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PREFACE

The Iowa Administrative Bulletin is published biweekly pursuant to Iowa Code chapters 2B and 17A and contains Notices of Intended Action and rules adopted by state agencies.

It also contains Proclamations and Executive Orders of the Governor which are general and permanent in nature; Regulatory Analyses; effective date delays and objections filed by the Administrative Rules Review Committee; Agenda for monthly Administrative Rules Review Committee meetings; and other materials deemed fitting and proper by the Administrative Rules Review Committee.

The Bulletin may also contain public funds interest rates [12C.6]; workers' compensation rate filings [515A.6(7)]; usury rates [535.2(3)"a"]; and agricultural credit corporation maximum loan rates [535.12].

PLEASE NOTE: Underscore indicates new material added to existing rules; ~~strike through~~ indicates deleted material.

STEPHANIE A. HOFF, Administrative Code Editor

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CITATION of Administrative Rules

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

441 IAC 79	(Chapter)
441 IAC 79.1	(Rule)
441 IAC 79.1(1)	(Subrule)
441 IAC 79.1(1)"a"	(Paragraph)
441 IAC 79.1(1)"a"(1)	(Subparagraph)

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

IAB Vol. XII, No. 23 (5/16/90) p. 2050, ARC 872A

NOTE: In accordance with Iowa Code section 2B.5A, a rule number within the Iowa Administrative Code includes a reference to the statute which the rule is intended to implement: 441—79.1(249A).

Schedule for Rule Making 2014

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

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
8	Friday, September 26, 2014	October 15, 2014
9	Friday, October 10, 2014	October 29, 2014
10	Wednesday, October 22, 2014	November 12, 2014

PLEASE NOTE:

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

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

*****Note change of filing deadline*****

EDUCATIONAL EXAMINERS BOARD[282]

Special education endorsements, 14.2 IAB 9/3/14 ARC 1602C	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	September 24, 2014 1 p.m.
Native language teaching authorization, 22.6 to 22.8 IAB 9/3/14 ARC 1604C	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	September 24, 2014 1 p.m.
Montessori authorization, 22.9 IAB 9/3/14 ARC 1603C	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	September 24, 2014 1 p.m.
Activities administration authorization, 22.10 IAB 9/3/14 ARC 1605C	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	September 24, 2014 1 p.m.

EDUCATION DEPARTMENT[281]

Statewide work-based learning intermediary network, ch 48 IAB 9/3/14 ARC 1598C	State Board Room, Second Floor Grimes State Office Bldg. Des Moines, Iowa	September 23, 2014 9 to 10 a.m.
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INSPECTIONS AND APPEALS DEPARTMENT[481]

Subacute mental health care facilities, ch 71 IAB 9/3/14 ARC 1615C	Room 320 Lucas State Office Bldg. Des Moines, Iowa	September 24, 2014 10 a.m.
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MEDICINE BOARD[653]

Military service and veteran reciprocity, ch 18 IAB 9/17/14 ARC 1632C	Board Office, Suite C 400 S.W. 8th St. Des Moines, Iowa	October 7, 2014 11 a.m.
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NATURAL RESOURCE COMMISSION[571]

State migratory waterfowl, trout and habitat stamp design contests; controlled hunting areas, rescind chs 9, 53 IAB 9/3/14 ARC 1622C	Conference Room 4 East Wallace State Office Bldg. Des Moines, Iowa	September 25, 2014 1 to 1:30 p.m.
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PROFESSIONAL LICENSING AND REGULATION BUREAU[193]

Military service and veteran reciprocity, ch 14 IAB 9/17/14 ARC 1630C	Bureau Office, Suite 350 200 E. Grand Ave. Des Moines, Iowa	October 7, 2014 9:30 a.m.
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REAL ESTATE APPRAISER EXAMINING BOARD[193F]

Uniform appraisal standards and appraiser certification requirements, amendments to chs 3 to 6 IAB 9/17/14 ARC 1631C	Board Office, Suite 350 200 E. Grand Ave. Des Moines, Iowa	October 7, 2014 9 a.m.
Certification and registration renewal, reactivation and reinstatement; continuing education; supervisory appraiser qualifications, amendments to chs 9, 11, 15 IAB 9/17/14 ARC 1629C	Board Office, Suite 350 200 E. Grand Ave. Des Moines, Iowa	October 7, 2014 9 a.m.

TRANSPORTATION DEPARTMENT[761]

Iowa driver's licenses and
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605, 607, 630
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DOT Motor Vehicle Division Offices
6310 SE Convenience Blvd.
Ankeny, Iowa

September 25, 2014
10 a.m.
(If requested)

UTILITIES DIVISION[199]

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1.9(5), ch 39
IAB 8/6/14 **ARC 1563C**

Board Hearing Room
1375 E. Court Ave.
Des Moines, Iowa

October 28, 2014
9 a.m.

The following list will be updated as changes occur.

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

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

Other autonomous agencies are included alphabetically in SMALL CAPITALS at the left-hand margin.

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ARC 1628C

ECONOMIC DEVELOPMENT AUTHORITY[261]

Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code section 15.106A and 2014 Iowa Acts, House File 2448, the Economic Development Authority hereby gives Notice of Intended Action to adopt new Chapter 48, “Workforce Housing Tax Incentives Program,” and to amend Chapter 59, “Enterprise Zone (EZ) Program,” Chapter 68, “High Quality Jobs Program (HQJP),” Chapter 173, “Standard Definitions,” Chapter 174, “Wage, Benefit, and Investment Requirements,” and Chapter 175, “Application Review and Approval Procedures,” Iowa Administrative Code.

In 2014 Iowa Acts, House File 2448, the General Assembly directed the Authority to implement and administer a new tax incentives program for assisting the development of workforce housing. The rules in proposed Chapter 48 establish a program to provide such assistance and describe the manner in which the Authority intends to implement and administer the program.

The General Assembly also made a number of amendments to the High Quality Jobs Program and the Enterprise Zone Program. The proposed amendments to Chapters 59 and 68 make changes to these programs in conformance with the legislative amendments.

Clarifying amendments are also made to other rules in the chapters affected by the legislative amendments, including some legislative changes from prior sessions.

The Economic Development Authority Board approved these amendments on August 22, 2014, at the Board’s monthly meeting.

Any interested person may make written suggestions or comments on these proposed amendments on or before October 7, 2014. Paper materials with suggestions and comments may be directed to Timothy J. Whipple, Legal Counsel, 200 East Grand Avenue, Des Moines, Iowa 50309. Electronic submissions may be sent to tim.whipple@iowa.gov.

After analysis and review of this rule making, the Authority finds that the amendments to existing business development programs and the new Workforce Housing Tax Incentives Program are likely to substantially benefit the Iowa economy by helping expand access to housing across Iowa and by making the state’s job creation programs more flexible and broadly usable. The Authority’s job creation programs such as the High Quality Jobs Program have resulted in over \$9 billion in capital investment and more than 29,000 jobs since January 2011. The new workforce housing tax credits are now usable in all 99 Iowa counties compared to the enterprise zone housing tax credits, which were accessible in just 45 counties.

These amendments are intended to implement 2014 Iowa Acts, House File 2448.

The following amendments are proposed.

ITEM 1. Adopt the following **new** 261—Chapter 48:

CHAPTER 48

WORKFORCE HOUSING TAX INCENTIVES PROGRAM

261—48.1(15) Authority. The authority for adopting rules establishing a workforce housing tax incentives program is provided in Iowa Code section 15.106A and in 2014 Iowa Acts, House File 2448, section 18.

ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

261—48.2(15) Purpose. The purpose of the program is to assist the development of workforce housing in Iowa communities by providing incentives for housing projects that are targeted at middle-income households and that focus on the redevelopment or repurposing of existing structures.

261—48.3(15) Definitions. As used in this chapter, unless the context otherwise requires:

“*Authority*” means the economic development authority created in Iowa Code section 15.105.

“*Board*” means the members of the economic development authority appointed by the governor and in whom the powers of the authority are vested pursuant to Iowa Code section 15.105.

“*Brownfield site*” means an abandoned, idled, or underutilized property where expansion or redevelopment is complicated by real or perceived environmental contamination. A brownfield site includes property contiguous with the site on which the property is located. A brownfield site does not include property which has been placed, or is proposed for placement, on the national priorities list established pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §9601 et seq. In order to administer similar programs in a similar manner, the authority will attempt to apply this definition in substantially the same way as similar definitions are applied by the brownfield advisory council established in Iowa Code section 15.294 and may consult members of the council or other staff as necessary.

“*Community*” means a city or county.

“*Costs directly related*” means expenditures that are incurred for construction of a housing project to the extent that they are attributable directly to the improvement of the property or its structures. “Costs directly related” includes expenditures for property acquisition, site preparation work, surveying, construction materials, construction labor, architectural services, engineering services, building permits, building inspection fees, and interest accrued on a construction loan during the time period allowed for project completion under an agreement entered into pursuant to the program. “Costs directly related” does not include expenditures for furnishings, appliances, accounting services, legal services, loan origination and other financing costs, syndication fees and related costs, developer fees, or the costs associated with selling or renting the dwelling units whether incurred before or after completion of the housing project.

“*Grayfield site*” means a property meeting all of the following requirements:

(1) The property has been developed and has infrastructure in place but the property’s current use is outdated or prevents a better or more efficient use of the property. Such property includes vacant, blighted, obsolete, or otherwise underutilized property.

(2) The property’s improvements and infrastructure are at least 25 years old and one or more of the following conditions exists:

1. Thirty percent or more of a building located on the property that is available for occupancy has been vacant or unoccupied for a period of 12 months or more.

2. The assessed value of the improvements on the property has decreased by 25 percent or more.

3. The property is currently being used as a parking lot.

4. The improvements on the property no longer exist.

In administering the program, the authority will attempt to apply this definition in substantially the same manner as similar definitions are applied by the brownfield advisory council established in Iowa Code section 15.294.

“*Greenfield site*” means a site that does not meet the definition of a brownfield site or grayfield site. A project proposed at a site located on previously undeveloped or agricultural land shall be presumed to be a greenfield site.

“*Housing business*” means a business that is a housing developer, housing contractor, or nonprofit organization that completes a housing project in the state.

“*Housing project*” means a project located in this state meeting the requirements of rule 261—48.4(15).

“*Laborshed area*” means the same as defined in 261—Chapter 173.

“*Laborshed wage*” means the same as defined in 261—Chapter 173.

ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

“*Multi-use building*” means a building whose street-level ground story is used for a purpose that is other than residential, and whose upper story or stories are currently used primarily for a residential purpose, or will be used primarily for a residential purpose after completion of the housing project associated with the building.

“*New dwelling units*” means dwelling units that are made available for occupancy in a community as a result of a housing project and that were not available for occupancy as residential housing in the community for a period of at least six months prior to the date on which application is made to the authority under the program. If a dwelling unit has served as residential housing and been occupied during the six months preceding the date on which application is made to the authority under the program, then the dwelling unit shall be presumed not to be a new dwelling unit.

“*Program*” means the workforce housing tax incentives program administered under this chapter.

“*Qualifying new investment*” means costs that are directly related to the acquisition, repair, rehabilitation, or redevelopment of a housing project in this state. For purposes of this rule, “costs directly related to acquisition” includes the costs associated with the purchase of real property or other structures.

(1) “Qualifying new investment” includes costs that are directly related to new construction of dwelling units if the new construction occurs in a distressed workforce housing community.

(2) The amount of costs that may be used to compute “qualifying new investment” shall not exceed the costs used for the first \$150,000 of value for each dwelling unit that is part of a housing project.

(3) “Qualifying new investment” does not include the following:

1. The portion of the total cost of a housing project that is financed by federal, state, or local government tax credits, grants, forgivable loans, or other forms of financial assistance that do not require repayment, excluding the tax incentives provided under this program.

2. If a housing project includes the rehabilitation, repair, or redevelopment of an existing multi-use building, the portion of the total acquisition costs of the multi-use building, including a proportionate share of the total acquisition costs of the land upon which the multi-use building is situated, that are attributable to the street-level ground story that is used for a purpose that is other than residential.

3. Any costs, including acquisition costs, incurred before the housing project is approved by the authority.

“*Rehabilitation, repair, or redevelopment*” means construction or development activities associated with a housing project that are undertaken for the purpose of reusing or repurposing existing buildings or structures as new dwelling units. Rehabilitation, repair, or redevelopment does not include new construction of dwelling units at a greenfield site. Rehabilitation, repair, or redevelopment includes new structures at a qualified grayfield site.

261—48.4(15) Housing project requirements.

48.4(1) *Minimum requirements.* To receive workforce housing tax incentives pursuant to the program, a proposed housing project shall meet all of the following requirements:

a. The project includes at least one of the following:

(1) Four or more single-family dwelling units.

(2) One or more multiple dwelling unit buildings each containing three or more individual dwelling units.

(3) Two or more dwelling units located in the upper story of an existing multi-use building.

b. The project consists of any of the following:

(1) Rehabilitation, repair, or redevelopment at a brownfield site or grayfield site that results in new dwelling units.

(2) The rehabilitation, repair, or redevelopment of dilapidated dwelling units.

(3) The rehabilitation, repair, or redevelopment of dwelling units located in the upper story of an existing multi-use building.

(4) The new construction, rehabilitation, repair, or redevelopment of dwelling units in a distressed workforce housing community. The authority will determine whether a community is considered a distressed workforce housing community pursuant to subrule 48.4(2).

ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

c. (1) Except as provided in subparagraph (2) below, the average dwelling unit cost does not exceed \$200,000 per dwelling unit. For purposes of this rule, the average dwelling unit cost equals the costs directly related to the housing project divided by the total number of dwelling units in the housing project.

(2) The average dwelling unit cost does not exceed \$250,000 per dwelling unit if the project involves the rehabilitation, repair, redevelopment, or preservation of eligible property, as that term is defined in Iowa Code section 404A.1(2).

d. The dwelling units, when completed and made available for occupancy, meet the U.S. Department of Housing and Urban Development's housing quality standards and all applicable local safety standards.

48.4(2) *Distressed workforce housing community designations.*

a. The determination as to whether a community is considered a distressed workforce housing community is within the discretion of the authority. The authority will consider applications from communities on an annual basis for designation as a distressed workforce housing community for purposes of this subrule. A community must apply for and receive such a designation before the authority will approve any housing project application seeking to establish eligibility under subparagraph 48.4(1) "b"(4). The authority will make a determination on the distressed workforce housing status of a community after considering all of the following factors:

(1) Whether or not the community has a severe housing shortage relative to demand, low vacancy rates, or rising housing costs combined with low unemployment as described in paragraph 48.4(2) "b."

(2) The relative merits of all applications for designation as a distressed workforce housing community. The relative merits will be assessed according to the process and criteria described in paragraph 48.4(2) "b."

(3) The demand for projects applying under this subrule compared to the demand for projects applying as rehabilitation, repair, or redevelopment projects. Each fiscal year, the authority will initially allocate 30 percent of the tax incentives available under the program exclusively for purposes of new construction in distressed workforce housing communities. If applications for such projects do not utilize the allocated amount, on or before April 1 of each fiscal year, the authority will reallocate the remaining unused amount to other housing projects.

b. In considering the factors described in paragraph 48.4(2) "a," the authority will attempt to quantify the extent of housing distress in a community by evaluating and scoring each application from 1 to 100 according to the following criteria:

(1) The results of a housing needs assessment submitted to the authority and the extent to which the assessment indicates a distressed housing market in the community: 10 points.

The housing needs assessment shall be prepared by a third party and shall have been prepared no more than three years prior to the date on which a housing project application is submitted to the authority. Such an assessment shall address whether or not the community has a severe housing shortage relative to demand, low vacancy rates, or rising housing costs combined with low unemployment.

(2) The annual number of building permits issued in the community for the most recent three-year period and the extent to which a low volume of permits indicates that the local housing market is in need of additional incentives to increase development: 10 points.

For purposes of this criterion, the authority will consider a low annual permit volume to be either 100 permits or less or a number of issued permits that is 1 percent or less of the community's currently available housing stock.

(3) The homeowner vacancy rate in the community and the extent to which the rate indicates that additional incentives are needed to increase the available housing stock: 10 points.

For purposes of this criterion, the authority will consider a vacancy rate of 1 percent to be low and a vacancy rate of 2 percent to be a typically acceptable rate on a national basis.

(4) The annual volume of homeowner unit sales in the community for the most recent three-year period and the extent to which a low volume indicates a shortage of available housing: 10 points.

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For purposes of this criterion, the authority will consider information indicating that the volume of sales in a community is materially lower than the volume of sales in substantially similar communities elsewhere in the state or nation.

(5) The annual average length of time it takes to sell homeowner units in the community for the most recent three-year period and the extent to which the average length of time indicates high demand for housing in the community: 10 points.

For purposes of this criterion, the authority will consider an average time of 90 days or less to indicate a high demand for available housing.

(6) The annual average rental vacancy rate in the community and the extent to which a low vacancy rate indicates high demand for housing in the community: 10 points.

For purposes of this criterion, the authority will consider a rental vacancy rate of 5 percent or less to be a low vacancy rate.

(7) The annual average length of time it takes to lease rental units in the community for the most recent three-year period and the extent to which the average length of time indicates high demand for rental housing in the community: 10 points.

For purposes of this criterion, the authority will consider an average time of 30 days or less to indicate a high demand for available housing.

(8) The average housing costs in the community and the extent to which those costs are considered affordable: 10 points.

For purposes of this criterion, the authority will only consider data from an industry standard housing affordability index.

(9) The average unemployment rate for the community and the extent to which a low unemployment rate contributes to increased demand for housing in the community: 10 points.

For purposes of this criterion, the authority will consider unemployment data from both the community and the applicable laborshed area.

(10) The laborshed wage applicable to the community and the extent to which low relative wages negatively impact the affordability of housing in the community: 10 points.

For purposes of this criterion, the authority will use laborshed wages as calculated by the Iowa department of workforce development for purposes of the high quality jobs program.

48.4(3) *Minimum score required for distressed community designations.* To be designated as a distressed workforce housing community under subrule 48.4(2), a community must receive a score of 70 points or more.

261—48.5(15) Housing project application and agreement.

48.5(1) Application.

a. A housing business seeking workforce housing tax incentives provided in rule 261—48.6(15) shall make application to the authority in the manner prescribed in this rule. The authority will accept applications on a continuous basis and will review applications in the order received. The authority will acknowledge receipt of the application and notify the applicant within 30 days as to whether the project will be registered pursuant to this rule.

b. The application required in paragraph 48.5(1) “*a*” shall include all of the following:

(1) The following information establishing local participation for the housing project:

1. A resolution in support of the housing project by the community where the housing project will be located.

2. Documentation of local matching funds pledged for the housing project in an amount equal to at least \$1,000 per dwelling unit, including but not limited to a funding agreement between the housing business and the community where the housing project will be located. For purposes of this paragraph, local matching funds shall be in the form of cash or cash equivalents or in the form of a local property tax exemption, rebate, refund, or reimbursement.

(2) A report that meets the requirements and conditions of Iowa Code section 15.330(9).

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(3) Information showing the total costs and funding sources of the housing project sufficient to allow the authority to adequately determine the financing that will be utilized for the housing project, the actual cost of the dwelling units, and the amount of qualifying new investment.

(4) Any other information deemed necessary by the authority to evaluate the eligibility and financial need of the housing project under the program.

48.5(2) Registration.

a. Upon review of the application, the authority may register the housing project under the program. If the authority registers the housing project, the authority shall make a preliminary determination as to the amount of tax incentives for which the housing project qualifies.

b. After registering the housing project, the authority shall notify the housing business of successful registration under the program. The notification shall include the amount of tax incentives under rule 261—48.6(15) for which the housing business has received preliminary approval and a statement that the amount is a preliminary determination only. The amount of tax credits included on a tax credit certificate issued pursuant to this chapter, or a claim for refund of sales and use taxes, shall be contingent upon completion of the requirements in subrule 48.5(3).

48.5(3) Agreement and fees.

a. Upon successful registration of the housing project, the housing business shall enter into an agreement with the authority for the successful completion of all requirements of the program.

b. The compliance cost fees imposed in Iowa Code section 15.330(12) shall apply to all agreements entered into under this program and shall be collected by the authority in the same manner and to the same extent as described in that provision.

c. A housing business shall complete its housing project within three years from the date the housing project is registered by the authority.

d. Upon completion of a housing project, an examination of the project in accordance with the American Institute of Certified Public Accountants' statements on standards for attestation engagements, completed by a certified public accountant authorized to practice in this state, shall be submitted to the authority.

e. Upon review of the examination and verification of the amount of the qualifying new investment, the authority may issue a tax credit certificate to the housing business stating the amount of workforce housing investment tax credits under rule 261—48.6(15) that the eligible housing business may claim.

48.5(4) Maximum incentives amount.

a. The maximum aggregate amount of tax incentives that may be awarded under rule 261—48.6(15) to a housing business for a housing project shall not exceed \$1 million.

b. If a housing business qualifies for a higher amount of tax incentives under rule 261—48.6(15) than is allowed by the limitation imposed in paragraph 48.5(4) "a," the authority and the housing business may negotiate an apportionment of the reduction in tax incentives between the sales tax refund provided in subrule 48.6(2) and the workforce housing investment tax credits provided in subrule 48.6(3) provided the total aggregate amount of tax incentives after the apportioned reduction does not exceed the amount in paragraph 48.5(4) "a."

c. The authority shall issue tax incentives under the program on a first-come, first-served basis until the maximum amount of tax incentives allocated pursuant to Iowa Code section 15.119(2) is reached. The authority shall maintain a list of registered housing projects under the program so that if the maximum aggregate amount of tax incentives is reached in a given fiscal year, registered housing projects that were completed but for which tax incentives were not issued shall be placed on a wait list in the order the registered housing projects were registered and shall be given priority for receiving tax incentives in succeeding fiscal years.

48.5(5) Termination and repayment. The failure by a housing business in completing a housing project to comply with any requirement of this program or any of the terms and obligations of an agreement entered into pursuant to this rule may result in the reduction, termination, or rescission of the approved tax incentives and may subject the housing business to the repayment or recapture of tax

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incentives claimed under rule 261—48.6(15). The repayment or recapture of tax incentives pursuant to this rule shall be accomplished in the same manner as provided in Iowa Code section 15.330(2).

261—48.6(15) Workforce housing tax incentives.

48.6(1) Eligibility. A housing business that has entered into an agreement pursuant to rule 261—48.5(15) is eligible to receive the tax incentives described in subrules 48.6(2) and 48.6(3).

48.6(2) Sales tax refunds. A housing business may claim a refund of the sales and use taxes paid under Iowa Code chapter 423 that are directly related to a housing project. The refund available pursuant to this subrule shall be as provided in Iowa Code section 15.331A to the extent applicable for purposes of this program.

48.6(3) Income tax credits.

a. A housing business may claim a tax credit in an amount not to exceed 10 percent of the qualifying new investment of a housing project.

b. The tax credit shall be allowed against the taxes imposed in Iowa Code chapter 422, divisions II, III, and V, and in Iowa Code chapter 432, and against the moneys and credits tax imposed in Iowa Code section 533.329.

c. An individual may claim a tax credit under this subrule of a partnership, limited liability company, S corporation, estate, or trust electing to have income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings from the partnership, limited liability company, S corporation, estate, or trust.

d. Any tax credit in excess of the taxpayer's liability for the tax year is not refundable but may be credited to the tax liability for the following five years or until depleted, whichever is earlier.

e. (1) To claim a tax credit under this subrule, a taxpayer shall include one or more tax credit certificates with the taxpayer's tax return.

(2) The tax credit certificate shall contain the taxpayer's name, address, tax identification number, the amount of the credit, the name of the eligible housing business, any other information required by the department of revenue, and a place for the name and tax identification number of a transferee and the amount of the tax credit being transferred.

(3) The tax credit certificate, unless rescinded by the authority, shall be accepted by the department of revenue as payment for taxes imposed pursuant to Iowa Code chapter 422, divisions II, III, and V, and in Iowa Code chapter 432, and for the moneys and credits tax imposed in Iowa Code section 533.329, subject to any conditions or restrictions placed by the authority upon the face of the tax credit certificate and subject to the limitations of this program.

(4) Tax credit certificates issued under an agreement entered into pursuant to subrule 48.5(3) may be transferred to any person. Within 90 days of transfer, the transferee shall submit the transferred tax credit certificate to the department of revenue along with a statement containing the transferee's name, tax identification number, and address, the denomination that each replacement tax credit certificate is to carry, and any other information required by the department of revenue. However, tax credit certificate amounts of less than \$1,000 shall not be transferable.

(5) Within 30 days of receiving the transferred tax credit certificate and the transferee's statement, the department of revenue shall issue one or more replacement tax credit certificates to the transferee. Each replacement tax credit certificate must contain the information required for the original tax credit certificate and must have the same expiration date that appeared on the transferred tax credit certificate.

(6) A tax credit shall not be claimed by a transferee under this rule until a replacement tax credit certificate identifying the transferee as the proper holder has been issued. The transferee may use the amount of the tax credit transferred against the taxes imposed in Iowa Code chapter 422, divisions II, III, and V, and in Iowa Code chapter 432, and against the moneys and credits tax imposed in Iowa Code section 533.329, for any tax year the original transferor could have claimed the tax credit. Any consideration received for the transfer of the tax credit shall not be included as income under Iowa Code chapter 422, divisions II, III, and V. Any consideration paid for the transfer of the tax credit shall not be deducted from income under Iowa Code chapter 422, divisions II, III, and V.

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f. For purposes of the individual and corporate income taxes and the franchise tax, the increase in the basis of the property that would otherwise result from the qualifying new investment shall be reduced by the amount of the tax credit computed under this subrule.

261—48.7(15) Annual program funding allocation, reallocation, and management of excess demand.

48.7(1) Each year the authority will allocate to the program a portion of the maximum aggregate tax credit cap described in Iowa Code section 15.119. For each fiscal year beginning on or after July 1, 2014, the authority will allocate not more than \$20 million for purposes of the program.

48.7(2) If, during a fiscal year, the authority determines that program demand is less than the amount initially allocated, the authority may reallocate unused amounts to other programs under Iowa Code section 15.119.

48.7(3) If, in any fiscal year, the authority determines that demand for the tax incentives is more than the amount allocated to the program pursuant to Iowa Code section 15.119, the authority will keep a waiting list of projects registered pursuant to rule 261—48.5(15) and will only enter into new agreements under the program as additional program funding becomes available. The authority will enter into agreements with registered projects on a first-come, first-served basis as determined by the order in which the projects were registered. A project successfully registered under the program will be considered to have priority as against other subsequently registered projects. However, registration under the program shall not obligate or otherwise bind the authority, or any other agency of the state, to execute a contract or issue tax incentives to an applicant under the program.

261—48.8(15) Application submittal and review process.

48.8(1) The authority will develop a standardized application and make the application available to eligible housing businesses and to communities. To apply for assistance under the program, an interested person shall submit an application to the authority. Applications must be submitted online at www.iowagrants.gov. Instructions for application submission may be obtained at www.iowagrants.gov or by contacting the Community Development Division, Economic Development Authority, 200 East Grand Avenue, Des Moines, Iowa 50309.

48.8(2) The authority has final decision-making authority on requests for financial assistance for this program. Applications will be reviewed and scored by the staff of the authority. The director or the director's designee will make final funding decisions after considering the recommendations of staff. The director may approve, defer or deny an application.

These rules are intended to implement 2014 Iowa Acts, House File 2448.

ITEM 2. Adopt the following **new** rule 261—59.15(15E):

261—59.15(15E) Applicability on or after July 1, 2014.

59.15(1) Effective as of July 1, 2014, the enterprise zone program was repealed by 2014 Iowa Acts, House File 2448. No agreements shall be entered into under the program on or after July 1, 2014.

59.15(2) To the extent allowed by other provisions of law, the rules adopted in this chapter shall continue to apply to agreements entered into on or before June 30, 2014.

59.15(3) On or after July 1, 2014, a city or county shall not create an enterprise zone under Iowa Code chapter 15E, division XVIII, or enter into a new agreement or amend an existing agreement under Iowa Code chapter 15E, division XVIII.

59.15(4) The authority and an eligible business may amend an agreement entered into prior to July 1, 2014, in order to avoid hardship to an eligible business in the performance or maintenance of the agreement but only to the extent that amending the agreement would not require amendment by a city or county. The determination as to whether a hardship exists shall be within the discretion of the authority. The authority shall not amend an agreement in any manner that would increase the amount of tax incentives provided under the agreement.

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ITEM 3. Amend subrule 68.1(2) as follows:

68.1(2) Definitions. In addition to the standard definitions located in 261—Chapter 173, the following definitions apply to the HQJP:

“*Annual base rent*” means the business’s annual lease payment minus taxes, insurance and operating or maintenance expenses.

“*Biotechnology-related processes*” means the use of cellular and biomolecular processes to solve problems or make products. For purposes of this definition, farming activities shall not be included.

“*Brownfield site*” means the same as defined in Iowa Code section 15.291.

“*Community*” means a city, county, or other entity established pursuant to Iowa Code chapter 28E.

“*Contractor or subcontractor*” means a person who contracts with the eligible business or subcontracts with a contractor for the provision of property, materials, or services for the construction or equipping of a facility of the eligible business.

“*Economically distressed area*” means a county meeting the requirements of a distressed area pursuant to rule 261—174.6(15).

“*Eligible business*” means a business meeting the conditions of Iowa Code section 15.329.

“*Grayfield site*” means the same as defined in Iowa Code section 15.291.

“*Greenfield site*” means a site that does not meet the definition of a brownfield site or grayfield site.

A project proposed at a site located on previously undeveloped or agricultural land shall be presumed to be a greenfield site.

“*High quality jobs*” means created or retained jobs that meet the wage requirements established in subrule 68.2(4) and subrules 68.2(7) and 68.2(8) when applicable.

“*Program*” means the high quality jobs program created pursuant to Iowa Code chapter 15, part 13.

~~“*Project*” means the activity, or set of activities, proposed in the application by the business which will result in accomplishing the goals of the program and for which the business is requesting tax incentives and assistance. A project shall include the start-up, location, expansion, or modernization of a business same as defined in rule 261—173.2(15).~~

~~“*Project completion assistance*” means financial assistance or technical assistance provided to an eligible business in order to facilitate the start-up, location, modernization, or expansion of the business in this state and provided in an expedient manner to ensure the successful completion of the start-up, location, modernization, or expansion project the same as defined in rule 261—173.2(15).~~

“*Retail business*” means any business engaged in the business of selling tangible personal property or taxable services at retail in this state. Retail business includes a business obligated to collect sales or use tax under Iowa Code chapter 423.

ITEM 4. Amend subrule 68.2(1) as follows:

68.2(1) Community approval. If the qualifying investment is \$10 million or more, the community in which the business’s project is or will be located shall approve by ordinance or resolution the ~~start-up, location, expansion, or modernization of the business project~~ for purposes of receiving tax incentives and assistance under this program.

ITEM 5. Amend paragraph **68.2(4)“d”** as follows:

d. Notwithstanding paragraphs “b” and “c” of this subrule, a business located at a brownfield site or grayfield site or in an economically distressed area shall demonstrate that the jobs may be awarded incentives for jobs that will pay at least 100 percent of the qualifying wage threshold throughout the applicable contract period less than 120 percent of the qualifying wage threshold if the conditions described in rule 261—174.6(15) apply.

ITEM 6. Amend paragraph **68.4(1)“b”** as follows:

b. *Racks, shelving, and conveyor equipment.* If the project is the location, expansion, or modernization of a warehouse or distribution center, the approved business may be entitled to a refund of sales and use taxes attributable to racks, shelving, and conveyor equipment. The approved business shall, not more than 12 months following project completion, make written application to the department of revenue for a refund. The application must include the refund amount being requested

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and documentation such as invoices or contracts which substantiate the requested amount. The department of revenue will validate the refund amount and issue the refund.

The aggregate combined total amount of refunds and tax credits attributable to sales and use taxes on racks, shelving, and conveyor equipment issued by the department of revenue to businesses approved for high quality jobs program and enterprise zone program benefits shall not exceed \$500,000 during a fiscal year. Tax refunds and tax credits will be issued on a first-come, first-served basis. If an approved business's application does not receive a refund or tax credits due to the \$500,000 fiscal year limitation, the approved business's application shall be considered in the succeeding fiscal year. An approved business that receives a refund or a tax credit in one fiscal year shall not be considered in a succeeding fiscal year. No business shall receive more than \$500,000 in refunds or credits pursuant to this paragraph.

ITEM 7. Amend paragraph **68.4(2)“b”** as follows:

b. Racks, shelving, and conveyor equipment. If the project is the location, expansion, or modernization of a warehouse or distribution center, the approved business may claim a corporate tax credit up to the amount of sales and use taxes paid by a third-party developer and attributable to racks, shelving, and conveyor equipment. The approved business shall, not more than 12 months following project completion, make written application to the department of revenue for a tax credit. The application must include the tax credit amount being requested and documentation from the third-party developer such as invoices or contracts which substantiate the requested amount. The department of revenue will confirm the tax credit amount and issue a tax credit certificate in an amount equal to all or a portion of the sales and use taxes attributable to racks, shelving, and conveyor equipment. The approved business shall not claim the tax credit provided in this subrule unless a tax credit certificate is attached to the approved business's tax return for the tax year in which the tax credit is claimed. A tax credit certificate shall contain the approved business's name, address, tax identification number, the amount of the tax credit, and other information required by the department of revenue. Any tax credit in excess of the tax liability for the tax year may be credited to the tax liability for the following seven years or until depleted, whichever occurs earlier. An approved business may elect to receive a refund of all or a portion of an unused tax credit.

The aggregate combined total amount of refunds and tax credits attributable to sales and use taxes on racks, shelving, and conveyor equipment approved by the authority for businesses under the high quality jobs program and enterprise zone program shall not exceed \$500,000 during a fiscal year. Tax refunds and tax credits will be issued on a first-come, first-served basis. If an approved business's application does not receive a refund or tax credits due to the \$500,000 fiscal year limitation, the approved business's application shall be considered in the succeeding fiscal year. An approved business that receives a refund or a tax credit in one fiscal year shall not be considered in a succeeding fiscal year. No business shall receive more than \$500,000 in refunds or credits pursuant to this paragraph.

ITEM 8. Amend subrule 68.4(3) as follows:

68.4(3) Value-added property tax exemption. Pursuant to Iowa Code section 15.332, the community may exempt from taxation all or a portion of the actual value added by improvements to real property directly related to jobs created or retained by the ~~location or expansion of the approved business project~~ and used in the operations of the approved business. The exemption may be allowed for a period not to exceed 20 years beginning the year the improvements are first assessed for taxation. For purposes of this subrule, improvements include new construction and rehabilitation of and additions to existing structures. The exemption shall apply to all taxing districts in which the real property is located. The community shall provide the authority and the local assessor with a copy of the resolution adopted by its governing body which indicates the estimated value and duration of the authorized exemption.

ITEM 9. Amend paragraph **68.4(4)“a,”** introductory paragraph, as follows:

a. Claiming the investment tax credit. Pursuant to Iowa Code section 15.333, the approved business may claim an investment tax credit equal to a percentage of the new investment directly related to jobs created or retained by the ~~start-up, location, expansion, or modernization of the approved business under the program project~~. The tax credit shall be earned when the qualifying asset is placed in service.

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ITEM 10. Amend paragraph **68.4(4)“b,”** introductory paragraph, as follows:

b. Investment qualifying for the tax credit. For purposes of this subrule, new investment directly related to jobs created or retained by the ~~start-up, location, expansion or modernization of the approved business under the program~~ project means all of the following:

ITEM 11. Amend subrule 68.4(5) as follows:

68.4(5) Insurance premium tax credit. Pursuant to Iowa Code section 15.333A, the approved business may claim an insurance premium tax credit equal to a percentage of the new investment directly related to jobs created or retained by the ~~start-up, location, expansion, or modernization of the approved business under the program~~ project.

a. Claiming the tax credit. The tax credit shall be earned when the qualifying asset is placed in service. The tax credit shall be amortized equally over a five-year period which the authority will, in consultation with the eligible business, define. The five-year amortization period shall be specified in a contract entered into with the authority. The tax credit shall be allowed against taxes imposed under Iowa Code chapter 432. A tax credit in excess of the tax liability for the tax year may be credited to the tax liability for the following seven years or until depleted, whichever occurs first.

b. Investment qualifying for the tax credit. For purposes of this subrule, new investment directly related to jobs created or retained by the ~~start-up, location, expansion or modernization of the approved business under the program~~ project means all of the following:

(1) to (4) No change.

The approved business shall not claim a tax credit above the amount defined in the final award documentation or the amount specified in a contract entered into with the authority.

ITEM 12. Amend subrule 173.1(1) as follows:

173.1(1) Current programs. Effective July 1, ~~2012~~ 2014, this chapter shall apply to the following programs and funding sources:

a. EDSA (economic development set-aside) program (261—Chapter 23).

b. EZ (enterprise zone) program (261—Chapter 59). Effective as of July 1, 2014, the EZ program was repealed. See 2014 Iowa Acts, House File 2448. The rules adopted in 261—Chapter 59 continue to apply to agreements entered into prior to that date. All amendments to this chapter made on or after July 1, 2014, shall not apply to agreements entered into under the EZ program prior to that date.

c. HQJP (high quality jobs program) (261—Chapter 68).

ITEM 13. Adopt the following **new** definitions in rule **261—173.2(15)**:

“*Brownfield site*” means the same as defined in Iowa Code section 15.291.

“*Grayfield site*” means the same as defined in Iowa Code section 15.291.

“*Greenfield site*” means a site that does not meet the definition of a brownfield site or grayfield site. A project proposed at a site located on previously undeveloped or agricultural land shall be presumed to be a greenfield site.

“*Project*” means an activity or set of activities directly related to the start-up, location, modernization, or expansion of a business, and proposed in an application by a business, that will result in the accomplishment of the goals of the program.

ITEM 14. Amend rule 261—174.6(15) as follows:

261—174.6(15) Qualifying wage threshold requirements—effective on or after July 1, 2012 ~~2014~~. ~~2012~~ 2014 Iowa Acts, House File 2473 ~~2448~~, (“the Act”) became effective on July 1, ~~2012~~ 2014. Among other things, the Act changed the qualifying wage thresholds applicable to HQJP and repealed the EZ program. As of July 1, 2012 2014, the qualifying wage thresholds described in this rule shall be in effect.

174.6(1) Enterprise zone (EZ) program. The qualifying wage threshold requirement applicable to the EZ program is 90 percent of the laborshed wage. The wage threshold described in this subrule continues to apply to agreements entered into before July 1, 2014. However, no new agreements may be entered into on or after July 1, 2014.

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174.6(2) High quality jobs program (HQJP). The qualifying wage threshold requirement applicable to HQJP is 120 percent of the laborshed wage unless subrule 174.6(3) or 174.6(4) applies to a project.

174.6(3) HQJP projects in distressed areas.

a. Notwithstanding subrule 174.6(2), the qualifying wage threshold requirement applicable to an HQJP project may be lowered to 100 percent of the laborshed wage if the eligible business is located in an economically distressed area.

b. For purposes of this subrule, “economically distressed area” means a county that ranks among the bottom 25 33 of all Iowa counties, as measured by either the average monthly unemployment level for the most recent 12-month period or the average annualized unemployment level for the most recent five-year period.

c. The authority will update the list of economically distressed areas according to the same schedule as the qualifying wage thresholds are updated pursuant to subrule 174.2(1) and will apply the provisions of subrule 174.2(2) to the list of economically distressed areas in the same manner.

174.6(4) HQJP projects at brownfield or grayfield sites.

a. Notwithstanding subrule 174.6(2), the qualifying wage threshold requirement applicable to an HQJP project may be lowered to 90 percent of the laborshed wage if the eligible business is located at a brownfield site. The qualifying wage threshold for a brownfield site may be lowered to 90 percent regardless of where the project site is located as long as the project meets the requirements of a brownfield site.

b. Notwithstanding subrule 174.6(2), the qualifying wage threshold requirement applicable to an HQJP project may be lowered to 100 percent of the laborshed wage if the eligible business is located at a grayfield site. The qualifying wage threshold for a grayfield site may be lowered to 100 percent regardless of where the project site is located as long as the project meets the requirements of a grayfield site.

c. The authority may consult with the brownfield redevelopment advisory council established pursuant to Iowa Code section 15.294 in order to make a determination as to whether a project site meets the requirements of a brownfield site or grayfield site for purposes of this subrule. The determination as to whether a project site qualifies as a brownfield or grayfield site shall be within the discretion of the authority. In making such determinations, the authority will attempt to apply the same definition in substantially the same manner as similar definitions are applied by the brownfield redevelopment advisory council.

d. A project that does not meet the requirements of a brownfield site or grayfield site will be presumed to be a greenfield site.

~~174.6(4)~~ 174.6(5) Economic development set aside (EDSA) program. The qualifying wage threshold requirement applicable to the EDSA program is 90 percent of the laborshed wage.

ITEM 15. Amend paragraph **175.4(4)“b”** as follows:

b. *Key to table.*

ACE – The accelerated career education program job credits authorized under Iowa Code chapter 260G.

ASSISTIVE – The assistive device tax credits authorized in Iowa Code section 422.33.

BRN – The brownfield redevelopment advisory council established in Iowa Code section 15.294.

BROWN – Redevelopment tax credits for brownfield and grayfield sites and the brownfield redevelopment fund as established in Iowa Code chapter 15.

CDBG – Federal community development block grant funded programs.

DDC – Due diligence committee organized by the board pursuant to 261—Chapter 1.

EDSA – The economic development set aside component of the CDBG program established in 261—Chapter 23.

ETAP – The export trade assistance program established in 261—Chapter 72.

EZ – Enterprise zone program as established in Iowa Code chapter 15E, including both the business and housing development tax credits.

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HQJP – High quality jobs program as established in Iowa Code chapter 15, including both tax incentives and project completion assistance.

INNOVATION – Programs related to innovation, commercialization, and targeted industries development, including the programs described in Iowa Code section 15.411 and the program rules in 261—Part V.

NSP – Neighborhood stabilization program as established in 261—Chapter 27.

TCC – Technology commercialization committee organized by the board pursuant to 261—Chapter 1.

TJWTC – Targeted jobs withholding tax credit program for pilot project cities established in Iowa Code section 403.19A.

~~TSB—Targeted small business advisory council established in Iowa Code section 15.247(8).~~

~~TSB LOAN—The targeted small business financial assistance program established in Iowa Code section 15.247.~~

WORKFORCE – Workforce housing tax incentives program established pursuant to Iowa Code section 15.351 et seq., as enacted by 2014 Iowa Acts, House File 2448.

ITEM 16. Amend paragraph **175.4(4)“c”** as follows:

c. Recommendation and approval entities for state and federal programs. The application approval process for applications for tax incentives, project completion assistance, other financial assistance, or other benefits under the authority’s various programs is as follows:

PROGRAM	STATE/FEDERAL	RECOMMENDATION BY	FINAL DECISION BY
HQJP	State	DDC	Board
EZ (Business)	State	DDC	Board
EZ (Housing)	State		Director
INNOVATION	State	TCC	Board
ASSISTIVE	State		Director
EDSA	Federal	DDC	Board
CDBG	Federal		Director
NSP	Federal		Director
BROWN	State	BRN	Director
TSB LOAN	State	TSB	Director
ETAP	State		Director
ACE	State		Director
TJWTC	State	<u>DDC</u>	<u>Director Board</u>
<u>WORKFORCE</u>	<u>State</u>		<u>Director</u>

ITEM 17. Amend paragraph **175.5(1)“c”** as follows:

c. For projects seeking both direct assistance and tax incentives, the amount of local match will be based on the amount required for ~~the direct~~ each form of assistance.

ARC 1632C**MEDICINE BOARD[653]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code sections 147.76 and 272C.2, the Board of Medicine hereby proposes to adopt new Chapter 18, “Military Service and Veteran Reciprocity,” Iowa Administrative Code.

The purpose of Chapter 18 is to establish procedural rules implementing the licensing provisions of 2014 Iowa Acts, chapter 1116, section 34.

The Board approved this Notice of Intended Action during a regularly scheduled meeting on August 7, 2014.

Any interested person may present written comments on the proposed new rules not later than 4:30 p.m. on October 7, 2014. Such written materials should be sent to Mark Bowden, Executive Director, Board of Medicine, 400 S.W. Eighth Street, Suite C, Des Moines, Iowa 50309-4686; or sent by e-mail to mark.bowden@iowa.gov.

There will be a public hearing on October 7, 2014, at 11 a.m. in the Board office, at which time persons may present their views either orally or in writing. The Board office is located at 400 S.W. Eighth Street, Suite C, Des Moines, Iowa.

After analysis and review of this rule making, it has been determined that these rules could have a positive impact on jobs in Iowa. The new rules could encourage qualified military veterans to establish physician or acupuncture practices in Iowa. The licensure reciprocity provision could assist in the recruitment of physicians or acupuncturists wishing to practice in Iowa.

These rules are intended to implement Iowa Code chapters 147, 148, 148E, and 272C and 2014 Iowa Acts, chapter 1116, division VI.

The following amendment is proposed.

Adopt the following **new** 653—Chapter 18:

CHAPTER 18
MILITARY SERVICE AND VETERAN RECIPROCITY

653—18.1(85GA,ch1116) Definitions. As used in this chapter:

“*License*” means a license issued by the board, including a permanent medical license, resident physician license, special physician license, temporary physician license or licensed acupuncturist license.

“*Military service*” means honorably serving on federal active duty, state active duty, or national guard duty, as defined in Iowa Code section 29A.1; in the military services of other states, as provided in 10 U.S.C. Section 101(c); or in the organized reserves of the United States, as provided in 10 U.S.C. Section 10101.

“*Military service applicant*” means an individual who is requesting credit toward licensure that is subject to the jurisdiction of the board for military education, training, or service obtained or completed in military service including, but not limited to, a medical physician or surgeon, osteopathic physician or surgeon, or licensed acupuncturist.

“*Provisional license*” means a license that is issued by the board to a veteran who is licensed in another jurisdiction in which licensure requirements are not substantially equivalent to those required in Iowa and that will allow the veteran an opportunity to obtain additional experience or education required

MEDICINE BOARD[653](cont'd)

for licensure in Iowa. A provisional license may be issued for a specified period of time upon such conditions as the board deems reasonably necessary to protect the health, welfare or safety of the public.

“*Veteran*” means an individual who meets the definition of “veteran” in Iowa Code section 35.1(2).

653—18.2(85GA,ch1116) Military education, training, and service credit. A military service applicant may apply for credit for verified military education, training, or service toward any experience or educational requirement for licensure by submitting a military service application form to the board office.

18.2(1) The completed military service application may be submitted with an application for licensure or examination or prior to an applicant’s applying for licensure or to take an examination. No fee is required with submission of an application for military service credit.

18.2(2) The applicant shall identify the experience or educational licensure requirement to which the credit would be applied if granted. Credit shall not be applied to an examination requirement.

18.2(3) The applicant shall provide documents, military transcripts, a certified affidavit, or forms that verify completion of the relevant military education, training, or service, which may include, when applicable, the applicant’s Certificate of Release or Discharge from Active Duty (DD Form 214) or Verification of Military Experience and Training (VMET) (DD Form 2586).

18.2(4) The applicant shall fully comply with all other requirements necessary for licensure in Iowa pursuant to 653—Chapter 9.

18.2(5) Upon receipt of a completed military service application, the board shall promptly determine whether the verified military education, training, or service will satisfy all or any part of the identified experience or educational qualifications for licensure.

18.2(6) The board shall grant the application in whole or in part if the board determines that the verified military education, training, or service satisfies all or part of the experience or educational qualifications for licensure.

18.2(7) The board shall inform the military service applicant in writing of the credit, if any, given toward an experience or educational qualification for licensure or explain why no credit was granted. The applicant may request reconsideration upon submission of additional documentation or information.

18.2(8) A military service applicant who is aggrieved by the board’s decision may request a contested case (administrative hearing) and may participate in a contested case by telephone. A request for a contested case shall be made within 30 days of issuance of the board’s decision. There shall be no fees or costs assessed against the military service applicant in connection with a contested case conducted pursuant to this subrule.

18.2(9) The board shall grant or deny the military service application prior to ruling on the application for licensure. The applicant shall not be required to submit any fees in connection with the licensure application unless the board grants the military service application. If the board does not grant the military service application, the applicant may withdraw the licensure application or request that the application be placed on pending status. The withdrawal of a licensure application shall not preclude subsequent applications supported by additional documentation or information.

653—18.3(85GA,ch1116) Veteran reciprocity.

18.3(1) A veteran with an unrestricted professional license in another jurisdiction may apply for licensure in Iowa through reciprocity. A veteran must pass any examinations required for licensure to be eligible for licensure through reciprocity. A fully completed application for licensure submitted by a veteran under this subrule shall be given priority and shall be expedited.

18.3(2) An application for licensure by reciprocity shall contain all of the information required of all applicants for licensure who hold unrestricted licenses in other jurisdictions and who are applying for licensure by reciprocity, including but not limited to completion of all required forms, payment of applicable fees, disclosure of criminal or disciplinary history, and, if applicable, a criminal history background check. In addition, the applicant shall provide such documentation as is reasonably needed to verify the applicant’s status as a veteran under Iowa Code section 35.1(2).

MEDICINE BOARD[653](cont'd)

18.3(3) Upon receipt of a fully completed licensure application, the board shall promptly determine if the professional or occupational licensing requirements of the jurisdiction where the veteran is licensed are substantially equivalent to the licensing requirements in Iowa. The board may consider the following factors in determining substantial equivalence: scope of practice, education and coursework, degree requirements, and postgraduate experiences.

18.3(4) The board shall promptly grant a license to the veteran if the veteran is licensed in the same or similar profession in another jurisdiction whose licensure requirements are substantially equivalent to those required in Iowa, unless the applicant is ineligible for licensure based on other grounds, for example, the applicant's disciplinary or malpractice history or criminal background.

18.3(5) If the board determines that the licensing requirements in the jurisdiction in which the veteran is licensed are not substantially equivalent to those required in Iowa, the board shall promptly inform the veteran of the additional experience, education, or examinations required for licensure in Iowa. Unless the applicant is ineligible for licensure based on other grounds, such as disciplinary or malpractice history or criminal background, the following shall apply:

a. If a veteran has not passed the required examination(s) for licensure, the veteran may request that the application be placed in pending status.

b. If additional experience or education is required in order for the applicant's qualifications to be considered substantially equivalent, the applicant may request that the board issue a provisional license for a specified period of time during which the applicant will successfully complete the necessary experience or education. The board shall issue a provisional license for a specified period of time upon such conditions as the board deems reasonably necessary to protect the health, welfare or safety of the public, unless the board determines that the deficiency is of a character that the public health, welfare or safety will be adversely affected if a provisional license is granted.

c. If a request for a provisional license is denied, the board shall issue an order fully explaining the decision and shall inform the applicant of the steps the applicant may take in order to receive a provisional license.

d. If a provisional license is issued, the application for full licensure shall be placed in pending status until the necessary experience or education has been successfully completed or the provisional license expires, whichever occurs first. The board may extend a provisional license on a case-by-case basis for good cause.

18.3(6) A veteran who is aggrieved by the board's decision to deny an application for a reciprocal license or a provisional license or is aggrieved by the terms under which a provisional license will be granted may request a contested case (administrative hearing) and may participate in a contested case by telephone. A request for a contested case shall be made within 30 days of issuance of the board's decision. There shall be no fees or costs assessed against the veteran in connection with a contested case conducted pursuant to this subrule.

These rules are intended to implement Iowa Code chapters 147, 148, 148E, and 272C and 2014 Iowa Acts, chapter 1116, division VI.

ARC 1630C

PROFESSIONAL LICENSING AND REGULATION BUREAU[193]

Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code sections 546.3 and 546.10, the Professional Licensing and Regulation Bureau hereby gives Notice of Intended Action to adopt new Chapter 14, “Military Service and Veteran Reciprocity,” Iowa Administrative Code.

Chapter 14 is being promulgated as a result of the Home Base Iowa Act, which requires all professional and occupational licensing boards, commissions, and other authorities subject to Iowa Code chapter 272C to adopt rules by January 1, 2015, on military service and veteran licensure. The rules address the process under which the Bureau will provide credit toward licensure qualifications for military service, education, and training and the procedures for expediting reciprocal and provisional licensure for veterans who are licensed in other states. The rules will establish the same procedure for all seven boards within the Bureau. As such, each of the seven boards individually has voted to approve the noticed rules.

Any interested person may make written suggestions or comments on the proposed rules on or before October 7, 2014. Such written materials should be directed to Lori SchraderBachar, Iowa Professional Licensing and Regulation Bureau, 200 E. Grand Avenue, Suite 350, Des Moines, Iowa 50309. E-mail may be sent to lori.schraderbachar@iowa.gov. Persons who wish to convey their views orally should contact Lori SchraderBachar at (515)725-9030 or at the Bureau office, 200 E. Grand Avenue, Suite 350, Des Moines.

Also, there will be a public hearing on October 7, 2014, at 9:30 a.m. at the Bureau office, 200 E. Grand Avenue, Suite 350, Des Moines, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rules.

Any persons who intend to attend the public hearing and have special requirements, such as those relating to hearing or mobility impairments, should contact the Bureau and advise of specific needs.

The proposed rules are subject to waiver or variance pursuant to 193—Chapter 5.

The proposed rules were approved by the Accountancy Examining Board on August 11, 2014; the Architectural Examining Board on August 18, 2014; the Engineering and Land Surveying Examining Board on August 18, 2014; the Interior Design Examining Board on August 13, 2014; the Landscape Architectural Examining Board on August 21, 2014; the Real Estate Commission on August 26, 2014; and the Real Estate Appraiser Examining Board on August 12, 2014.

After analysis and review of this rule making, there will be a positive impact on jobs because these rules will streamline the licensing process for veterans when locating in or coming back to Iowa.

These rules are intended to implement 2014 Iowa Acts, chapter 1116, division VI.

The following amendment is proposed.

Adopt the following **new** 193—Chapter 14:

CHAPTER 14
MILITARY SERVICE AND VETERAN RECIPROCITY

193—14.1(85GA,ch1116) Definitions.

“*Board*” means an examining board or commission within the professional licensing and regulation bureau.

PROFESSIONAL LICENSING AND REGULATION BUREAU[193](cont'd)

“License” or “licensure” means any license, registration, certificate, or permit that may be granted by an examining board or commission within the professional licensing and regulation bureau.

“Military service” means honorably serving on federal active duty, state active duty, or national guard duty, as defined in Iowa Code section 29A.1; in the military services of other states, as provided in 10 U.S.C. Section 101(c); or in the organized reserves of the United States, as provided in 10 U.S.C. Section 10101.

“Military service applicant” means an individual requesting credit toward licensure for military education, training, or service obtained or completed in military service.

“Veteran” means an individual who meets the definition of “veteran” in Iowa Code section 35.1(2).

193—14.2(85GA,ch1116) Military education, training, and service credit. A military service applicant may apply for credit for verified military education, training, or service toward any experience or educational requirement for licensure by submitting a military service application form to the board office.

14.2(1) The application may be submitted with an application for licensure or examination or prior to an applicant’s applying for licensure or to take an examination. No fee is required for submission of an application for military service credit.

14.2(2) The applicant shall identify the experience or educational licensure requirement to which the credit would be applied if granted. Credit shall not be applied to an examination requirement.

14.2(3) The applicant shall provide documents, military transcripts, a certified affidavit, or forms that verify completion of the relevant military education, training, or service, which may include, when applicable, the applicant’s Certificate of Release or Discharge from Active Duty (DD Form 214) or Verification of Military Experience and Training (VMET) (DD Form 2586).

14.2(4) Upon receipt of a completed military service application, the board shall promptly determine whether the verified military education, training, or service will satisfy all or any part of the identified experience or educational qualifications for licensure.

14.2(5) The board shall grant the application in whole or in part if the board determines that the verified military education, training, or service satisfies all or part of the experience or educational qualifications for licensure.

14.2(6) The board shall inform the military service applicant in writing of the credit, if any, given toward an experience or educational qualification for licensure or explain why no credit was granted. The applicant may request reconsideration upon submission of additional documentation or information.

14.2(7) A military service applicant who is aggrieved by the board’s decision may request a contested case (administrative hearing) and may participate in a contested case by telephone. A request for a contested case shall be made within 30 days of issuance of the board’s decision. The provisions of 193—Chapter 7 shall apply, except that no fees or costs shall be assessed against the military service applicant in connection with a contested case conducted pursuant to this subrule.

14.2(8) The board shall grant or deny the military service application prior to ruling on the application for licensure. The applicant shall not be required to submit any fees in connection with the licensure application unless the board grants the military service application. If the board does not grant the military service application, the applicant may withdraw the licensure application or request that the licensure application be placed in pending status for up to one year or as mutually agreed. The withdrawal of a licensure application shall not preclude subsequent applications supported by additional documentation or information.

193—14.3(85GA,ch1116) Veteran reciprocity.

14.3(1) A veteran with an unrestricted professional license in another jurisdiction may apply for licensure in Iowa through reciprocity. A veteran must pass any examinations required for licensure to be eligible for licensure through reciprocity and will be given credit for examinations previously passed when consistent with board laws and rules on examination requirements. A fully completed application for licensure submitted by a veteran under this subrule shall be given priority and shall be expedited.

PROFESSIONAL LICENSING AND REGULATION BUREAU[193](cont'd)

14.3(2) Such an application shall contain all of the information required of all applicants for licensure who hold unrestricted licenses in other jurisdictions and who are applying for licensure by reciprocity, including, but not limited to, completion of all required forms, payment of applicable fees, disclosure of criminal or disciplinary history, and, if applicable, a criminal history background check. The applicant shall use the same forms as any other applicant for licensure by reciprocity and shall additionally provide such documentation as is reasonably needed to verify the applicant's status as a veteran under Iowa Code section 35.1(2).

14.3(3) Upon receipt of a fully completed licensure application, the board shall promptly determine if the professional or occupational licensing requirements of the jurisdiction where the veteran is licensed are substantially equivalent to the licensing requirements in Iowa. The board shall make this determination based on information supplied by the applicant and such additional information as the board may acquire from the applicable jurisdiction. As relevant to the license at issue, the board may consider the following factors in determining substantial equivalence: scope of practice, education and coursework, degree requirements, postgraduate experience, and examinations required for licensure.

14.3(4) The board shall promptly grant a license to the veteran if the applicant is licensed in the same or similar profession in another jurisdiction whose licensure requirements are substantially equivalent to those required in Iowa, unless the applicant is ineligible for licensure based on other grounds, for example, the applicant's disciplinary or criminal background.

14.3(5) If the board determines that the licensing requirements in the jurisdiction in which the veteran is licensed are not substantially equivalent to those required in Iowa, the board shall promptly inform the veteran of the additional experience, education, or examinations required for licensure in Iowa. Unless the applicant is ineligible for licensure based on other grounds, such as disciplinary or criminal background, the following shall apply:

a. If a veteran has not passed the required examination(s) for licensure, the applicant may not be issued a provisional license but may request that the licensure application be placed in pending status for up to one year or as mutually agreed to provide the veteran with the opportunity to satisfy the examination requirements.

b. If additional experience or education is required in order for the applicant's qualifications to be considered substantially equivalent, the applicant may request that the board issue a provisional license for a specified period of time during which the applicant will successfully complete the necessary experience or education. The board shall issue a provisional license for a specified period of time upon such conditions as the board deems reasonably necessary to protect the health, welfare or safety of the public unless the board determines that the deficiency is of a character that the public health, welfare or safety will be adversely affected if a provisional license is granted.

c. If a request for a provisional license is denied, the board shall issue an order fully explaining the decision and shall inform the applicant of the steps the applicant may take in order to receive a provisional license.

d. If a provisional license is issued, the application for full licensure shall be placed in pending status until the necessary experience or education has been successfully completed or the provisional license expires, whichever occurs first. The board may extend a provisional license on a case-by-case basis for good cause.

14.3(6) A veteran who is aggrieved by the board's decision to deny an application for a reciprocal license or a provisional license or is aggrieved by the terms under which a provisional license will be granted may request a contested case (administrative hearing) and may participate in a contested case by telephone. A request for a contested case shall be made within 30 days of issuance of the board's decision. The provisions of 193—Chapter 7 shall apply, except that no fees or costs shall be assessed against the veteran in connection with a contested case conducted pursuant to this subrule.

14.3(7) The licensure requirements for some professions regulated by the boards are very similar or identical across jurisdictions. Given federal mandates, for instance, the requirements to become certified as a real estate appraiser authorized to perform appraisals for federally related transactions are substantially the same nationwide. The requirements to become certified as a certified public accountant are also substantially equivalent nationwide as long as the certified public accountant also holds a license

PROFESSIONAL LICENSING AND REGULATION BUREAU[193](cont'd)

or permit to practice in those jurisdictions which have a two-tiered system of issuing a certificate and a separate license or permit to practice public accounting. For other professions, the veteran is encouraged to consult with board staff prior to submitting an application for reciprocal licensure to determine in advance whether there are jurisdictional variations that may impact reciprocal licensure.

These rules are intended to implement 2014 Iowa Acts, chapter 1116, division VI.

ARC 1631C

REAL ESTATE APPRAISER EXAMINING BOARD[193F]

Notice of Intended Action

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

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

Pursuant to the authority of Iowa Code section 543D.5, the Real Estate Appraiser Examining Board hereby gives Notice of Intended Action to amend Chapter 3, “General Provisions for Examinations,” Chapter 4, “Associate Real Property Appraiser,” Chapter 5, “Certified Residential Real Property Appraiser,” and Chapter 6, “Certified General Real Property Appraiser,” Iowa Administrative Code.

The purpose of these amendments is to include requirements for individuals seeking to become associate appraisers or to upgrade their certifications on or after January 1, 2015, in accordance with the federal criteria set by the Appraiser Qualifications Board (AQB). Each of the proposed amendments to Chapters 5 and 6 is a direct result of the changes by the AQB made to the real property appraiser qualifications criteria effective January 1, 2015. For the state of Iowa to maintain an excellent compliance rating and to provide compliance with the federal requirements, the Real Estate Appraiser Examining Board proposes these amendments. These amendments establish uniform appraisal standards and appraiser certification requirements and update other rules.

The proposed amendment to subrule 3.2(5) removes verbiage that is no longer necessary.

The proposed amendments to rule 193F—3.4(543D) update language in subrule 3.4(2) and update requirements for initial certification as required under the January 1, 2015, AQB criteria.

The proposed amendments to rule 193F—4.1(543D) place a restriction on the length of time for which the required initial qualifying education to become an associate appraiser is valid. In addition, the amendments add the required training course and set forth the date on which mandatory criminal history background checks must begin. These changes are in keeping with January 1, 2015, federal criteria set by the AQB.

The proposed amendments to rule 193F—4.2(543D) clarify the rule.

The proposed amendments to rule 193F—4.4(543D) remove outdated references and improve consistency.

Proposed rule 193F—4.6(543D) is not a federal requirement, but it would push lapsed or inactive associate appraisers toward certification by requiring them to complete the education necessary to upgrade for certification rather than complete continuing education that could not be used to upgrade. The addition of this rule is consistent with the intent of current rules that an associate registration is not meant to be a permanent, long-term credential. Associate appraisers have the opportunity to use qualifying education in a “double fashion” for reinstating or reactivating and for upgrading to certification.

Proposed new subrule 5.1(3) sets forth the requirement that a certified residential appraiser must comply with the Uniform Standards of Professional Appraisal Practices (USPAP).

Proposed paragraph 5.2(1)“c” brings the Board’s rules into compliance with the change in formal education requirements. Proposed subrule 5.2(3) allows approved AQB degree programs to be used

REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

for the qualifying education. The Real Estate Education Program at the University of Northern Iowa is approved by the AQB and is an example of the degree programs that may be accepted.

The amendments to rule 193F—5.3(543D) clarify that, effective January 1, 2015, all criteria for an applicant to become certified must be met before the applicant may take the examination.

The amendments to rules 193F—5.4(543D) to 193F—5.6(543D) provide clarification and remove duplicative language.

The amendments in rule 193F—5.7(543D) improve clarity and set forth the date on which national criminal history checks will begin.

The proposed amendment to subrule 6.1(2) clarifies that an appraiser must comply with all of USPAP as stated in Iowa Code section 543D.18.

The proposed addition of paragraph 6.2(1)“c” and amendments to 6.2(2) bring the Board’s rules into compliance with the mandatory federal change in formal education requirements. The addition of subrule 6.2(3) allows approved AQB degree programs to be used for the qualifying education. The Real Estate Education Program at the University of Northern Iowa is approved by the AQB and is an example of the degree programs that may be accepted.

The amendments to rule 193F—6.3(543D) clarify that, effective January 1, 2015, all criteria for an applicant to become certified must be met before an applicant may take the examination.

The amendments to rules 193F—6.4(543D) to 193F—6.6(543D) provide clarification and remove duplicative language.

Proposed rule 193F—6.7(543D) sets forth the date on which national criminal history checks will begin in accordance with Iowa Code section 543D.22.

Consideration will be given to all written suggestions or comments received no later than 4:30 p.m. on October 7, 2014. Comments should be addressed to Toni Bright, Real Estate Appraiser Examining Board, 200 E. Grand Avenue, Suite 350, Des Moines, Iowa 50309. E-mail may be sent to RealEstateAppraiserBoard@Iowa.gov.

A public hearing will be held on October 7, 2014, at 9 a.m. in the Board Office, 200 E. Grand Avenue, Suite 350, Des Moines, Iowa, at which time persons may present their views on the proposed amendments either orally or in writing. At the hearing, any person who wishes to speak will be asked to give the person’s name and address for the record and to confine remarks to the subject of the proposed amendments.

These amendments have no fiscal impact to the state of Iowa.

These amendments are subject to waiver or variance pursuant to 193—Chapter 5.

After analysis and review, there could be a fiscal and jobs impact to associate appraisers who do not have a bachelor’s degree and who would need additional education beyond the current requirement of an associate’s degree or equivalent semester hours.

These amendments are intended to implement Iowa Code chapter 543D.

The following amendments are proposed.

ITEM 1. Amend subrule 3.2(5) as follows:

3.2(5) If an applicant who has passed an examination does not obtain the related appraiser credential within 24 months of passing the examination, that examination result loses its validity to support ~~issuing the issuance of~~ an appraiser credential. To regain eligibility for the credential, the applicant must retake and pass the examination. This requirement applies to individuals obtaining an initial certified credential or upgrading ~~from a lower level credential to either the certified residential or certified general classification. Commencing January 1, 2008, the only examinations acceptable to the board are those prepared and graded using the AQB-adopted 2008 criteria. Applicants shall not be initially certified or upgraded on or after January 1, 2008, in reliance on examination results in connection with examinations completed prior to January 1, 2008. Applicants who successfully passed an examination prior to January 1, 2008, may only be certified or upgraded on or after January 1, 2008, if they are otherwise qualified and submit a completed application prior to January 1, 2008.~~

REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

ITEM 2. Amend rule 193F—3.4(543D) as follows:

193F—3.4(543D) Application for certification. Applicants for certification ~~or associate registration~~ must successfully complete the appropriate examination.

3.4(1) No change.

3.4(2) A certificate or associate registration shall contain the applicant's name, appraiser classification, Iowa certificate number and the signature of the board chairperson ~~and vice chairperson~~.

3.4(3) An initial certificate shall not be issued until the applicant has demonstrated compliance with all required appraiser qualifications for certification, which include examination, education, a bachelor's degree, and real property appraiser experience complying with pursuant to Iowa Code section 543D.9 and rules 193F—5.2(543D) and 193F—6.2(543D) Chapter 5 or 6.

ITEM 3. Amend rule 193F—4.1(543D) as follows:

193F—4.1(543D) Qualifications to register as an associate appraiser.

4.1(1) Education.

a. A person applying for registration as an associate appraiser shall, at a minimum, satisfactorily complete the following AQB-approved, qualifying education modules required under the educational standards applicable ~~on and after January 1, 2008~~, for certification as a certified residential appraiser or certified general appraiser:

- ~~a.~~ (1) The 30-hour module on basic appraisal principles;
- ~~b.~~ (2) The 30-hour module on basic appraisal procedures; and
- ~~c.~~ (3) The 15-hour national USPAP course or its equivalent.

b. Beginning January 1, 2015, the initial qualifying education must be completed no more than five years prior to the date of application.

4.1(2) Training. Effective January 1, 2015, prior to registration as an associate, a person must complete a course that complies with the specifications for course content established by the AQB specifically oriented to the requirements and responsibilities of supervisory appraisers and associate appraisers. The course must be completed before the person can obtain an associate credential. This course cannot be applied toward the required hours of qualifying or continuing education.

4.1(3) Background check. Effective January 1, 2017, a national criminal history check as provided in Iowa Code section 543D.22 shall be performed on any new associate appraiser.

~~4.1(2)~~ **4.1(4) Application form.** After completing the education outlined in ~~subrule~~ subrules 4.1(1) and 4.1(2), a person applying for registration as an associate appraiser shall apply for registration on the form provided by the board. The form and the appropriate application fee shall be submitted to the board.

~~4.1(3)~~ **4.1(5) Registration denial.** The board may deny an application for registration as an associate appraiser on any ground upon which the board may impose discipline against an associate appraiser, as provided in 193F—Chapter 7.

ITEM 4. Amend rule 193F—4.2(543D) as follows:

193F—4.2(543D) Supervision of associate appraisers.

4.2(1) and 4.2(2) No change.

4.2(3) Logs. An associate appraiser shall maintain an appraisal experience log that includes all information required by the AQB as a precondition for certification and shall maintain the log contemporaneously with the performance of supervised real property appraisal services. Every log page shall have the signatures of the associate appraiser and supervisory appraiser, the state certification number of the supervisory appraiser, and the date of signature. Required log entries shall, at a minimum, include the following for each appraisal:

- a. Type of property;
- b. Date of report;
- c. Address of appraised property;

REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

- d. Description of work performed by the associate appraiser and scope of review and supervision of the ~~supervising~~ supervisory appraiser; and
- e. Number of actual work hours; ~~and~~ by the associate on the assignment.
- f. ~~Signature of supervising appraiser and the date signed.~~

4.2(4) Monitoring of logs. The associate appraiser shall have the appraisal log reviewed and signed by the supervisory appraiser at least monthly. Upon written request by the board, the associate appraiser and the supervisory appraiser shall submit a copy of the associate appraiser's log by letter, ~~fax~~ or E-mail within ten calendar days. The failure of an associate appraiser or supervisory appraiser to submit the requested log is a ground for disciplinary action. A separate appraisal log shall be maintained for each supervisory appraiser.

ITEM 5. Amend rule 193F—4.4(543D) as follows:

193F—4.4(543D) Progress toward certification as a certified residential appraiser or certified general appraiser.

4.4(1) Trainee Associate classification. The associate appraiser classification is intended for those persons training to become certified appraisers and is not intended as a long-term method of performing appraisal services under the supervision of a certified appraiser in the absence of progress toward certification. As a result, the board may impose deadlines for achieving certification, or for satisfying certain prerequisites toward certification, for those persons who apply to renew an associate appraiser registration more than two times ~~following January 1, 2008~~. Deadlines, if any, would be imposed as a condition for the third or subsequent renewal ~~after January 1, 2008~~.

4.4(2) Factors to consider.

a. The board may consider the following noninclusive list of factors when deciding whether to impose a deadline for achieving certification:

- (1) An associate appraiser's access to the educational courses required for certification;
- (2) Whether the associate appraiser had completed the ~~college-level coursework required~~ college requirement for certification in advance of registering as an associate appraiser or whether ~~such~~ college coursework is in progress;
- (3) The associate appraiser's access to supervisory appraisers, the volume of the supervisory appraiser's practice, and the type of certification the associate is training to achieve; and
- (4) ~~The progress toward certification the associate appraiser had made prior to the imposition of new certification standards as of January 1, 2008; and~~
- (~~5~~) (4) Such additional factors as may be relevant to the board's determination as to whether the associate appraiser is making good-faith progress toward certification.

b. No change.

4.4(3) No change.

ITEM 6. Adopt the following new rule 193F—4.6(272C,543D):

193F—4.6(272C,543D) Reinstating or reactivating an associate registration. In order to reinstate or reactivate an associate registration that has lapsed or been placed in inactive status for longer than 12 months, the applicant must complete all continuing education required for reinstatement pursuant to 193F—subrule 11.2(5). For purposes of this rule, in addition to the most recent edition of a seven-hour USPAP course, the board shall allow for continuing education only those courses that have been AQB-approved as qualifying education required for certification, as outlined in rules 193F—5.2(543D) and 193F—6.2(543D). The purpose of this requirement is to ensure that those associates reinstating a lapsed or inactive registration are progressing toward certification. Any qualifying education course taken under this rule as continuing education shall also apply as qualifying education toward certification. If the applicant has completed all qualifying education prior to applying to reinstate a lapsed or inactive associate registration, the applicant may use any approved continuing education course as provided in 193F—Chapter 11, in addition to the required seven-hour USPAP update course, toward the continuing education required for reinstatement.

REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

ITEM 7. Adopt the following **new** subrule 5.1(3):

5.1(3) All certified residential real property appraisers must comply with USPAP.

ITEM 8. Amend rule 193F—5.2(543D) as follows:

193F—5.2(543D) Education. Education requirements for an applicant to obtain a certificate as a certified residential real property appraiser shall be in compliance with the criteria as set forth by the Appraiser Qualifications Board (AQB) of the Appraisal Foundation.

5.2(1) Formal education.

a. Applicants must hold an associate's degree or higher from an accredited college, junior college, community college, or university. In lieu of the associate's degree, an applicant shall successfully pass all of the following collegiate subject matter courses from an accredited college, junior college, community college, or university:

(1) to (7) No change.

b. Total hours of equivalent college courses in lieu of an associate's degree are 21 semester credit hours or equivalent. If an accredited college or university (accredited by the Commission on Colleges, by a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education) accepts the College-Level Examination Program® (CLEP) examination(s) and issues a transcript for the examination(s) showing the college's or university's approval, the CLEP credit will be considered as credit for the college course.

c. Effective January 1, 2015, applicants must hold a bachelor's degree or higher from an accredited college or university.

5.2(2) Core criteria. In addition to the ~~associate's degree or 21 semester hours~~ formal education in subrule 5.2(1), an applicant must complete 200 creditable class hours before taking the AQB-approved examination. All courses must be AQB-approved under 2008 current core criteria to be considered creditable. The required courses and 200 hours consist of the following:

a. to j. No change.

5.2(3) Degree program. Credit toward core criteria qualifying education requirements may also be obtained via the completion of a degree in real estate from an accredited degree-granting college or university, provided that the college or university has had its curriculum reviewed and approved by the AQB.

ITEM 9. Amend rule 193F—5.3(543D) as follows:

193F—5.3(543D) Examination. The prerequisite for taking the AQB-approved examination is completion of 200 creditable course hours as specified in subrule 5.2(2). Effective January 1, 2015, the 200 creditable course hours, college or university degree, and all experience must be completed as specified in subrules 5.2(1) and 5.2(2) and rule 193F—5.4(543D) prior to the examination. For 5.2(2) "c," equivalency shall be determined through the AQB course approval program or by an alternate method established by the AQB. USPAP qualifying education shall be awarded only when the class is instructed by at least one AQB-certified USPAP instructor who holds a state-issued certified residential or certified general appraiser credential in active status and good standing.

5.3(1) Qualification.

a. In order to qualify to sit for the certified residential real property appraiser examination, the applicant must:

~~*a.*~~ (1) Complete the board's application form and provide copies of documentation of completion of all courses claimed that qualify the applicant to sit for the examination.

~~*b.*~~ (2) Pay the fee specified in 193F—Chapter 12.

b. Effective January 1, 2015, the bachelor's degree, education and experience must be completed and the documentation submitted to the board at the time of application to sit for the examination.

5.3(2) to 5.3(5) No change.

REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

ITEM 10. Amend subrules 5.4(1) and 5.4(2) as follows:

5.4(1) *Acceptable experience.* The board will accept as qualifying experience the documented experience attained while the applicant for initial certification was in an educational program recognized by the Appraisal Appraiser Qualifications Board and Appraisal Subcommittee as providing qualifying experience for initial certification, whether or not the applicant was registered as an associate real property appraiser at the time the educational program was completed. Such programs, if approved by federal authorities, will incorporate direct supervision by a certified real property appraiser and such additional program features as to satisfy the purpose of requiring that qualifying experience be attained by the applicant as an associate real property appraiser.

5.4(2) *Exceptions.*

a. Applicants for initial certification in Iowa who request that the board approve ~~un~~supervised ~~experience or~~ experience performed in the absence of registration as an associate real property appraiser may file an application for approval on a form provided by the board. The burden shall be on the applicant to establish by clear and convincing evidence all of the following:

(1) The experience is qualifying experience under the substantive and documentation standards of the Appraisal Appraiser Qualifications Board and Appraisal Subcommittee.

(2) to (5) No change.

b. No change.

ITEM 11. Amend subrules 5.5(1) and 5.5(2) as follows:

5.5(1) The applicant shall provide to the board an appraisal log that includes all information required by the AQB as a precondition for certification and shall maintain the log contemporaneously with the performance of supervised real property appraisal services. The appraisal log shall, at a minimum, include ~~the following for each appraisal:~~ all information as described in 193F—subrule 4.2(3).

a. ~~Type of property;~~

b. ~~Date of report;~~

c. ~~Address of appraised property;~~

d. ~~Description of work performed by the associate appraiser and of the supervising appraiser's scope of review and supervision;~~

e. ~~Number of actual work hours by the associate appraiser on the assignment; and~~

f. ~~Signature and state certification number of the supervising appraiser. Separate appraisal logs shall be maintained for each supervising appraiser, if applicable.~~

5.5(2) The applicant shall accumulate a total of 2500 hours of appraisal experience in no fewer than 24 months while in active status, of which a minimum of 1500 hours must consist of residential appraisal experience. While the hours may be cumulative, the 24 months must have elapsed before the applicant can ~~be certified~~ apply to take the examination. Experience claimed must have been performed in compliance with USPAP in which the appraiser demonstrates proficiency in appraisal principles methodology, procedures and reporting conclusions. Acceptable appraisal experience includes, but is not limited to, the following:

a. to d. No change.

e. Real-estate Appraisal consulting;

f. and g. No change.

ITEM 12. Amend rule 193F—5.6(543D) as follows:

193F—5.6(543D) Work product review.

5.6(1) An applicant shall submit an complete appraisal log for the six months immediately preceding the date of application at the time of application for examination and work product review. The board will ~~then~~ select three appraisals ~~at random~~ for work product review and request that the applicant submit ~~a CD and~~ four paper copies of each report and four paper copies of each work file in addition to an electronic format requested by the board for each of the selected appraisals along with the appropriate form and fee. The fee for work product review of the appraisals is provided in 193F—Chapter 12. The board may select the appraisals at random from the entire log or within certain

REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

types of appraisals. The board reserves the right to request one or more additional appraisals if those submitted by the applicant raise issues concerning the applicant's competency or compliance with applicable appraisal standards or the degree to which the submitted appraisals are representative of the applicant's work product. Such additional appraisals may be selected at random from the applicant's log or may be selected specifically to provide an example of the applicant's work product regarding a particular type of appraisal. ~~Applicants may also be requested to submit their work files for one or more of the submitted appraisals.~~

5.6(2) No change.

5.6(3) An applicant seeking to upgrade to a certified ~~general residential~~ real property appraiser shall submit ~~one three residential appraisal and two commercial appraisals~~ for review.

5.6(4) ~~The board, or a committee of the board, will evaluate the submitted work product for USPAP compliance with applicable appraisal standards.~~ The board ~~may~~ will submit ~~one or more of~~ the appraisals to a peer review consultant for an opinion on the appraiser's compliance with applicable appraisal standards.

5.6(5) to **5.6(10)** No change.

5.6(11) Upon successful completion of the work product review process, an applicant will have 60 days to submit an application. Any application filed on or after January 1, 2015, must meet 2015 AQB criteria.

ITEM 13. Amend rule 193F—5.7(543D) as follows:

193F—5.7(543D) Upgrade to a certified general real property appraiser. To upgrade from a certified residential real property appraiser to a certified general real property appraiser, an applicant must complete the following additional education, examination, and experience requirements and, effective January 1, 2017, a national criminal history check as provided in Iowa Code section 543D.22.

5.7(1) Education.

a. No change.

b. *Core criteria.* In addition to the ~~bachelor's degree or 30 semester hours formal education,~~ an applicant must complete 100 creditable class hours before taking the AQB-approved examination. All courses must be AQB-approved under ~~2008 current core~~ criteria to be considered creditable. The required courses and 100 hours consist of the following:

- | | |
|--|----------|
| (1) General appraiser market analysis and highest and best use | 15 hours |
| (2) General appraiser sales comparison approach | 15 hours |
| (3) General appraiser site valuation and cost approach | 15 hours |
| (4) General appraiser income approach | 45 hours |
| (5) General appraiser report writing and case studies | 10 hours |

5.7(2) to **5.7(4)** No change.

5.7(5) Background check. Effective January 1, 2017, a national criminal history check as provided in Iowa Code section 543D.22 shall be performed on any appraiser upgrading to a certified general real property appraiser.

ITEM 14. Amend **193F—Chapter 5**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~section~~ sections 543D.5, 543D.8, and 543D.9.

ITEM 15. Amend subrule 6.1(2) as follows:

6.1(2) All certified general real property appraisers must comply with ~~the competency rule of~~ USPAP.

ITEM 16. Amend rule 193F—6.2(543D) as follows:

193F—6.2(543D) Education. Education requirements for an applicant to obtain a certificate as a certified general real property appraiser shall be in compliance with the criteria as set forth by the Appraiser Qualifications Board (AQB) of the Appraisal Foundation.

6.2(1) Formal education.

a. and b. No change.

REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

c. Effective January 1, 2015, applicants must hold a bachelor's degree or higher from an accredited college or university.

~~6.2(2) Core criteria.~~ In addition to the ~~bachelor's degree or 30 semester hours~~ formal education in 6.2(1), an applicant must complete 300 creditable class hours before taking the AQB-approved examination. All courses must be AQB-approved under ~~2008 current core~~ criteria to be considered creditable. The required courses and 300 hours consist of the following:

a. to j. No change.

6.2(3) Degree program. Credit toward core criteria qualifying education requirements may also be obtained via the completion of a degree in real estate from an accredited degree-granting college or university, provided that the college or university has had its curriculum reviewed and approved by the AQB.

ITEM 17. Amend rule 193F—6.3(543D) as follows:

193F—6.3(543D) Examination. The prerequisite for taking the AQB-approved examination is completion of 300 creditable course hours as specified in subrule 6.2(2). Effective January 1, 2015, the 300 core criteria hours, college or university degree, and all experience must be completed as specified in subrules 6.2(1) and 6.2(2) and rule 193F—6.4(543D) prior to the examination. For 6.2(2)“c,” equivalency shall be determined through the AQB course approval program or by an alternate method established by the AQB. USPAP qualifying education shall be awarded only when the class is instructed by at least one AQB-certified USPAP instructor who holds a state-issued certified residential or certified general appraiser credential in active status and good standing.

6.3(1) In order to qualify to sit for the certified general real property appraiser examination, the applicant must:

a. and b. No change.

c. Effective January 1, 2015, the degree, education and experience must be completed and documentation submitted to the board at the time of application to sit for the examination.

6.3(2) to 6.3(5) No change.

ITEM 18. Amend subrules 6.4(1) and 6.4(2) as follows:

6.4(1) Acceptable experience. The board will accept as qualifying experience the documented experience attained while the applicant for initial certification was in an educational program recognized by the ~~Appraisal Appraiser~~ Appraiser Qualifications Board and Appraisal Subcommittee as providing qualifying experience for initial certification, whether or not the applicant was registered as an associate real property appraiser at the time the educational program was completed. Such programs, if approved by federal authorities, will incorporate direct supervision by a certified real property appraiser and such additional program features as to satisfy the purpose of requiring that qualifying experience be attained by the applicant as an associate real property appraiser.

6.4(2) Exceptions.

a. Applicants for initial certification in Iowa who request that the board approve ~~unsupervised experience or~~ experience performed in the absence of registration as an associate real property appraiser may file an application for approval on a form provided by the board. The burden shall be on the applicant to establish by clear and convincing evidence all of the following:

(1) The experience is qualifying experience under the substantive and documentation standards of the ~~Appraisal Appraiser~~ Appraiser Qualifications Board and Appraisal Subcommittee.

(2) to (5) No change.

b. No change.

ITEM 19. Amend subrules 6.5(1) and 6.5(2) as follows:

6.5(1) The applicant shall provide to the board an appraisal log that includes all information required by the AQB as a precondition for certification and shall maintain the log contemporaneously with the performance of supervised real property appraisal services. The appraisal log shall, at a minimum, include ~~the following for each appraisal:~~ all information as described in 193F—subrule 4.2(3).

a.—Type of property;

REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

- ~~b. Date of report;~~
- ~~c. Address of appraised property;~~
- ~~d. Description of work performed by the associate appraiser and of the supervising appraiser's scope of review and supervision;~~
- ~~e. Number of actual work hours by the associate appraiser on the assignment; and~~
- ~~f. Signature and state certification number of the supervising appraiser. Separate appraisal logs shall be maintained for each supervising appraiser, if applicable.~~

6.5(2) The applicant shall accumulate a total of 3000 hours of appraisal experience in no fewer than 30 months while in active status, of which 1500 hours must consist of nonresidential appraisal experience. While the hours may be cumulative, the 30 months must have elapsed before an applicant can be certified. Experience claimed must have been performed in compliance with USPAP where the appraiser demonstrates proficiency in appraisal principles methodology, procedures and reporting conclusions. Acceptable appraisal experience includes, but is not limited to, the following:

- ~~a. to d. No change.~~
- ~~e. Real estate Appraisal consulting;~~
- ~~f. and g. No change.~~

ITEM 20. Amend rule 193F—6.6(543D) as follows:

193F—6.6(543D) Work product review.

6.6(1) An applicant shall submit ~~an a complete appraisal log for the six months immediately preceding the date of application~~ at the time of application for examination and work product review. The board will then select three appraisals ~~at random~~ for work product review and request that the applicant submit ~~a CD and~~ four paper copies of each report and four paper copies of each work file in addition to an electronic format requested by the board for each of the selected appraisals along with the appropriate form and fee. The fee for work product review of the appraisals is provided in 193F—Chapter 12. The board may select the appraisals at random from the entire log or within certain types of appraisals. The board reserves the right to request one or more additional appraisals if those submitted by the applicant raise issues concerning the applicant's competency or compliance with applicable appraisal standards or the degree to which the submitted appraisals are representative of the applicant's work product. Such additional appraisals may be selected at random from the applicant's log or may be selected specifically to provide an example of the applicant's work product regarding a particular type of appraisal. ~~Applicants may also be requested to submit their work files for one or more of the submitted appraisals.~~

6.6(2) No change.

6.6(3) An applicant seeking original or upgrade certification as a certified general real property appraiser shall submit one residential appraisal and two ~~commercial~~ nonresidential appraisals for review.

6.6(4) The board, or a committee of the board, will evaluate the submitted work product ~~for USPAP compliance with applicable appraisal standards.~~ The board may will submit ~~one or more of~~ the appraisals to a peer review consultant for an opinion on the appraiser's compliance with applicable appraisal standards.

6.6(5) to 6.6(10) No change.

6.6(11) Upon successful completion of the work product review process, an applicant will have 60 days to submit an application. Any application filed on or after January 1, 2015, must meet 2015 AQB criteria.

ITEM 21. Adopt the following new rule 193F—6.7(543D):

193F—6.7(543D) Background check. Effective January 1, 2017, a national criminal history check as provided in Iowa Code section 543D.22 shall be performed on any appraiser upgrading to a new credential.

REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

ITEM 22. Amend **193F—Chapter 6**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~section~~ sections 543D.5, 543D.8, 543D.9, and 543D.22.

ARC 1629C**REAL ESTATE APPRAISER EXAMINING BOARD[193F]****Notice of Intended Action**

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

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

Pursuant to the authority of Iowa Code section 543D.5, the Real Estate Appraiser Examining Board hereby gives Notice of Intended Action to amend Chapter 9, “Renewal, Expiration and Reinstatement of Certificates and Registrations, and Inactive Status,” Chapter 11, “Continuing Education,” and Chapter 15, “Supervisor Responsibilities,” Iowa Administrative Code.

The proposed amendment to subrule 9.2(1) provides the Board the authority to send either electronic or paper renewal reminders to appraisers.

The proposed amendments to rules 193F—9.4(272C,543D) and 193F—9.5(272C,543D) separate the requirements for reinstatement and reactivation. The requirements have not changed; however, the current rules do not distinguish between the two. In addition, language regarding fees will now reference 193F—Chapter 12.

Proposed new subrule 9.4(6) provides consistency with the reinstatement requirements set forth in Chapter 4, “Associate Real Property Appraiser.” This subrule is not a federal requirement but it would be consistent with the current rules. The proposed subrule would prepare a lapsed or inactive associate appraiser to be closer to certification by requiring the associate appraiser to complete the education necessary to upgrade for certification rather than complete continuing education that could not be used for upgrading. Associate registration is not meant to be a permanent, long-term credential. Associates will have the opportunity to use qualifying education in a “double fashion” for reinstating or reactivating and upgrading. The proposed amendments in Chapter 9 also incorporate reinstatement and reactivation continuing education requirements that were previously contained in Chapter 11, “Continuing Education.”

The proposed amendments in Chapter 15 change the word “trainee” to “associate.” This change provides consistency throughout the administrative rules. In addition, the proposed amendment to paragraph 15.3(1)“a” specifies that a supervisor must not only be an active appraiser for three years but must be an active Iowa appraiser for three years. This change is in compliance with the January 1, 2015, Appraiser Qualification Criteria.

Consideration will be given to all written suggestions or comments received no later than 4:30 p.m. on October 7, 2014. Comments should be addressed to Toni Bright, Real Estate Appraiser Examining Board, 200 E. Grand Avenue, Suite 350, Des Moines, Iowa 50309. E-mail may be sent to RealEstateAppraiserBoard@iowa.gov.

A public hearing will be held on October 7, 2014, at 9 a.m. in the Board Office, 200 E. Grand, Suite 350, Des Moines, Iowa, at which time persons may present their views on the proposed amendments either orally or in writing. At the hearing, any person who wishes to speak will be asked to give the person’s name and address for the record and to confine remarks to the subject of the proposed amendments.

These amendments have no fiscal impact to the State of Iowa.

These amendments are subject to waiver or variance pursuant to 193—Chapter 5.

After analysis and review of this rule making, no jobs impact exists.

These amendments are intended to implement Iowa Code chapter 543D.

REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

The following amendments are proposed.

ITEM 1. Amend subrule 9.2(1) as follows:

9.2(1) It is the policy of the board to mail or send electronic renewal notices to certified and associate appraisers ~~to~~ at the last address or e-mail address on file with the board in the May preceding certificate or registration expiration. Neither the failure of the board to ~~mail~~ send such a notice nor the licensee's failure to receive such a notice shall excuse the requirement to timely renew and pay the renewal fee.

ITEM 2. Amend rule 193F—9.4(272C,543D) as follows:

193F—9.4(272C,543D) Failure to renew.

9.4(1) The certificate or registration of a certified or associate appraiser shall lapse unless the appraiser:

~~a. Submits~~ submits a timely and sufficient renewal application by the expiration date, ~~or,~~

~~b. 9.4(2) Submits~~ **9.4(2)** A certified or associate appraiser may renew a certificate or registration after the expiration date by submitting a sufficient renewal application and biennial renewal fee, accompanied by an additional penalty of 25 percent of the biennial renewal fee, within 30 calendar days of the expiration date, ~~accompanied by an additional penalty of 25 percent of the biennial renewal fee.~~ The board will allow the reinstatement of a lapsed certificate or registration during the 30-day period following expiration for an appraiser who did not complete all required continuing education during the prior biennium but who will have sufficient continuing education if courses completed during the 30-day period following lapse are included; provided that such applicant must demonstrate 42 hours of qualifying continuing education rather than the 28 hours required to renew for those who completed all continuing education on a timely basis prior to the lapse. The continuing education completed between July 1 and July 30 that fulfills a shortage of continuing education in the prior biennium shall not be counted toward the continuing education required in a subsequent renewal.

~~9.4(2)~~ **9.4(3)** If a certified or associate appraiser fails to renew within the 30-day grace period provided for in subrule ~~9.4(1) 9.4(2), the certificate or registration shall lapse and the appraiser shall be required to reinstate in accordance with subrule 9.4(3) 9.4(5).~~

~~9.4(3)~~ **9.4(3)** The board may reinstate a lapsed certificate or registration upon the applicant's submission of the appropriate form, payment of a reinstatement fee of \$150, and submission of evidence of completion of all required continuing education.

9.4(4) Certified and associate appraisers are not authorized to practice or to hold themselves out to the public as certified or registered appraisers during the period of time that the certificate or registration is lapsed, including during the 30-day grace period following the lapse. Any violation of this subrule shall be grounds for discipline.

9.4(5) Reinstatement. The board may reinstate a lapsed certificate or registration upon the applicant's submission of an application to reinstate and completion of all of the following:

a. Paying a penalty as provided in rule 193F—12.1(543D); and

b. Paying the current renewal fee as provided in rule 193F—12.1(543D); and

c. Providing evidence of completed continuing education outlined in rule 193F—11.2(272C,543D), as modified for associate appraisers in subrule 9.4(6), if the licensee wishes to reinstate to active status; and

d. Providing a written statement outlining the professional activities of the applicant in the state of Iowa during the period in which the applicant's certificate or registration was lapsed. The statement shall describe all appraisal services performed, with or without the use of the titles described in Iowa Code section 543D.15, for all appraisal assignments that are required by federal or state law, rule, or policy to be performed by a certified real estate appraiser.

9.4(6) Special continuing education requirements for reinstating associate appraisers. The board seeks to ensure that associate appraisers make progress toward full completion of all qualifying education required for eventual certification, as provided in rules 193F—5.2(543D) and 193F—6.2(543D). As a result, an associate appraiser applying to reinstate a registration that has been lapsed for 12 months or longer shall apply, in addition to the most recent 7-hour USPAP course, only qualifying education toward

REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

the continuing education required for reinstatement, until all qualifying education has been completed. All qualifying education taken as continuing education may also be applied as qualifying education toward certification. If the applicant has already completed all qualifying education or is required to have continuing education hours beyond those needed to fully complete all qualifying education, the applicant may use any approved continuing education course in addition to the mandatory 7-hour USPAP course.

ITEM 3. Amend rule 193F—9.5(272C,543D) as follows:

193F—9.5(272C,543D) Inactive status.

9.5(1) and **9.5(2)** No change.

9.5(3) Affirmation. The application form shall contain a statement in which the applicant affirms that the applicant will not engage in any practice prohibited by subrule 9.5(2) in Iowa without first complying with all rules governing ~~reinstatement~~ reactivation to active status. A person in inactive status may ~~reinstatement~~ reactivate to active status at any time pursuant to subrule 9.5(6).

9.5(4) and **9.5(5)** No change.

9.5(6) Reinstatement Reactivation. A person registered as inactive shall apply ~~for reinstatement~~ to reactivate to active status prior to engaging in any practice in Iowa that requires certification or associate registration. An application ~~for reinstatement~~ to reactivate to active status shall be on a form provided by the board, shall demonstrate full compliance with all applicable continuing education requirements, and shall be accompanied by a ~~\$50 reinstatement~~ change of status fee and the biennial fee for active status ~~as provided in rule 193F—12.1(543D).~~ Prior to reactivation to active status, the applicant must complete all education that would have been required had the applicant been on active status, including the most recent seven-hour USPAP update course. All such continuing education must be verified whether or not the applicant has been in active practice in another jurisdiction. Additionally, the special continuing education requirements that apply to associate appraisers reinstating a lapsed registration, as provided in subrule 9.4(6), shall apply to associate appraisers reactivating to active status following a period of inactive status of 12 months or longer. Such an applicant shall be given credit for the most recent renewal fees previously paid if the person applicant applies for reinstatement to reactivate in the same biennium at other than the ~~person's applicant's~~ regular renewal date. ~~A person~~ An applicant changing from active to inactive status during a biennial renewal period shall not, however, be entitled to a refund of any of the fees previously paid to attain active status.

ITEM 4. Amend rule **193F—11.1(272C,543D)**, definition of “Distance education,” as follows:

“Distance education” means any education process based on the geographical separation of student and instructor. “Distance education” includes computer-generated programs; and webinars; ~~and home study/correspondence programs.~~

ITEM 5. Rescind the definition of “Home-study/correspondence program” in rule **193F—11.1(272C,543D)**.

ITEM 6. Amend rule 193F—11.2(272C,543D) as follows:

193F—11.2(272C,543D) Continuing education requirements.

11.2(1) Certified residential, certified general and associate appraisers must demonstrate compliance with the following continuing education requirements as a condition of biennial renewal:

a. No change.

b. The purpose of continuing education is to ensure that the appraiser participates in a program that maintains and increases the appraiser’s skill, knowledge and competency in real estate appraising. Credit may be granted for educational offerings that are consistent with the purpose of continuing education. A minimum of 21 of the required 28 credit hours must involve courses that address one or more of the following subject areas: ~~real estate appraisal law and rules, report writing, cost approach, sales approach, income approach, economic principles, legal considerations in appraisal, real estate markets and analysis, highest and best use analysis, appraisal math and statistics, site value, valuation of partial interests or appraisal ethics~~ listed in subrule 11.4(2).

c. No change.

REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

11.2(2) All continuing education credit hours may be acquired in approved classroom or distance education programs.

11.2(3) and 11.2(4) No change.

11.2(5) Prior to reinstatement or reactivation of a certified general registration or a certified residential registration, a certified credential holder in inactive or lapsed status must complete all required continuing education hours that would have been required if the certified credential holder was in active status. The required hours must also include the most recent edition of a 7-hour National USPAP Update Course. Waivers may not be granted to credential holders who have failed to meet the continuing education requirements.

11.2(6) to 11.2(9) No change.

ITEM 7. Amend rule 193F—11.4(272C,543D) as follows:

193F—11.4(272C,543D) Minimum program qualifications.

11.4(1) No change.

11.4(2) Continuing education programs dealing with the following subject areas that are integrally related to appraisal topics will generally be acceptable:

- a.* Ad valorem taxation;
- b.* Agriculture production and economics;
- c.* Agronomy/soil;
- d.* Approaches to value;
- ~~*d. e.*~~ Arbitrations, dispute resolution;
- ~~*e. f.*~~ Business courses Courses related to the practice of real estate appraisal or consulting;
- ~~*f. g.*~~ Construction cost or development cost estimating;
- ~~*g.*~~ Cost approach;
- h.* Ethics and standards of professional practice, USPAP;
- ~~*i.*~~ Income approach;
- ~~*j. i.*~~ Land use planning; or zoning and taxation;
- ~~*k.*~~ Litigation;
- ~~*l. j.*~~ Management, leasing, ~~brokerage~~ time sharing;
- ~~*m. k.*~~ Property development, partial interests;
- ~~*n. l.*~~ Real estate appraisal law and rules;
- ~~*o. m.*~~ Real estate appraisal (valuations/evaluations);
- ~~*p. n.*~~ Real estate law, easements, and legal interests;
- ~~*o.*~~ Real estate litigation, damages, condemnation;
- ~~*q. p.*~~ Real estate financing and investment;
- ~~*r. q.*~~ Real estate appraisal-related computer applications;
- ~~*s. r.*~~ Real estate securities and syndication;
- ~~*s.*~~ Developing opinions of real property value in appraisals that also include personal property or business value, or both;
- ~~*t.*~~ Seller concessions and impact on value; and
- ~~*u.*~~ Energy efficient items and “green building” appraisals.
- ~~*t.*~~ Real property exchange;
- ~~*u.*~~ Production economics;
- ~~*v.*~~ Sales approach;
- ~~*w.*~~ USPAP.

11.4(3) The following programs will not be acceptable:

a. to d. No change.

~~*e.*~~ Distance education programs which are not tested and successfully completed;

~~*f. e.*~~ Programs that do not provide at least ~~three~~ two credit hours.

11.4(4) and 11.4(5) No change.

REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

ITEM 8. Amend subrules 11.5(2) and 11.5(6) as follows:

11.5(2) Live instruction programs must be taught by instructors who have successfully completed an instructor development workshop within 24 months preceding board approval of the program. Certified USPAP instructors shall be considered to have met this requirement.

11.5(6) ~~As of January 1, 2004, only~~ Only AQB-certified USPAP instructors, listed on the Web site of the Appraisal Foundation may teach the national USPAP courses including the 15-hour tested ~~prelicense~~ course and the 7-hour continuing education course.

ITEM 9. Adopt the following **new** subrule 11.5(20):

11.5(20) Providers must apply for approval using forms prescribed by the board.

ITEM 10. Amend subrule 11.6(3) as follows:

11.6(3) Course delivery mechanism approval is obtained from one of the following sources:

- a. No change.
- b. A college or university that qualifies for content approval pursuant to subrule 11.6(2) that awards academic credit for the distance education course; or
- c. A qualifying college or university for content approval with a distance education delivery program that approves the course design and delivery that incorporate interactivity.

ITEM 11. Adopt the following **new** subrule 11.6(4):

11.6(4) Distance education courses must include at least one of the following:

- a. A written examination proctored by an official approved by the college or university, or by the sponsoring organization. The term “written” in this subrule refers to an examination that may be written on paper or administered electronically on a computer or other device. Oral examinations are not acceptable.
- b. Successful completion of prescribed course mechanisms required to demonstrate knowledge of the subject matter.

ITEM 12. Amend rule 193F—11.7(272C,543D) as follows:

193F—11.7(272C,543D) Applications for approval of providers and programs. Applications for approval of ~~providers and~~ programs must be submitted on forms prescribed by the board. ~~Board approval is effective~~ All non-AQB courses are approved for 24 months, including the month of approval. AQB-approved courses are approved through the AQB expiration date, which may be longer than 24 months from the date of approval.

11.7(1) Approval must be obtained for each program separately.

11.7(2) A nonrefundable fee of \$50 must be submitted for each program except for programs that are submitted for approval by the primary provider and that have been approved by the Appraiser Qualifications Board through the Course Approval Program (CAP).

11.7(3) No change.

11.7(4) Application forms for non-AQB CAP courses will request information including, but not limited to, the following:

- a. Program description;
- b. Program purpose;
- ~~c.~~ Difficulty level;
- ~~d.~~ c. Learning objectives for each major topic that specify the level of knowledge or competency the student should demonstrate upon completing the program;
- ~~e.~~ d. Description of the instructional methods utilized to accomplish the learning objective;
- ~~f.~~ e. Identifying information for all guest speakers or instructors and such documentation as is necessary to verify compliance with the instructor qualifications described in subrule 11.5(5);
- ~~g.~~ f. Copies of all instructor and student program materials;
- ~~h.~~ g. Copies of all examinations and a description of all grading procedures;
- ~~i.~~ h. A description of the diagnostic assessment method(s) used when examinations are not given;
- ~~j.~~ Copies of prospective brochures or narrative descriptions of the program as will be advertised to prospective students;

REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

~~k. i.~~ Such information as needed to verify compliance with board rules;
~~l. j.~~ The name, address, telephone number, ~~fax number~~ and e-mail address for the program's coordinator;

~~m. k.~~ Such other information as the board deems reasonably needed for informed decision making.

11.7(5) Application forms for courses that are AQB CAP-approved shall include information as deemed necessary for accurate documentation but may be more limited than information required in subrule 11.7(4).

~~11.7(5)~~ **11.7(6)** The board shall assign each provider and program a number. This number shall be placed on all correspondence with the board, all subsequent applications by the same provider, and all certificates of attendance issued to participants.

ITEM 13. Amend rule 193F—11.9(272C,543D) as follows:

193F—11.9(272C,543D) Continuing Authority to approve education committee. ~~Upon majority vote of the board, the board chairperson may appoint, on an annual basis, a continuing education committee to approve or deny, in whole or part, applications for provider and program approval and hardship and disability waivers pursuant to rule 193F—11.3(272C,543D), and credits claimed by appraisers on certification renewal forms. The committee shall be comprised of three members of the board, at least two of whom are appraisers. Alternatively, the board chairperson may delegate to the~~ The executive secretary officer has the authority to approve or deny course education applications subject to the applicant's right to a hearing as provided for in rule 193F—11.12 11.13(272C,543D).

ITEM 14. Amend rule 193F—11.13(272C,543D) as follows:

193F—11.13(272C,543D) Hearings. ~~In the event of denial, in whole or in part, of any application for approval of a continuing education program or provider, or credit for a continuing education program, or withdrawal of approval of a continuing education program or provider, the provider or appraiser shall have the right, within 20 days after the sending of the notification of the denial or withdrawal by ordinary mail, to request, in writing, a hearing which shall be held within 60 days after receipt of the written request for hearing. The hearing shall be conducted by the board, a panel of the board, or a qualified administrative law judge designated by the board. If the hearing is conducted by a panel of the board or an administrative law judge, a transcript of the hearing shall be presented to the board with the proposed decision. The decision of the board, or the decision of the panel of the board or an administrative law judge after adoption or amendment by the board, shall be final. may, within 30 days of the date of mailing of the notice of denial or withdrawal, request a contested case hearing before the board, as provided in rule 193—7.8(17A).~~

ITEM 15. Amend rules 193F—15.1(543D) to 193F—15.3(543D) as follows:

193F—15.1(543D) Description. The importance of the role of the supervisory appraiser places ethical and professional standards on those who serve in this capacity. The function of the supervisory appraiser is to help adequately prepare ~~a trainee~~ an associate to demonstrate professional competence and work independently upon issuance of full licensure. The supervisor is considered an integral part of the training process, and supervision should be considered a full-time, hands-on responsibility.

193F—15.2(543D) Supervisory appraiser responsibilities. Supervisory appraisers shall:

1. No change.
2. Adequately supervise ~~a trainee~~ an associate in the data-gathering process to ensure that the ~~trainee~~ associate is correctly and properly collecting pertinent and factual data for analysis.
3. Ensure that the ~~trainee~~ associate is knowledgeable about the various sources from which to gather data and that the data collected is reliable. The ~~trainee~~ associate should be exposed to any sources of research that would be considered by one's peers in the marketplace including cost manuals, multiple listing services, public records and Internet study.

REAL ESTATE APPRAISER EXAMINING BOARD[193F](cont'd)

- 4. Teach the ~~trainee~~ associate to reason independently and formulate reasonable conclusions based upon the analysis of the information gathered.
- 5. to 7. No change.
- 8. Expose a ~~trainee~~ an associate to as many different property types, report formats and value ranges as possible with the understanding that each time a new or unique assignment is introduced, there is a responsibility to instruct and educate the ~~trainee~~ associate to ensure competency.
- 9. Inspect each appraised property with the ~~trainee~~ associate until the supervisor determines the ~~trainee~~ associate is competent, in accordance with the COMPETENCY RULE of USPAP for the property type and geographic location.
- 10. Bring the ~~trainee~~ associate appraiser to a professional level that enables the ~~trainee~~ associate to demonstrate competency independently.

193F—15.3(543D) Requirements for a supervisory appraiser.

15.3(1) A supervisory appraiser shall:

- a. Have a minimum of three years of experience as a an Iowa certified appraiser, be in good standing in all jurisdictions, and be actively certified in Iowa during all periods when providing supervision.
- b. Have a maximum of three ~~trainees~~ associates and shall register with the board the name, office address and starting date of each ~~trainee~~ associate, as well as any termination dates (voluntary or involuntary).
- c. to e. No change.

15.3(2) to 15.3(4) No change.

ITEM 16. Amend **193F—Chapter 15**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~section~~ sections 543D.5 and 543D.22.

TREASURER OF STATE

Notice—Public Funds Interest Rates

In compliance with Iowa Code chapter 74A and section 12C.6, the committee composed of Treasurer of State Michael L. Fitzgerald, Superintendent of Credit Unions JoAnn Johnson, Superintendent of Banking James M. Schipper, and Auditor of State Mary Mosiman have established today the following rates of interest for public obligations and special assessments. The usury rate for September is 4.50%.

INTEREST RATES FOR PUBLIC OBLIGATIONS AND ASSESSMENTS

74A.2 Unpaid Warrants	Maximum 6.0%
74A.4 Special Assessments	Maximum 9.0%

RECOMMENDED Rates for Public Obligations (74A.3) and School District Warrants (74A.7). A rate equal to 75% of the Federal Reserve monthly published indices for U.S. Government securities of comparable maturities. All Financial Institutions as defined by Iowa Code section 12C.1 are eligible for public fund deposits as defined by Iowa Code section 12C.6A.

The rate of interest has been determined by a committee of the state of Iowa to be the minimum interest rate that shall be paid on public funds deposited in approved financial institutions. To be eligible to accept deposits of public funds of the state of Iowa, a financial institution shall demonstrate a commitment to serve the needs of the local community in which it is chartered to do business. These needs include credit services as well as deposit services. All such financial institutions are required to provide the committee with a written description of their commitment to provide credit services in the community. This statement is available for examination by citizens.

New official state interest rates, effective September 11, 2014, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

TREASURER OF STATE(cont'd)

TIME DEPOSITS

7-31 days	Minimum .05%
32-89 days	Minimum .05%
90-179 days	Minimum .05%
180-364 days	Minimum .05%
One year to 397 days	Minimum .05%
More than 397 days	Minimum .10%

These are minimum rates only. All time deposits are four-tenths of a percent below average rates. Public body treasurers and their depositories may negotiate a higher rate according to money market rates and conditions.

Inquiries may be sent to Michael L. Fitzgerald, Treasurer of State, State Capitol, Des Moines, Iowa 50319.

ARC 1624C

ARCHITECTURAL EXAMINING BOARD[193B]

Adopted and Filed

Pursuant to the authority of Iowa Code section 544A.29, the Architectural Examining Board hereby amends Chapter 2, "Registration," Iowa Administrative Code.

The rules in Chapter 2 describe the process for registration and renewal of certificates of registration for registrants to be authorized to practice architecture in Iowa. These amendments update registration by examination, change the biennial renewal requirement to an annual requirement, remove business entity registration, and adjust the fees accordingly.

Notice of Intended Action was published in the June 11, 2014, Iowa Administrative Bulletin as **ARC 1501C**.

A public hearing was held on July 1, 2014. A comment was received from the public; however, no changes were made as a result of the comment received. The adopted amendments are identical to those published under Notice.

These amendments were adopted during the August 18, 2014, meeting of the Architectural Examining Board.

These amendments are subject to waiver or variance pursuant to Iowa Code section 17A.9A and 193—Chapter 5.

There is no fiscal impact.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 544A.

These amendments will become effective October 22, 2014.

The following amendments are adopted.

ITEM 1. Amend subrule 2.3(4) as follows:

2.3(4) Applicants who have passed one or more but not all divisions of the ARE by ~~January 1, 2006,~~ shall have a rolling five-year period to pass each of the remaining divisions. A passing grade for any remaining division shall be valid for five years, after which time the division must be retaken if all remaining divisions have not been passed. ~~The rolling five-year period shall commence after January 1, 2006, on the date when the first division that has been passed is administered. Applicants who have passed no divisions of the ARE by January 1, 2006, shall be governed by the above rolling five-year requirement.~~ The rolling five-year period shall commence on the date when the first division that has been passed is administered. ~~Any division passed prior to January 1, 2006, shall no longer remain valid if all remaining divisions have not been passed by July 1, 2014.~~

~~Effective January 1, 2011, and thereafter, the Authorization to Test of any applicant shall terminate unless the applicant has passed or failed a division of the ARE within a period of five years, which includes the five-year period prior to January 1, 2011. Any applicant whose authorization is so terminated must establish a new eligibility under the then-current procedures of the board.~~

ITEM 2. Amend subrule 2.5(1) as follows:

2.5(1) *Active status.* Certificates of registration expire ~~biennially~~ annually on ~~June 30~~ December 31. In order to maintain authorization to practice in Iowa, a registrant is required to renew the certificate of registration prior to the expiration date. A registrant who fails to renew by the expiration date is not authorized to practice architecture in Iowa until the certificate is reinstated as provided in rule 193B—2.6(544A,17A).

~~a.~~ a.—A registrant whose last name begins with the letter A through K shall renew in even-numbered years, and a registrant whose last name begins with the letter L through Z shall renew in odd-numbered years.

~~b.~~ a. It is the policy of the board to ~~mail~~ send to each registrant a notice of the pending expiration date at the registrant's last-known address approximately one month prior to the date the certificate of registration is scheduled to expire. The notice, when provided, may be by e-mail communication or in the quarterly newsletter. Failure to receive this notice does not relieve the registrant of the responsibility

ARCHITECTURAL EXAMINING BOARD[193B](cont'd)

to timely renew the certificate and pay the renewal fee. A registrant should contact the board office if the registrant does not receive a renewal notice prior to the date of expiration.

e. b. Upon the board's receipt of a timely and sufficient renewal application as provided in 193—subrule 7.40(3), the board's ~~executive secretary~~ administrator shall issue a new certificate of registration reflecting the next expiration date, unless grounds exist for denial of the application. However, the board will accept an otherwise sufficient renewal application that is untimely if the board receives the application and late fee within 30 days of the date of expiration.

d. c. If grounds exist to deny a timely and sufficient application to renew, the board shall send written notification to the applicant by restricted certified mail, return receipt requested. Grounds may exist to deny an application to renew if, for instance, the registrant failed to satisfy the continuing education as required as a condition for registration. If the basis for denial is pending disciplinary action or disciplinary investigation which is reasonably expected to culminate in disciplinary action, the board shall proceed as provided in 193—Chapter 7. If the basis for denial is not related to a pending or imminent disciplinary action, the applicant may contest the board's decision as provided in 193—subrule 7.40(1).

e. d. When a registrant appears to be in violation of mandatory continuing education requirements, the board may, in lieu of proceeding to a contested case hearing on the denial of a renewal application as provided in rule 193—7.40(546,272C), offer a registrant the opportunity to sign a consent order. While the terms of the consent order will be tailored to the specific circumstances at issue, the consent order will typically impose a penalty between \$50 and \$250, depending on the severity of the violation; establish deadlines for compliance; and require that the registrant complete hours equal to double the deficiency in addition to the required hours; and may impose additional educational requirements on the registrant. Any additional hours completed in compliance with the consent order cannot again be claimed at the next renewal. The board will address subsequent offenses on a case-by-case basis. A registrant is free to accept or reject the offer. If the offer of settlement is accepted, the registrant will be issued a renewed certificate of registration and will be subject to disciplinary action if the terms of the consent order are not complied with. If the offer of settlement is rejected, the matter will be set for hearing, if timely requested by the applicant pursuant to 193—subrule 7.40(1).

f. e. The board may notify a registrant whose certificate of registration has expired. The failure of the board to provide this courtesy notification or the failure of the registrant to receive the notification shall not extend the date of expiration.

g. f. A registrant who continues to practice architecture in Iowa after the registration has expired shall be subject to disciplinary action. Such unauthorized activity may also be grounds to deny a registrant's application for reinstatement.

ITEM 3. Amend rule 193B—2.6(544A,17A) as follows:

193B—2.6(544A,17A) Reinstatement of lapsed certificate of registration to active status. An individual may reinstate a lapsed certificate of registration to active status as follows:

2.6(1) If the individual's registration has been lapsed for up to 24 12 months, the individual may reinstate the registration by selecting either Option 1 or Option 2 as follows:

a. Option 1. The individual shall:

(1) Pay the reinstatement fee of \$25 per month of expired registration;

(2) Pay the current renewal fee;

(3) Provide a written statement outlining the professional activities of the applicant during the period of nonregistration. The statement shall include a list of all projects with which the applicant had involvement and shall explain the service provided by the applicant; and

(4) Submit documented evidence of completion of 12 contact hours (8 hours in public protection subjects) of continuing education requirements continuing education hours for each year or portion of a year of expired registration in compliance with requirements in 193B—Chapter 3 in addition to the 24 12 hours (16 hours in public protection subjects) which should have been reported on the June 30 December 31 renewal date on which the applicant failed to renew. The continuing education hours used for reinstatement may not be used again at the next renewal. Out-of-state residents may submit a

ARCHITECTURAL EXAMINING BOARD[193B](cont'd)

statement from their resident state's licensing board as documented evidence of compliance with their resident state's mandatory continuing education requirements during the period of nonregistration. The statement shall bear the seal of the licensing board. Out-of-state residents whose resident state has no mandatory continuing education shall comply with the documented evidence requirements outlined in this subrule.

b. Option 2. The individual shall:

(1) File a new application for registration as prescribed in rules 193B—2.2(544A,17A) and 193B—2.3(544A,17A), particularly subrules 2.2(1) and 2.3(3); and

(2) Provide a written statement outlining the professional activities of the applicant during the period of nonregistration. The statement shall include a list of all projects with which the applicant had involvement and shall explain the service provided by the applicant.

2.6(2) If an individual's registration has been lapsed for more than 24 12 months, the individual may reinstate the registration by selecting either Option 1 or Option 2 as follows:

a. Option 1. The individual shall:

(1) Pay the reinstatement fee of \$25 per month of expired registration, up to a maximum of \$750 \$300;

(2) Pay the current renewal fee;

(3) Provide a written statement outlining the professional activities of the applicant during the period of nonregistration. The statement shall include a list of all projects with which the applicant had involvement and shall explain the service provided by the applicant; and

(4) Submit documented evidence of completion of 12 ~~contact hours (8 hours in public protection subjects)~~ continuing education hours for each year or portion of a year of expired registration in compliance with requirements in 193B—Chapter 3 up to a maximum of 48 ~~contact hours (32 hours in public protection subjects)~~ 24 continuing education hours. The continuing education hours used for reinstatement may not be used again at the next renewal. Out-of-state residents may submit a statement from their resident state's licensing board as documented evidence of compliance with their resident state's mandatory continuing education requirements during the period of nonregistration. The statement shall bear the seal of the licensing board. Out-of-state residents whose resident state has no mandatory continuing education shall comply with the documented evidence requirements outlined in this subrule.

b. Option 2. The individual shall:

(1) File a new application for registration as prescribed in rules 193B—2.2(544A,17A) and 193B—2.3(544A,17A), particularly subrules 2.2(1) and 2.3(3); and

(2) Provide a written statement outlining the professional activities of the applicant during the period of nonregistration. The statement shall include a list of all projects with which the applicant had involvement and shall explain the service provided by the applicant.

ITEM 4. Amend rule 193B—2.7(544A,17A) as follows:

193B—2.7(544A,17A) Reinstatement of lapsed certificate of registration to inactive status. An individual may reinstate a lapsed certificate of registration to inactive status as follows:

1. Pay the reinstatement fee of \$25 per month of expired registration up to a maximum of \$750 \$300;

2. Pay the current renewal fee;

3. Provide a written statement in which the applicant affirms that the applicant has not engaged in any of the practices in Iowa that are listed in Iowa Code section 544A.16 during the period of lapsed registration.

ITEM 5. Amend subrule 2.8(1) as follows:

2.8(1) An individual may reinstate an inactive registration or retired registration to active registration as follows:

ARCHITECTURAL EXAMINING BOARD[193B](cont'd)

a. Pay the current active registration fee. If reinstating to active status at a date that is less than ~~12~~ six months from the next ~~biennial~~ annual renewal date, one-half of the current active registration fee shall be paid.

b. Submit documented evidence of completion of ~~24 contact hours (16 contact hours in public protection subjects)~~ 12 continuing education hours in compliance with requirements in 193B—Chapter 3. The hours used to reinstate to active status cannot again be used to renew.

~~(1) At the first biennial renewal date of July 1 that is less than 12 months from the date of the filing of the application to restore the certificate of registration to active status, the person shall not be required to report continuing education.~~

~~(2) At the first biennial renewal date of July 1 which is more than 12 months, but less than 24 months, from the date of the filing of the application to restore the certificate of registration to active status, the person shall report 12 hours of previously unreported continuing education.~~

ITEM 6. Rescind and reserve rule **193B—2.10(544A)**.

ITEM 7. Amend rule 193B—2.11(544A,17A) as follows:

193B—2.11(544A,17A) Fee schedule. Under the authority provided in Iowa Code chapter 544A, the following fees are hereby adopted:

Examination fees:

Fees for examination subjects shall be paid directly to the testing service selected by NCARB

Initial registration fee	\$ 50
(plus \$5 per month until renewal)	
Reciprocal application and registration fee	\$200 <u>\$100</u>
Biennial <u>Annual</u> renewal fee	\$200 <u>\$100</u>
Biennial <u>Annual</u> renewal fee (inactive)	\$100 <u>\$ 50</u>
Retired status	None
Reinstatement of lapsed individual registration (per month)	\$ 25
Duplicate wall certificate fee	\$ 50
Late renewal fee	\$ 25

(for renewals postmarked on or after ~~July~~ January 1 and before ~~July 31~~ January 30)

ITEM 8. Adopt the following **new** rule 193B—2.12(544A,272C):

193B—2.12(544A,272C) Transition provisions.

2.12(1) The registration provisions of this chapter and the continuing education provisions of 193B—Chapter 3 shall first apply to those registrants whose registrations expire June 30, 2015, and shall thereafter apply to each renewal cycle. The board is transitioning from a biennial renewal cycle to an annual renewal cycle and from a June 30 expiration date to a December 31 expiration date. The board is taking this action as part of a broader national effort by architectural licensing authorities to sustain the same renewal cycles to facilitate mobility and cross-jurisdiction practice.

2.12(2) The last biennial cycle starts July 1, 2014, and ends June 30, 2016, for registrants whose last names begin with A-K. In order to convert all registrants to an annual renewal cycle, the following provisions shall apply:

a. Registrants whose last names begin with L-Z and whose registrations will expire June 30, 2015, shall renew for an 18-month period expiring December 31, 2016. The registration renewal fee shall be \$150 for this 18-month period. When these registrants renew for the January 1, 2017, annual renewal cycle, they shall report as a condition for renewal a total of 18 continuing education hours (CEHs) taken

ARCHITECTURAL EXAMINING BOARD[193B](cont'd)

between July 1, 2015, and December 31, 2016. Thereafter, the provisions of this chapter shall fully apply.

b. Registrants whose last names begin with A-K and whose registrations will expire June 30, 2016, shall renew for a 6-month period expiring December 31, 2016. The registration renewal fee shall be \$50 for this 6-month period. When these registrants renew for the January 1, 2017, annual renewal cycle, they shall report as a condition for renewal a total of 6 CEHs taken between July 1, 2016, and December 31, 2016. Thereafter, the provisions of this chapter shall fully apply.

[Filed 8/20/14, effective 10/22/14]

[Published 9/17/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/17/14.

ARC 1625C**ARCHITECTURAL EXAMINING BOARD[193B]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 272C.2(1) and 544A.29, the Architectural Examining Board hereby rescinds Chapter 3, "Continuing Education," Iowa Administrative Code, and adopts a new Chapter 3 with the same title.

The rules in Chapter 3 describe professional licensees' continuing education requirement as a condition of registration renewal. This amendment rescinds Chapter 3 and adopts a new Chapter 3 that changes the biennial renewal requirement to an annual requirement and specifies that the continuing education shall be in public protection subjects.

Notice of Intended Action was published in the June 11, 2014, Iowa Administrative Bulletin as **ARC 1500C**.

A public hearing was held on July 1, 2014. Comments were received from the public, and as a result of a comment received, a change was made to paragraph "2" of rule 193B—3.4(544A,272C). The Board agreed with the suggested change as it clarifies that continuing education programs will be acceptable if sponsored or accredited by certain organizations. The proposed rule referred only to programs sponsored by these organizations.

These rules were adopted during the August 18, 2014, meeting of the Architectural Examining Board.

These rules are subject to waiver or variance pursuant to Iowa Code section 17A.9A and 193—Chapter 5.

There is no fiscal impact.

After analysis and review of this rule making, no impact on jobs has been found.

These rules are intended to implement Iowa Code chapter 544A.

These rules will become effective October 22, 2014.

The following amendment is adopted.

Rescind 193B—Chapter 3 and adopt the following new chapter in lieu thereof:

CHAPTER 3
CONTINUING EDUCATION

193B—3.1(544A,272C) Continuing education. The following rules adopted by the architectural examining board are in compliance with Iowa Code chapter 544A and section 272C.2 requiring professional and occupational licensees to participate in a continuing education program as a condition of registration renewal.

193B—3.2(544A,272C) Definitions. The following definitions apply as used in Iowa Code chapter 544A and this chapter of the architectural examining board rules, unless the context otherwise requires.

ARCHITECTURAL EXAMINING BOARD[193B](cont'd)

“Continuing education” or *“CE”* means postlicensure learning that enables a registered architect to increase or update knowledge of and competence in technical and professional subjects related to the practice of architecture to safeguard the public’s health, safety, and welfare.

“Continuing education hour” or *“CEH”* means one continuous instructional hour (50 to 60 minutes of contact) spent in structured educational activities intended to increase or update the architect’s knowledge and competence in health, safety, and welfare subjects. If the provider of the structured educational activities prescribes a customary time for completion of such an activity and if the prescribed time is not deemed unreasonable by the board, then such prescribed time shall be accepted for CEH purposes as the architect’s time irrespective of actual time spent on the activity.

“Distance learning” means any education process based on the geographical separation of student and instructor. “Distance learning” includes computer-generated programs, webinars, and home-study/correspondence programs.

“Health, safety, and welfare subjects” means technical and professional subjects that the board deems appropriate to safeguard the public and that are within the following enumerated areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment.

1. Building systems: structural, mechanical, electrical, plumbing, communications, security, and fire protection.
2. Construction contract administration: contracts, bidding, and contract negotiations.
3. Construction documents: drawings, specifications, and delivery methods.
4. Design: urban planning, master planning, building design, site design, interiors, safety and security measures.
5. Environmental: energy efficiency, sustainability, natural resources, natural hazards, hazardous materials, weatherproofing, and insulation.
6. Legal: laws, codes, zoning, regulations, standards, life safety, accessibility, ethics, and insurance to protect owners and the public.
7. Materials and methods: construction systems, products, finishes, furnishings, and equipment.
8. Occupant comfort: air quality, lighting, acoustics, and ergonomics.
9. Predesign: land use analysis, programming, site selection, site and soils analysis, and surveying.
10. Preservation: historic, reuse, and adaptation.

“Not engaged in active practice” means that an architect is not engaged in the practice of architecture or earning monetary compensation by providing professional architectural services in any licensing jurisdiction of the United States or a foreign country.

“Retired from active practice” has the same meaning as “not engaged in active practice.”

“Structured educational activities” means educational activities in which at least 75 percent of an activity’s content and instructional time is to be devoted to health, safety, and welfare subjects related to the practice of architecture, including courses of study or other activities under the areas identified as health, safety, and welfare subjects and provided by qualified individuals or organizations, whether the courses of study or other activities are delivered by direct contact or distance learning methods.

193B—3.3(544A,272C) Basic requirements.

3.3(1) To renew registration, an architect must, in addition to meeting all other requirements, complete a minimum of 12 CEHs each calendar year or be exempt from these continuing education requirements as provided in rule 193B—3.5(544A,272C). Failure to comply with these requirements may result in nonrenewal of the architect’s registration.

3.3(2) All 12 CEHs must be completed in health, safety, and welfare subjects acquired in structured educational activities. CEHs may be acquired at any location. Excess CEHs cannot be credited to a future calendar year.

3.3(3) An architect shall complete and submit forms as required by the board certifying that the architect has completed the required CEHs. Forms may be audited by the board for verification of compliance with these requirements. Documentation of reported CEHs shall be maintained by the architect for two years after the period for which the form was submitted. If the board disallows any CEHs, the architect shall have 60 days from notice of such disallowance to either provide further

ARCHITECTURAL EXAMINING BOARD[193B](cont'd)

evidence of having completed the CEHs disallowed or remedy the disallowance by completing the required number of CEHs (provided that such CEHs shall not again be used for the next calendar year). If the board finds, after proper notice and hearing, that the architect willfully disregarded these requirements or falsified documentation of required CEHs, the architect may be subject to disciplinary action.

3.3(4) An architect who holds registration in Iowa for less than 12 months from the date of initial registration shall not be required to report CEHs at the first registration renewal.

193B—3.4(544A,272C) Authorized structured educational activities. The following list may be used by all registrants in determining the types of activities which may fulfill CE requirements if the activities are conducted as structured educational activities on health, safety, and welfare subjects:

1. Short courses or seminars sponsored by colleges or universities.
2. Technical presentations held in conjunction with conventions or at seminars sponsored or accredited by the American Institute of Architects (AIA), Construction Specifications Institute, Construction Products Manufacturers Council, National Council of Architecture Registration Boards (NCARB), or similar organizations devoted to architectural education.
3. Distance learning sponsored by the AIA, NCARB, or similar organizations.
4. College or university credit courses. Each semester hour shall equal 12 CEHs. A quarter hour shall equal 8 CEHs.

193B—3.5(544A,272C) Exemptions.

3.5(1) As provided in Iowa Code section 272C.2(4), a registered architect shall be deemed to have complied with the continuing education requirements set forth in this chapter if the architect attests in the required affidavit that for not less than ten months of the preceding one-year period of registration, the architect:

- a. Has served honorably on active duty in the military service; or
- b. Is a resident of another state or district having a continuing education requirement for registration as an architect and has complied with all requirements of that state or district for practice therein; or
- c. Is a government employee working as an architect and assigned to duty outside the United States.

3.5(2) Architects who so attest on their affidavits that they are retired from active practice or are not engaged in active practice may maintain their registrations in retired or inactive status without satisfying CE requirements. Such architects may, however, reenter practice only after satisfying the board of their proficiency. Proficiency may be established by any one of the following:

- a. Submitting verifiable evidence of compliance with the aggregate continuing education requirements for the reporting periods attested as retired from active practice or not engaged in active practice up to a maximum of 48 CEHs.
- b. Retaking the architectural registration examination.
- c. Fulfilling alternative reentry requirements determined by the board which serve to assure the board of the current competency of the architect to engage in the practice of architecture.

3.5(3) The board shall have authority to make exceptions for reasons of individual hardship, including health (certified by a medical doctor) or other good cause. See Iowa Administrative Code 193—Chapter 5.

193B—3.6(544A,272C) Transition provisions.

3.6(1) The CE provisions of this chapter shall first apply to those registrants whose registrations expire June 30, 2015, and shall thereafter apply to each renewal cycle. The board is transitioning from a biennial renewal cycle to an annual renewal cycle and from a June 30 expiration date to a December 31 expiration date. The board is taking this action as part of a broader national effort by architectural licensing authorities to sustain the same renewal cycles to facilitate mobility and cross-jurisdiction practice.

ARCHITECTURAL EXAMINING BOARD[193B](cont'd)

3.6(2) The last biennial cycle starts July 1, 2014, and ends June 30, 2016, for registrants whose last names begin with A-K. In order to convert all registrants to an annual renewal cycle, the following provisions shall apply:

a. Registrants whose last names begin with L-Z and whose registrations will expire June 30, 2015, shall renew for an 18-month period expiring December 31, 2016. The registration renewal fee shall be \$150 for this 18-month period. When these registrants renew for the January 1, 2017, annual renewal cycle, they shall report as a condition for renewal a total of 18 CEHs taken between July 1, 2015, and December 31, 2016. Thereafter, the provisions of this chapter shall fully apply.

b. Registrants whose last names begin with A-K and whose registrations will expire June 30, 2016, shall renew for a 6-month period expiring December 31, 2016. The registration renewal fee shall be \$50 for this 6-month period. When these registrants renew for the January 1, 2017, annual renewal cycle, they shall report as a condition for renewal a total of 6 CEHs taken between July 1, 2016, and December 31, 2016. Thereafter, the provisions of this chapter shall fully apply.

These rules are intended to implement Iowa Code section 272C.2.

[Filed 8/20/14, effective 10/22/14]

[Published 9/17/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/17/14.

ARC 1626C**ECONOMIC DEVELOPMENT AUTHORITY[261]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 15.106A, the Economic Development Authority amends Chapter 31, "Economic Development Region Initiatives," Iowa Administrative Code.

The rules in Chapter 31 describe the Authority's economic development region initiatives. These amendments update existing rules to amend the definition of an economic development region to allow more flexibility in assembling a region; make changes to the application process; eliminate references to the repealed Grow Iowa Values Fund; and replace references to the Department with references to the Authority.

Notice of Intended Action was published in the Iowa Administrative Bulletin on July 9, 2014, as **ARC 1540C**. No public comment was received on these amendments. These amendments are identical to those published under Notice of Intended Action.

These amendments were adopted by the Economic Development Authority Board on August 22, 2014.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 15E.231 as amended by 2014 Iowa Acts, Senate File 2359.

These amendments will become effective on October 22, 2014.

The following amendments are adopted.

ITEM 1. Strike "81GA, HF868, HF809" wherever it appears in rules **261—31.1(81GA, HF868, HF809)** to **261—31.5(81GA, HF868, HF809)**, **261—31.7(81GA, HF868, HF809)** to **261—31.10(81GA, HF868, HF809)**, and **261—31.12(81GA, HF868, HF809)** to **261—31.18(81GA, HF868, HF809)** and insert "15E" in lieu thereof.

ITEM 2. Amend rule 261—31.1(15E) as follows:

261—31.1(15E) Purpose. ~~Department~~ Authority resources shall may be available to assist an economic development region that has established a focused economic development effort. This effort shall include a regional development plan relating to one or more of the following areas:

ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

1. to 7. No change.
8. Development of the alternative and renewable energy sector.

ITEM 3. Amend rule 261—31.3(15E) as follows:

261—31.3(15E) Financial assistance. ~~For the fiscal year period beginning July 1, 2005, and ending June 30, 2015, \$1 million is made available each fiscal year for the economic development region initiative. 261—subrule 2.4(7) describes how the \$1 million is allocated. Financial assistance under the economic development region initiative comes from the moneys allocated for such purposes by the authority pursuant to Iowa Code section 15.335B.~~

ITEM 4. Amend rule 261—31.4(15E) as follows:

261—31.4(15E) Definitions.

~~“Economic development region” shall consist of not less than three counties, unless two contiguous counties have a combined population of at least 300,000 based on the most recent federal decennial census three or more contiguous counties or two or more contiguous counties and one or more public or private, nonprofit entities that have entered into an agreement to pursue mutual economic development goals with a regional focus.~~

“Economic development region assistance fund” means a fund created pursuant to Iowa Code section 15.335B.

“Economic development region revolving fund” means a fund established to benefit development efforts in an economic development region.

“Regional economic development revenue sharing pilot project” means a pilot project for one or more approved regions.

ITEM 5. Strike “grow Iowa values” wherever it appears in rule **261—31.5(15E)** and subrule **31.9(2)** and insert “economic development region assistance” in lieu thereof.

ITEM 6. Rescind rule 261—31.6(81GA, HF868, HF809) and adopt the following **new** rule in lieu thereof:

261—31.6(15E) Application process and approval process.

31.6(1) Application process. The authority will only accept competitive applications submitted during the filing window. For the purpose of this rule, the filing window shall start on July 1 and end on July 15 of any fiscal year in which the authority opens the application process. If July 15 falls on a weekend, the deadline shall be extended to the next business day. The authority has developed an application process and will post all relevant application information on iowagrants.gov.

31.6(2) Approval process. The director of the authority will establish a review committee consisting of the authority’s industry partners. The committee may recommend full or partial funding or no funding of any or all applicants.

ITEM 7. Amend rule 261—31.7(15E) as follows:

261—31.7(15E) Reporting requirements. Award recipients in economic development regions shall provide ~~an annual~~ a close-out report to the ~~department~~ authority outlining how the funds were invested in Iowa’s future. The ~~department~~ authority shall develop the reporting format for all required ~~annual~~ close-out reports.

ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

ITEM 8. Strike “department” wherever it appears in subrule **31.9(1)**, rule **261—31.16(15E)** and subrule **31.17(2)** and insert “authority” in lieu thereof.

ITEM 9. Strike “IDED” wherever it appears in subrule **31.9(1)** and rule **261—31.18(15E)** and insert “the authority” in lieu thereof.

ITEM 10. Rescind rule 261—31.11(81GA, HF868, HF809) and adopt the following new rule in lieu thereof:

261—31.11(15E) Application process and approval process.

31.11(1) Application process. The authority will only accept competitive applications submitted during the filing window. For the purpose of this rule, the filing window shall start on July 1 and end on July 15 of any fiscal year in which the authority opens the application process. If July 15 falls on a weekend, the deadline shall be extended to the next business day. The authority has developed an application process and will post all relevant application information on iowagrants.gov.

31.11(2) Approval process. The director of the authority will establish a review committee consisting of the authority’s industry partners. The committee may recommend full or partial funding or no funding of any or all applicants.

ITEM 11. Amend rule 261—31.12(15E) as follows:

261—31.12(15E) Reporting requirements. Award recipients shall provide ~~an annual~~ a close-out report to the ~~department~~ authority outlining how funds were invested in Iowa’s future.

ITEM 12. Amend rule 261—31.13(15E) as follows:

261—31.13(15E) Description and purpose. The ~~department shall~~ authority may establish and administer a business accelerator program to provide financial assistance for the establishment and operation of a business accelerator for technology-based, value-added agricultural, information solutions, or advanced manufacturing start-up businesses or for a satellite of an existing business accelerator. The program ~~shall may~~ be designed to foster the accelerated growth of new and existing businesses through the provision of technical assistance.

ITEM 13. Amend rule **261—31.15(15E)**, numbered paragraph “8,” as follows:

8. The business accelerator must possess the willingness to accept referrals from the ~~Iowa department~~ of economic development authority.

ITEM 14. Rescind subrule 31.17(1) and adopt the following new subrule in lieu thereof:

31.17(1) Application process and approval process.

a. Application process. The authority will only accept competitive applications submitted during the filing window. For the purpose of this rule, the filing window shall start on July 1 and end on July 15 of any fiscal year in which the authority opens the application process. If July 15 falls on a weekend, the deadline shall be extended to the next business day. The authority has developed an application process and will post all relevant application information on iowagrants.gov.

b. Approval process. The director of the authority will establish a review committee consisting of the authority’s industry partners. The committee may recommend full or partial funding or no funding of any or all applicants.

ECONOMIC DEVELOPMENT AUTHORITY[261](cont'd)

ITEM 15. Rescind and reserve rule **261—31.19(81GA, HF868, HF809)**.

ITEM 16. Rescind and reserve rule **261—31.20(81GA, HF868, HF809)**.

ITEM 17. Amend **261—Chapter 31**, implementation sentence, as follows:

These rules are intended to implement 2005 Iowa Acts, House File 868, sections 8, 9, 10, 11 and 12, and House File 809, section 19(6) 2013 Iowa Code sections 15E.231 to 15E.233; 2011 Iowa Acts, chapter 118, section 20; and 2014 Iowa Acts, Senate File 2359.

[Filed 8/22/14, effective 10/22/14]

[Published 9/17/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/17/14.

ARC 1627C

ENVIRONMENTAL PROTECTION COMMISSION[567]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 459.103(3), 459.311(2) and 459A.104(1), the Environmental Protection Commission (Commission) hereby amends Chapter 64, "Wastewater Construction and Operation Permits," and Chapter 65, "Animal Feeding Operations," Iowa Administrative Code.

The Iowa Legislature has directed the Commission to adopt rules requiring confinement feeding operations that are concentrated animal feeding operations (CAFOs) to comply with applicable National Pollutant Discharge Elimination System (NPDES) permit requirements. These rules "shall be no more stringent" than the requirements in U.S. EPA's rules set out in 40 CFR Parts 122 and 412. See Iowa Code section 459.311(2). Adoption of rules is also required by the Work Plan Agreement (Work Plan) entered into between the Department of Natural Resources (Department) and U.S. EPA on September 11, 2013. The Work Plan requires that the Department recommend to the Commission the adoption of certain rules, including the adoption by reference of "federal regulations necessary to fully implement the NPDES permitting program for confinement CAFOs that discharge to waters of the U.S."

In light of the reasons above, the Commission has adopted a rule that incorporates by reference U.S. EPA's CAFO rule. See Item 8 of the amendments. The Commission also rescinded the outdated term "operation permit" from the confinement feeding operation rules. See Items 2, 3, 6, 7 and 9 of the amendments. The amendments eliminate the need for "operation permits" in the confinement animal feeding operation program.

In addition, the amendments incorporate the Work Plan requirement that the Department recommend to the Commission that it "adopt by reference federal regulations that fully implement the NPDES permitting program with respect to land application setback and separation distances for open feedlot CAFOs." The Commission considered this recommendation and has adopted an amendment that incorporates by reference the federal setback requirements. See Item 10 of the amendments. To ensure equivalency with the open feedlot program, the Commission has amended this setback requirement for confinement feeding operations as well. See Items 4 and 5 of the amendments.

To assist stakeholders in understanding how the basic NPDES permitting requirements in Chapter 64 apply to the more specific requirements for CAFOs in Chapter 65, the Commission has adopted changes to the existing rule to better outline how these two chapters work in conjunction with each other regarding NPDES CAFO permits. See Item 1 of the amendments.

By letter dated January 23, 2014, U.S. EPA Region 7 informed the Department that the amendments "meet the requirements ... of the Work Plan and ensure that Iowa's NPDES authorities are consistent with federal requirements."

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 16, 2014, as **ARC 1421C**. Oral comments were received at six public hearings, and hundreds of written comments were received during the comment period.

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

As a result of the comments, the following changes have been made to the amendments as published under Notice of Intended Action:

- In rule 567—65.1(455B,459B) (Item 2), the definition of “applicant” is amended by deleting the reference to operation permit.
- In paragraph 65.3(3)“h” (Item 5), the catchphrase language “for confinement feeding operations with NPDES permits” is repeated in the text.
- In subrule 65.7(1) (Item 9), paragraph “a” is rescinded.
- In subparagraph 65.101(6)“c”(2) (Item 10), the catchphrase language “for open feedlot operations with NPDES permits” is repeated in the text.

After analysis and review of this rule making, the Commission has determined that jobs could be negatively impacted. However, in complying with Iowa Code section 459.311(2), which requires the rules to be no more stringent than the federal regulations, and by including only federal regulations essential to fully implement the NPDES permit program for confinement feeding operations, the Commission has necessarily minimized adverse impacts on jobs.

These amendments are intended to implement Iowa Code chapters 455B, 459, 459A, and 459B.

These amendments shall become effective October 22, 2014.

The following amendments are adopted.

ITEM 1. Amend rule 567—64.18(455B) as follows:

567—64.18(455B) Applicability. This chapter shall apply to all waste disposal systems treating or intending to treat sewage, industrial waste, or other waste except waste resulting from livestock or poultry operations. All livestock and poultry operations constituting animal feeding operations as defined in 567—Chapter 65 shall be governed by the requirements contained in Chapter 65. However, ~~if an animal feeding operation is required to apply for and obtain an NPDES permit, the provisions of this chapter relating~~ concerning NPDES permits which relate to notice and public participation, to the terms and conditions of the permit, to the reissuance of the permit and to monitoring, reporting and record-keeping activities shall apply to animal feeding operations which are required to apply for and obtain an NPDES permit to the extent that such requirements are not inconsistent with 567—Chapter 65.

ITEM 2. Amend rule **567—65.1(459,459B)**, definition of “Applicant,” as follows:

“*Applicant*” means the person applying for a construction ~~or operation~~ permit for a confinement feeding operation.

ITEM 3. Rescind the definition of “Operation permit” in rule **567—65.1(459,459B)**.

ITEM 4. Amend paragraph **65.3(3)“g”** as follows:

g. Designated areas. A person shall not apply manure on land within 200 feet from a designated area, or in the case of a high-quality water resource, within 800 feet, unless one of the following applies:

(1) The manure is land-applied by injection or incorporation on the same date as the manure was land-applied. ~~For purposes of the NPDES permit program if applicable, the person must also demonstrate that a setback or buffer is not necessary because implementation of alternative conservation practices or field-specific conditions will provide pollutant reductions equivalent to or better than the reductions that would be achieved by the 100-foot setback required by 40 CFR 412.4(e)(5).~~

(2) An area of permanent vegetation cover, including filter strips and riparian forest buffers, exists for 50 feet surrounding the designated area other than an unplugged agricultural drainage well or surface intake to an unplugged agricultural drainage well, and the area of permanent vegetation cover is not subject to manure application.

ITEM 5. Adopt the following **new** paragraph **65.3(3)“h”**:

h. Setback requirements for confinement feeding operations with NPDES permits. For confinement feeding operations with NPDES permits, the following is adopted by reference: 40 CFR 412.4(a), (b) and (c)(5) as amended through July 30, 2012.

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

ITEM 6. Rescind and reserve rule **567—65.4(459,459B)**.

ITEM 7. Amend subrule 65.5(2) as follows:

65.5(2) If departmental evaluation determines that any of the conditions listed in subrule 65.5(1) exist, the operation shall:

~~a. Apply for an operation permit if the operation receives a written notification from the department that it is required to apply for an operation permit. However, no operation with an animal capacity less than that specified in the following subparagraphs shall be required to apply for a permit unless manure from the operation is discharged into a water of the state through a man-made manure drainage system or is discharged into a water of the state which traverses the operation:~~

- ~~(1) 300 beef cattle.~~
- ~~(2) 200 dairy cattle.~~
- ~~(3) 750 butcher and breeding swine (over 55 lbs.).~~
- ~~(4) 3000 sheep or lambs.~~
- ~~(5) 16,500 turkeys.~~
- ~~(6) 30,000 broiler or layer chickens.~~
- ~~(7) 150 horses.~~
- ~~(8) 300 animal units.~~

~~b. Institute~~ institute necessary remedial actions to eliminate the conditions if the operation receives a written notification from the department of the need to correct the conditions. This ~~paragraph~~ subrule shall apply to all permitted and unpermitted animal feeding operations, regardless of animal capacity.

ITEM 8. Rescind rule 567—65.6(459,459B) and adopt the following new rule in lieu thereof:

567—65.6(459,459B) Concentrated animal feeding operations; NPDES permits. Iowa Code subsection 459.311(2) requires a confinement feeding operation that is a concentrated animal feeding operation as defined in 40 CFR 122.23(b) to comply with applicable NPDES permit requirements pursuant to rules adopted by the commission. The following regulations as amended through July 30, 2012, are adopted by reference:

- 40 CFR 122.21, application for a permit.
- 40 CFR 122.23, concentrated animal feeding operations.
- 40 CFR 122.42(e), additional conditions applicable to specified categories of NPDES permits.
- 40 CFR 122.63(h), minor modification of permits.
- 40 CFR Part 412, concentrated animal feeding operations (CAFO) point source category.

ITEM 9. Amend subrule 65.7(1) as follows:

65.7(1) *Confinement feeding operations required to obtain a construction permit.*

~~a. An animal feeding operation covered by the operation permit provisions of subrules 65.4(1) to 65.4(3) shall obtain a construction permit prior to constructing, installing, or modifying a manure control system for that operation or reopening the operation if it was discontinued for 24 months or more.~~

~~b. No change.~~

ITEM 10. Amend paragraphs **65.101(6)“b”** and **“c”** as follows:

b. Designated areas. A person shall not apply manure on land within 200 feet from a designated area or, in the case of a high-quality water resource, within 800 feet, unless one of the following applies:

(1) The manure is land-applied by injection or incorporation on the same date as the manure was land-applied. ~~For purposes of the NPDES permit program if applicable, the person must also demonstrate that a setback or buffer is not necessary because implementation of alternative conservation practices or field-specific conditions will provide pollutant reductions equivalent to or better than the reductions that would be achieved by the 100-foot setback required by 40 CFR 412.4(c)(5).~~

(2) An area of permanent vegetation cover, including filter strips and riparian forest buffers, exists for 50 feet surrounding the designated area other than an unplugged agricultural drainage well or surface intake to an unplugged agricultural drainage well, and the area of permanent vegetation cover is not subject to manure application.

c. CAFOs.

ENVIRONMENTAL PROTECTION COMMISSION[567](cont'd)

(1) Land application discharges from a CAFO are subject to NPDES permit requirements. The discharge of manure, process wastewater, settled open feedlot effluent, settleable solids and open feedlot effluent to waters of the United States from a CAFO as a result of the application of that manure, process wastewater, settled open feedlot effluent, settleable solids and open feedlot effluent by the CAFO to land areas under its control is a discharge from that CAFO subject to NPDES permit requirements, except where the discharge is an agricultural storm water discharge as provided in 33 U.S.C. 1362(14). For the purpose of this paragraph, where the manure, process wastewater, settled open feedlot effluent, settleable solids or open feedlot effluent has been applied in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, process wastewater, settled open feedlot effluent, settleable solids and open feedlot effluent as specified in 65.112(8), a precipitation-related discharge of manure, process wastewater, settled open feedlot effluent, settleable solids and open feedlot effluent from land areas under the control of a CAFO is an agricultural storm water discharge.

(2) Setback requirements for open feedlot operations with NPDES permits. For open feedlot operations with NPDES permits, the following is adopted by reference: 40 CFR 412.4(a), (b) and (c)(5) as amended through July 30, 2012.

[Filed 8/25/14, effective 10/22/14]

[Published 9/17/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/17/14.

ARC 1623C

UTILITIES DIVISION[199]

Adopted and Filed

Pursuant to Iowa Code sections 17A.4, 476.86, and 476.87, the Utilities Board (Board) gives notice that on August 18, 2014, the Board issued an order in Docket No. RMU-2014-0001, In re: Amendments to Competitive Natural Gas Provider Rules to Address Natural Gas Vehicle Fuel Providers [199 IAC 2.2(18) and 19.14], "Order Adopting Amendments," in which the Board adopted amendments, with certain revisions, to the Board's competitive natural gas provider (CNGP) rules to allow flexibility in developing separate application forms for CNGPs offering large volume service, small volume service, and natural gas as vehicle fuel. The Board also adopted amendments to the CNGP annual report filing requirements and updated the Board Duty Officer notification rules. Notice of Intended Action for the proposed amendments was published in the Iowa Administrative Bulletin, IAB Vol. XXXVI, No. 23 (5/14/14), p. 2169, as **ARC 1460C**.

Comments regarding the proposed amendments were to be filed with the Board on or before June 3, 2014, and requests for an oral presentation were to be made by the same date. The only comments were filed by the Consumer Advocate Division of the Department of Justice (Consumer Advocate), and Consumer Advocate did not request an oral presentation.

In summary, these amendments: (1) remove the application form in 199 IAC 2.2(18) from the Board's rules; (2) refer to the Board's Web site all persons requesting a certificate to provide CNGP service where application forms will be accessible; (3) remove the specific annual report requirements from Board rules and indicate that annual report forms are accessible on the Board's Web site; and (4) make other editorial changes to the Board rules for notification of the Board's Duty Officer.

The general position taken by Consumer Advocate with regard to the proposed amendments of the Board's CNGP rules is that the Board cannot remove from the CNGP rules all of the basic information required to be filed in either the application for a CNGP certificate or the CNGP annual report. Consumer Advocate suggested that the specific filing requirements, which under the amendments would be included in forms on the Board's Web site, meet the definition of a "rule" in Iowa Code section 17A.2(11) and must be adopted by the Board as rules. Consumer Advocate stated that the rule-making requirements are

UTILITIES DIVISION[199](cont'd)

to allow the opportunity for the public to have input into the filing requirements for CNGP certificates and the annual report.

The Board considered Consumer Advocate’s concerns about the proposed amendments and made certain revisions to the proposed amendments to address those concerns. Rather than provide the basic information required from all CNGPs in a form in 199 IAC 2.2(18), the amendment adopted by the Board in Item 1 directs persons seeking information about specific filing requirements to 199 IAC 19.14(3). In 199 IAC 19.14(3), the Board establishes minimum filing requirements for an application for a CNGP certificate that will apply to applications for all CNGP certificates regardless of the type of service being offered.

Consumer Advocate expressed similar concerns with regard to the proposed amendments to the CNGP annual report filing requirements. Consumer Advocate considers it necessary for the Board to put into rules the specific information required in CNGP annual reports. Information requirements are different for CNGPs providing service to different types of customers. There is information that is required to be filed by compressed natural gas vehicle fuel providers that is not applicable to other CNGP service providers. However, the Board understands Consumer Advocate’s concerns and has adopted amendments to the CNGP annual report filing requirements to address those concerns. The Board has adopted amendments that establish minimum information requirements to be included in the annual reports for all CNGPs regardless of the type of customer the CNGP serves. In addition, the Board will provide access on the Board’s Web site to separate annual report forms for CNGPs providing service to different types of customers. The different forms provided on the Web site will identify the additional information that should be filed based upon the type of CNGP filing the annual report.

The order adopting amendments and approving this Adopted and Filed rule making can be found on the Board’s Electronic Filing System (EFS) Web site, <http://efs.iowa.gov>, in Docket No. RMU-2014-0001.

After analysis and review of this rule making, the Board tentatively concludes that the adopted amendments will have a beneficial effect on the safety and reliability of natural gas and electric service in Iowa. Safe and reliable natural gas and electric services are a necessity for economic development, so the amendments will have a beneficial effect on jobs in Iowa, although that effect cannot be quantified.

These amendments are intended to implement Iowa Code sections 17A.4, 476.86 and 476.87.

These amendments will become effective October 22, 2014.

The following amendments are adopted.

ITEM 1. Amend subrule 2.2(18) as follows:

2.2(18) *Application forms for certification of competitive natural gas provider (CNGP) providers.*

STATE OF IOWA
BEFORE THE IOWA UTILITIES BOARD

IN RE:	}	DOCKET NO. (insert docket no.)
(insert applicant name)		APPLICATION FOR CERTIFICATION OF COMPETITIVE NATURAL GAS PROVIDER OR AGGREGATOR

COMES NOW (insert name of person or entity requesting the certificate) and files this application for a certificate as a competitive natural gas provider or aggregator (CNGP), and in support thereof states:

1.—The legal name and all trade names under which the applicant will operate, a description of the business structure of the applicant, evidence of authority to do business in Iowa, and the applicant’s state of incorporation.

2.—The names, business addresses and business telephone numbers of the principal officers of the applicant who can be contacted regarding its operations in Iowa and telephone number(s) at which the CNGP can be contacted 24 hours a day.

UTILITIES DIVISION[199](cont'd)

~~3.— Identification of affiliates that are certified under 199—19.14(476) and a listing of the names and addresses of all the applicant's affiliates engaged in the provision of competitive natural gas services in any other state.~~

~~4.— A listing of all legal actions and formal complaints pertaining to the provision of competitive natural gas services filed against the applicant or its affiliates at a public utility regulatory body other than the board that were pending in the 12 months prior to the date of the request for certificate, including identification of the title and number of applicable proceedings and a copy of the final orders in such proceedings or the citation to the website where the text of the orders can be found.~~

~~5.— Identification of the states and jurisdictions in which the applicant or an affiliate has had a license or certificate to supply competitive natural gas services suspended, revoked, or denied, or where the applicant has voluntarily withdrawn from providing service due to financial or operational reasons. Applicant shall include identification of the title and number of any applicable proceedings and a copy of any final orders in such proceedings or the citation to the website where the text of the orders can be found.~~

~~6.— Applicants who will be serving small volume customers must provide a demonstration that the applicant has the operational and financial capability to obtain and deliver the services it proposes to offer. At a minimum, applicants are required to submit financial statements. The applicant must submit a balance sheet, statement of income, statement of cash flow, and, if applicable, a statement of shareholders' equity and the applicant's debt structure, including bond rating. As a demonstration of the applicant's operational ability, the applicant must submit a roster of officers and directors, a description of the professional backgrounds of the applicant's principal managerial and technical personnel, an operational flow chart, and a description of the applicant's facilities and the services it intends to render. A request for confidential treatment for this information may be filed with the board, pursuant to 199—subrule 1.9(6).~~

~~7.— A commitment to comply with all the applicable conditions of certification contained in 199—subrules 19.14(5) and 19.14(6). Acknowledgement that failure to comply with all the applicable conditions of certification may result in the revocation of the CNGP's certificate.~~

~~8.— A copy of the standard customer contract(s) and disclosure statement required by 199—paragraph 19.14(6)“e.”~~

Application forms for persons wishing to request a certificate to provide service as a competitive natural gas provider or aggregator in Iowa pursuant to Iowa Code sections 476.86 and 476.87, and 199—19.14(476), can be accessed on the board's Web site, <http://iub.iowa.gov>, or may be obtained upon request from the Executive Secretary, Iowa Utilities Board, 1375 E. Court Avenue, Room 69, Des Moines, Iowa 50319. Filing requirements applicable to all persons wishing to request a competitive natural gas certificate are located at 199—subrule 19.14(3).

ITEM 2. Amend rule 199—2.2(17A,474), implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 17A.9A, 474.6, 476.6 and 476.8 476.86 and 476.87.

ITEM 3. Amend subrule 10.17(4) as follows:

10.17(4) The board shall be notified, as soon as practical, of any reportable incident by e-mail to the duty officer at dutyofficer@iub.iowa.gov or, if e-mail is not available, by calling the board duty officer at (515)745-2332 or by e-mail to dutyofficer@iub.iowa.gov.

ITEM 4. Adopt the following new definition of “Vehicle fuel provider” in subrule **19.14(1)**:

“Vehicle fuel provider” or “VFP” means a competitive natural gas provider or aggregator as defined in Iowa Code section 476.86 that owns or operates facilities to sell natural gas as vehicle fuel to a retail end user.

ITEM 5. Amend subrule 19.14(3) as follows:

19.14(3) Filing requirements and application process. Applications shall be made in the format and contain all of the information required in 199—subrule 2.2(18). Applications must be filed with the executive secretary at Iowa Utilities Board, 1375 E. Court Avenue, Room 69, Des Moines, Iowa

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~~50319-0069. An original and ten copies must be filed. Applications for a certificate to provide service as a competitive natural gas provider shall be filed electronically through the board's electronic filing system. Instructions for making an electronic filing can be found on the board's electronic filing system Web site at <http://efs.iowa.gov>. Application forms can be found on the board's Web site at <http://iub.iowa.gov> or may be requested from the Executive Secretary, Iowa Utilities Board, 1375 E. Court Avenue, Room 69, Des Moines, Iowa 50319.~~

~~a. An application fee of \$125 must be included with the application to cover the administrative costs of accepting and processing a filing. In addition, each applicant will may be billed an hourly rate for actual time spent by the board reviewing the application. Iowa Code section 476.87(3) requires the board to allocate the costs and expenses reasonably attributable to certification and dispute resolution to applicants and participants to the proceeding.~~

~~b. Applications to provide service as a competitive natural gas provider pursuant to Iowa Code sections 476.86 and 476.87 shall contain information to reasonably demonstrate that the applicant possesses the managerial, technical, and financial capability sufficient to obtain and deliver the services the competitive natural gas provider or aggregator proposes to offer. Application forms to provide competitive natural gas service to large volume, small volume, and vehicle fuel providers can be accessed on the board's Web site, <http://iub.iowa.gov>. All applications shall include, at a minimum, the following information:~~

~~(1) The legal name and all trade names under which the applicant will operate, a description of the business structure of the applicant, evidence of authority to do business in Iowa, and the applicant's state of incorporation.~~

~~(2) Names, addresses, and telephone numbers of corporate officers responsible for the applicant's operations in Iowa, and a telephone number where the applicant can be contacted 24 hours a day.~~

~~(3) Identification of the states and jurisdictions in which the applicant or an affiliate is providing natural gas service.~~

~~(4) A commitment to comply with all the applicable conditions of certification contained in subrules 19.14(5) and 19.14(6) and acknowledgment that failure to comply with all the applicable conditions of certification may result in the revocation of the competitive natural gas provider's certificate.~~

~~c. A request for confidential treatment of the information required to obtain a competitive natural gas provider certificate may be filed with the board pursuant to 199—subrule 1.9(6).~~

~~d. An applicant shall notify the board during the pendency of the certification request of any material change in the representations and commitments ~~required by this subrule~~ made in the application within 14 days of such change. Any new legal actions or formal complaints ~~as identified in 199 IAC 2.2(18), numbered paragraph "4,"~~ are considered material changes in the request. Once certified, CNGPs shall notify the board of any material change in the representations and commitments required for certification within 14 days of such change.~~

ITEM 6. Amend paragraph **19.14(5)“c”** as follows:

~~c. Reports to the board. Each CNGP shall file a report with the board on April 1 of each year for the 12-month period ending December 31 of the previous year. The report shall be filed on forms provided by the board, which can be accessed on the board's Web site, <http://iub.iowa.gov>. This information may be filed with a request for confidentiality, pursuant to 199—subrule 1.9(6). For each utility distribution system, the report shall contain the following information for its Iowa operations: include, at a minimum, total monthly and annual sales volumes, total monthly revenues, and total number of customers served each month as of December 31 of the applicable year.~~

~~(1) The average number of small volume end users served per month.~~

~~(2) The average number of large volume end users served per month.~~

~~(3) The total volume of sales to small volume end users, by month.~~

~~(4) The total volume of sales to large volume end users, by month.~~

~~(5) The revenue collected from small volume end users for competitive natural gas services, excluding any revenue collected from end users on behalf of utilities.~~

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~~(6) The revenue collected from large volume end users for competitive natural gas services, excluding any revenue collected from end users on behalf of utilities.~~

~~(7) The date the applicant began providing service in Iowa.~~

ITEM 7. Amend subrule 19.17(2), introductory paragraph, as follows:

19.17(2) Information required. The utility shall notify the board ~~by telephone~~ by e-mail, as soon as practical, of any reportable incident at dutyofficer@iub.iowa.gov or, when e-mail is not available, by calling the board duty officer at (515)745-2332 ~~or by e-mail at dutyofficer@iub.iowa.gov~~. The person sending the e-mail or the caller shall leave a call-back number for a person who can provide the following information:

ITEM 8. Amend paragraph **20.19(2)“a,”** introductory paragraph, as follows:

a. Notification shall be provided regarding outages that meet the requirements of subrule 20.19(1) by notifying the board duty officer by e-mail at dutyofficer@iub.iowa.gov or, in appropriate circumstances, by telephone at (515)745-2332. Notification shall be made at the earliest possible time after it is determined the event may be reportable and should include the following information, as available:

ITEM 9. Amend rule 199—21.9(476) as follows:

199—21.9(476) Incident reports. A regulated public water utility shall notify the board when it notifies the Iowa department of natural resources or the local county health department about an incident involving: (1) an occurrence of waterborne emergency (e.g., treatment process malfunction, chemical/biological spill in the water supply, contamination event in the distribution system, emergency that has the potential for drinking water contamination); (2) a boil water advisory and contamination event; or (3) a low-pressure event (less than 20 psi) affecting a widespread area of the system. Notification shall be made to the board by ~~calling~~ e-mail to the board duty officer at dutyofficer@iub.iowa.gov or, in appropriate circumstances, by calling (515)745-2332 ~~or by e-mail at dutyofficer@iub.iowa.gov~~. The caller person contacting the board shall leave a call-back number for a person knowledgeable about the incident. The utility shall report to the board when the incident has ended and normal water service has been restored.

ITEM 10. Amend subrule 25.5(3), introductory paragraph, as follows:

25.5(3) The board shall be notified ~~by telephone~~ immediately, or as soon as practical thereafter, by ~~calling~~ e-mail to the board duty officer at (515)745-2332 ~~or by e-mail to dutyofficer@iub.iowa.gov~~ or, in appropriate circumstances, by calling (515)745-2332. The caller person contacting the board shall leave a telephone number of a person who can provide the following information:

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