and the agency determines that such housing cannot otherwise be made available, the agency may take such action as is necessary or appropriate to provide such housing by use of funds authorized for such project.

a. The provisions of this section do not deprive any displaced person of his rights to receive relocation assistance, moving costs or replacement housing payments for which he may be otherwise eligible nor of his freedom of choice in the selection of replacement housing. The agency may not require a displaced person, without his written consent, to accept a dwelling provided by the agency under these procedures in lieu of his acquisition payment, if any, for the real property from which he is displaced or the replacement housing or rent supplement payment for which he may be eligible. However, the agency's obligation of providing comparable replacement housing will have been discharged when comparable replacement housing has been made available to the displaced person in compliance with the Uniform Act. If the displacee does not accept the comparable replacement housing provided by the agency but obtains and occupies other decent, safe and sanitary housing, the replacement housing payment shall be the amount necessary to provide comparable replacement housing or the amount actually incurred by the displacee for decent, safe and sanitary housing, whichever is the lesser.

b. If the agency purchases replacement last resort housing, it shall do so through negotiations in the open market without resort to or the threat of the use of eminent domain.

c. Where the agency selects the prime contractor and subcontractor for the purpose of providing last resort housing, it shall do so on a nondiscriminatory basis in recognition of requirements in Title VI of the Civil Rights Act of 1964 and Executive Orders 11246 and 11625.

d. The agency shall assure itself that payments made to provide last resort housing are in fact applied for this purpose.

e. If last resort housing payments are to be reimbursed as part of a federal aid highway project, expenditures must be programmed and approved in advance.

f. The agency may let contracts for the construction of said housing to approve plans and specifications for the building thereof, and to supervise, inspect and approve the housing once constructed.

820—[06,F]8.11(316) Joint Iowa department of transportation and local projects. All programs and payments authorized by chapter 316 and by these rules shall be provided to displacees on any nonfederally aided highway or street projects financed in whole or in part by primary road funds.

820—[06,F]8.12(316) Local projects. Any political subdivision may provide all or a part of the programs and payments authorized by chapter 316 and by these rules to displacees on any nonfederally aided highway or street project which is not financed in whole or in part by primary road funds. Eligibility determinations and payment determinations made on any such local project shall be made in accord with sections 316.4, 316.5 and 316.6 of the Code and rules 8.4(316), 8.5(316), 8.6(316), 8.9(316) and 8.10(316).



The following information was obtained from the records of the
 Department of the Interior, Bureau of Land Management, on
 the subject of the above-captioned matter. The information
 is being furnished to you for your information and use.
 It is requested that you advise the Bureau of any
 changes in the information furnished herein.

OFFICE OF RIGHT OF WAY
RELOCATION ASSISTANCE SECTION

County Linn
 INCREASED INTEREST DIFFERENTIAL R.O.W. Project No. I-380-6 (25) 264-01-57
 PAYMENT CALCULATION Federal Project No. I-380-6 (25) 264-01-57
 Parcel No. 689

Name John Doe

Address 869 Highland N.E., Cedar Rapids, Iowa

COMPUTATION OF INCREASED INTEREST COST

| Amount | Interest Rate | Terms |
|---|----------------|-----------------------|
| New Mortgage \$ <u>35,000</u> (1) | <u>9</u> % (7) | <u>300</u> Months (4) |
| Existing Mortgage \$ <u>17,905</u> (2) | <u>7</u> % (8) | <u>216</u> Months (5) |
| lesser of above \$ <u>17,905</u> (3) | | <u>216</u> Months (6) |
| Passbook Interest Rate <u>5</u> % (9) | | |
| Debt Service Costs \$ <u>350.00</u> (10)* | | |

COMPUTATION

| |
|--|
| A. $\frac{9}{\text{line(7)}}\%$ FOR $\frac{216}{\text{line(6)}}$ MOS. = $\frac{.009364}{\text{factor}}$ x \$ $\frac{17,905.}{\text{line(3)}}$ = <u>167.67</u> |
| B. $\frac{6\frac{3}{4}}{\text{line(8)}}\%$ FOR $\frac{216}{\text{line(6)}}$ MOS. = $\frac{.008010}{\text{factor}}$ x \$ $\frac{17,905.}{\text{line(3)}}$ = <u>143.42</u> |
| C. DIFFERENCE (line A — B) = <u>24.25</u> |
| D. $\frac{5}{\text{line(9)}}\%$ FOR $\frac{216}{\text{line(6)}}$ MOS. = $\frac{.007030}{\text{factor}}$ x $\frac{17,905.}{\text{line(3)}}$ = <u>125.87</u> |
| E. DIVIDE (line C. ÷ line D.) = <u>.192659</u> |
| F. INTEREST DIFFERENTIAL (line E. x line (3)) = <u>3449.56</u> |
| G. ADD DEBT SERVICE COSTS, IF ANY (line (10)) = <u>179.05</u> |
| TOTAL INTEREST DIFFERENTIAL PAYMENT = <u>3,628.61</u> |

*origination or services fee on the amount refinanced but not to exceed an amount which would have been paid if the original mortgage balance was refinanced. The origination or services fees shall not exceed such fees normal to real estate transactions in the area.

NOTE: If there is more than one outstanding mortgage on an acquired dwelling, the discounted value of each mortgage must be determined. To do this, a separate computation is made to each mortgage. A consolidation is then completed.



VOTER REGISTRATION COMMISSION[845]

CHAPTER 1 ORGANIZATION, PURPOSE AND PROCEDURES

- 1.1(47) Voter registration commission composition
- 1.2(47) State registrar of voters
- 1.3(47) General operating rules
- 1.4(47) Voter registration staff
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- 2.1(66GA,HF1011) Forms—uses

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CHAPTER 1 ORGANIZATION, PURPOSE AND PROCEDURE

845—1.1(47) Voter registration commission composition. The commission consists of three members: The state commissioner of elections, or his or her designee; the chairperson of the state political party whose candidate for president of the United States or governor, as the case may be, received the greatest number of votes in the most recent general election, or his or her designee; and the chairperson of the state political party whose candidate for president of the United States or governor, as the case may be, received the second greatest number of votes in the most recent general election, or his or her designee.

845—1.2(47) State registrar of voters. The senior administrator of the data processing division of the state comptroller's office is the state registrar of voters. The state registrar is responsible for the regulation of the preparation, preservation and maintenance of voter registration records and the preparation of precinct election registers for all elections administered by the commissioner of any county. This regulation activity is in accordance with the policies of the voter registration commission.

845—1.3(47) General operating rules.

1.3(1) The commission shall elect a chair, who shall preside at meetings of the commission.

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

1.3(3) In order for any motion, declaratory ruling, or ruling in a contested case to prevail, it must receive the vote of at least two members of the commission.

1.3(4) The commission shall meet on the first Tuesday of each month, and upon the call of the chair.

1.3(5) Any designee of a statutory member of the commission, shall present a letter from said statutory member appointing the designee.

1.3(6) All members of the commission or their designee must be present at a meeting for official action to be taken.

1.3(7) Any member of the public may petition the commission concerning any subject under the commission's authority. Any member of the public may propose new rules or modifications of existing rules of the commission. Such petitions or proposed rule changes may be made in letter form, filed with the registrar, and addressed to the commission. Any such letter must include a discussion of the problem or issue, addressing and supporting rationale for any proposed action by the commission. In addition, any such petition must state the legal authority which petitioner believes confers jurisdiction over the subject matter to the commission. Declaratory rulings must be issued, or in a contested case, a hearing held within seventy-five days of the filing of the petition.

845—1.4(47) Voter registration staff.

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

1.4(2) *Intergovernmental relations.* The voter registration staff is responsible for working with and assisting county commissioners in performing their voter registration duties under the law, including acquisition of voter registration data processing services, preparation of election registers, updating, correcting and maintaining voter registration files, processing postcard registration, developing standard edit tables and related activities.

1.4(3) *Staff support to the commission.* The registrar and voter registration staff provide staff support services to the commission as required.

845—1.5(47) Declaratory ruling by voter registration commission. Any member of the commission or the public may petition the commission for a declaratory ruling as to the applicability of any statutory provision, rule or other written statement of law or policy, decision or order of the commission. Such petition must be filed in the office of the state registrar at least seven days prior to the monthly meeting of the commission. The state registrar will provide copies of the petition to the other members of the commission at least four days before the scheduled commission meeting to enable members to consider and research the subject matter of the petition. Declaratory rulings shall be made in writing and placed on file with the registrar.

845—1.6(47) Contested cases.

1.6(1) *Hearings.* Hearings for contested cases under the authority of the voter registration commission shall be presided over by the voter registration commission. Notice shall be given, the hearing conducted and the records of the hearing kept in accordance with section 17A.12 of the Code.

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

Rules 1.1(47) to 1.6(47) are intended to implement sections 47.7 and 47.8 of the Code.

[Filed 7/5/77, Notice 6/1/77—published 7/27/77, effective 8/31/77]

CHAPTER 2*
VOTER REGISTRATION FORMS AND INSTRUCTIONS

845—2.1(66GA, HF1011) Forms—uses. The following forms and instructions relating to voter registration as adopted by the state commissioner of elections on March 22, 1976, and April 22, 1976, are hereby prescribed on an interim basis: Numbers 2-A(Rev.-76), 2-B(Rev.-76), 2-C(Rev.-75), 2-D(Rev.-75), and 2-E(Rev.-76). Copies of all forms are kept in the office of the secretary of state, main floor, State Capitol Building, Des Moines, Iowa, and may be inspected by anyone during any working day.

[Filed emergency 6/2/76—published 6/28/76, effective 6/2/76]

*Emergency pursuant to section 17A.5(2)"b" of the Code.

**CHAPTER 3
VOTER REGISTRATION LISTS**

845—3.1(48) Lists of registered voters to requesters.

3.1(1) Requests for lists of voter registration records shall be made to the registrar on a Voter Registration Information Request Form. If a request for a voter registration record is made to the county commissioner of registration, the commissioner shall immediately forward such request to the registrar.

a. Telephone requests for confirmation and similar in-person requests for confirmation may be answered by the commissioner without filing a Voter Registration Information Request Form.

b. Any voter, notwithstanding the provisions of this chapter, may view his or her own registration record upon request, without filling out a Voter Registration Information Request Form.

3.1(2) Definition of "registration list." For the purpose of these rules, the term "registration list" shall mean any information except statistical data extracted from voter registration files by the county or state and provided by request. Individuals wishing to access the original voter registration application forms on file in the county manually and make limited notations of the information obtained by hand or both may be granted immediate permission to do so by the county commissioner provided that the requester fills out the

Voter Registration Information Request Form. The Voter Information Request Form shall be forwarded to the state registrar with the notation that manual access was granted to the requester and the date access was granted.

3.1(3) Each request shall contain the following information:

- a. Date request made.
- b. Date list desired.
- c. Name of requester (and agency or company name if applicable).
- d. Address.
- e. Telephone.
- f. Social security number (if available).
- g. Selection criteria (i.e. entire file, specific age groups, specific locations).
- h. Sequence of data (alphabetical, by name, by precinct, etc.).
- i. Media to which data is to be transferred (i.e. printed list, punched cards, magnetic tape, etc.).
- j. Cost, specified by unit, to be charged if the county is providing the list.
- k. Intended use of list.
- l. The following signed statement: "I shall not willfully allow this list to be used for any purpose other than to request a registrant's vote or any other bonafide political purpose."

3.1(4) All requests for lists, except those made according to the provisions of section 48.5(2)"d" shall be accompanied by a deposit equal to the estimated cost of the list.

3.1(5) The registrar may require a county commissioner of elections to prepare the list if the registration records of that county are not fully incorporated into the state registration system. The registrar may request a commissioner to prepare the list if such preparation can be done in a shorter length of time or for less cost than if prepared by the registrar.

3.1(6) The provision for date of delivery of lists specified in section 48.5(2)"d" shall be applicable to all requesters. The lists shall be prepared as soon as possible and delivered not more than thirty days after the date of request.

3.1(7) The standard charges for acquisition of lists and the log showing the order and form of lists which are capable of being generated by existing programs shall be on file in the office of the registrar.

3.1(8) Nothing in these rules shall inhibit or restrict the free access of election officials to voter registration information in the performance of their official duties.

3.1(9) All free lists under section 48.5(2)"d" shall be provided by the registrar, unless the county has not provided initial data or updates properly to the state registrar.

3.1(10) The county commissioner may provide to any citizen a certified copy of any original voter registration form for evidentiary or other legal purpose. The county commissioner may charge a reasonable fee for this service.

This rule is intended to implement section 48.5 of the Code.

[Filed emergency 6/2/76—published 6/28/76, effective 6/2/76]

[Filed emergency 9/2/76—published 9/22/76, effective 9/2/76]

[Filed 5/4/77, Notice 3/9/77—published 6/1/77, effective 7/6/77]

CHAPTER 4

SPECIFICATIONS FOR VOTER REGISTRATION DATA PROCESSING SERVICES CONTRACTS AND APPROVAL PROCEDURE FOR SUCH CONTRACTS

845—4.1(66GA,HF1011) Evaluation procedure. Where the county commissioner of elections wishes to evaluate providers of voter registration data processing services other than county agencies or the state facilities, procedures for such evaluation and procurement shall be in conformance to section 47.5(3) of the Code of Iowa.

4.1(1) Bid specifications shall be in substantial conformance with model bid specifications approved by the voter registration commission and available in the voter

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