



IOWA ADMINISTRATIVE BULLETIN

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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.

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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
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PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
12	Wednesday, November 19, 2014	December 10, 2014
13	Wednesday, December 3, 2014	December 24, 2014
14	Wednesday, December 17, 2014	January 7, 2015

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]

Military exchange license— military education, training, and service credit, 13.17(4) IAB 11/12/14 ARC 1723C	Room 3 Southwest, Third Floor Grimes State Office Bldg. Des Moines, Iowa	December 3, 2014 1 p.m.
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HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Mass notification and emergency messaging system, ch 15 IAB 11/12/14 ARC 1713C (See also ARC 1712C herein)	Cyclone Conference Room, Suite 500 7900 Hickman Rd. Windsor Heights, Iowa	December 2, 2014 1 p.m.
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LABOR SERVICES DIVISION[875]

Federal occupational safety and health standards—adoption by reference, 10.20, 26.1 IAB 10/29/14 ARC 1687C	Capitol View Room 1000 E. Grand Ave. Des Moines, Iowa	November 19, 2014 9 a.m. (If requested)
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Pain management standards of practice—discussion with patient about safe operation of vehicles, 13.2 IAB 10/29/14 ARC 1708C	Suite C 400 S.W. 8th St. Des Moines, Iowa	November 18, 2014 1 p.m.
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Dietitians—updates to organization names and terminology, 81.5, 81.6, 83.2(1) IAB 11/12/14 ARC 1728C	Conference Room 513, Fifth Floor Lucas State Office Bldg. Des Moines, Iowa	December 2, 2014 12 noon to 1 p.m.
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PUBLIC SAFETY DEPARTMENT[661]

Fire safety—liquefied petroleum gas standards, 226.1, 226.4, 226.5, 226.8, 226.9 IAB 11/12/14 ARC 1722C	First Floor Public Conference Room 125 Oran Pape State Office Bldg. 215 E. 7th St. Des Moines, Iowa	December 2, 2014 9 a.m.
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Military service and veteran reciprocity, ch 506 IAB 11/12/14 ARC 1725C	First Floor Public Conference Room 125 Oran Pape State Office Bldg. 215 E. 7th St. Des Moines, Iowa	December 2, 2014 9:30 a.m.
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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 1723C

EDUCATIONAL EXAMINERS BOARD[282]

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 272.2(1)“a” and 2014 Iowa Acts, chapter 1116, division VI, the Board of Educational Examiners hereby gives Notice of Intended Action to amend Chapter 13, “Issuance of Teacher Licenses and Endorsements,” Iowa Administrative Code.

In 2013, the Board of Educational Examiners created a military exchange license to streamline the process of obtaining Iowa licensure for military personnel. These amendments are proposed to align the existing military exchange license rule with the requirements of the Home Base Iowa Act, passed by the Iowa Legislature in 2014 Iowa Acts, chapter 1116, division VI. Specifically, the Home Base Iowa Act’s definitions of “military service” and “veteran” are incorporated into subrule 13.17(4); a provision is added to allow an applicant to apply for credit for verified military education, training, or service applicable to any experience or educational requirement for licensure; and the implementation sentence for Chapter 13 is updated.

Any interested person may make written comments or suggestions on the proposed amendments before 4 p.m. on Friday, December 5, 2014. Written comments and suggestions should be addressed to Kim Cunningham, Board Secretary, Board of Educational Examiners, at the address below, or sent by e-mail to kim.cunningham@iowa.gov, or by fax to (515)281-7669.

Any interested party or persons may present their views either orally or in writing at the public hearing that will be held Wednesday, December 3, 2014, at 1 p.m. in Room 3 Southwest, Third Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa.

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 proposed amendments. Persons who wish to make oral presentations at the public hearing may contact the Executive Director, Board of Educational Examiners, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa 50319-0147, or at (515)281-5849, prior to the date of the public hearing.

Any person who intends to attend the public hearing and requires special accommodations for specific needs, such as a sign language interpreter, should contact the office of the Executive Director at (515)281-5849.

This amendment is subject to waiver pursuant to 282—Chapter 6.

After analysis and review of this rule making, it is anticipated that the proposed amendment would have a positive impact on jobs by facilitating the licensure of veterans for employment in Iowa schools.

This amendment is intended to implement 2014 Iowa Acts, chapter 1116, division VI.

The following amendment is proposed.

ITEM 1. Amend subrule 13.17(4) as follows:

13.17(4) Military exchange license.

a. Definitions.

“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.

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

~~a-~~ *b. Spouses of active duty military service members applying under 13.3(2). A three-year nonrenewable military exchange license may be issued to the applicant under the following conditions:*

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

(1) The applicant has completed a traditional teacher preparation program at a regionally accredited and state-approved two- or four-year college.

(2) The applicant is the holder of a valid and current or an expired teaching license from another state.

(3) The applicant provides verification of the applicant's connection to or the applicant's spouse's connection to the military by providing a copy of current military orders with either a marriage license or a copy of a military ID card for the applicant's spouse.

(4) This license may be converted to a one-year regional exchange license upon application and payment of fees.

b. c. Recent veterans (retired or discharged within the past five years as of the date of application) Veterans or their spouses applying under 13.3(2). A five-year teaching license or a one-year exchange license may be issued to an applicant who meets the requirements of 13.17(4) "*a b*"(1) and (2). A veteran must provide a copy of the veteran's DD 214. A spouse must provide a copy of the veteran spouse's DD 214 and the couple's marriage license.

e. d. Spouses of active duty military, ~~recent~~ service veterans, or ~~recent~~ veterans' spouses applying under 13.3(3). If the applicant has completed a nontraditional teacher preparation program but is not eligible for a teaching license, the applicant will be issued a substitute license, and the initial review for the portfolio review process will be completed by board staff. An applicant must provide verification of connection to the military outlined in 13.17(4) "*a b*"(3) or 13.17(4) "*b c*."

e. Military education, training, and service credit. An applicant for the military exchange license may apply for credit for verified military education, training, or service toward any experience or educational requirement for licensure by submitting documentation to the board of educational examiners. The applicant shall identify the experience or educational requirement to which the credit would be applied if granted. The board of educational examiners shall promptly determine whether the verified military education, training, or service will satisfy all or any part of the identified experience or educational requirement for licensure.

d. f. Fees. Fees for the background check, evaluation and license issued pursuant to 13.17(4) will be limited to the fee outlined in rule 282—12.1(272), paragraph "2."

ITEM 2. Amend **282—Chapter 13**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapter 272 and 2014 Iowa Acts, chapter 1116, division VI.

ARC 1717C

EDUCATIONAL EXAMINERS BOARD[282]

Notice of Termination

Pursuant to the authority of Iowa Code section 272.2(1)"a," the Board of Educational Examiners hereby terminates the rule making initiated by its Notice of Intended Action published in the Iowa Administrative Bulletin as **ARC 1603C** on September 3, 2014, proposing to amend Chapter 22, "Authorizations," Iowa Administrative Code.

Proposed new rule 282—22.9(272) would have created a Montessori authorization for qualified individuals. At its meeting on September 9, 2014, the Administrative Rules Review Committee expressed concerns about the proposed rule. Following discussion of these concerns from Committee members, the Board elected to terminate the proposed rule making.

It is not anticipated that this Notice of Termination will have any impact on jobs.

ARC 1713C**HOMELAND SECURITY AND EMERGENCY
MANAGEMENT DEPARTMENT[605]****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 2014 Iowa Acts, Senate File 2349, division VIII, the Homeland Security and Emergency Management Department hereby gives Notice of Intended Action to adopt new Chapter 15, “Mass Notification and Emergency Messaging System,” Iowa Administrative Code.

New Chapter 15 is intended to implement 2014 Iowa Acts, Senate File 2349, division VIII, which creates a statewide mass notification and emergency messaging system. This system is to be used by state and local authorities to provide timely notification to the public when an emergency situation is happening that poses a threat to life and property and requires the public to take immediate action. This chapter will specify how state and local agencies shall access and utilize the system. This chapter includes how application is made to access and utilize the system, minimum operational plans and procedures, and how to access personal information that is provided by the public.

Consideration shall be given to all written comments or suggestions on the proposed new chapter received on or before December 2, 2014. Such written material should be sent to the Administrative Rules Coordinator, Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324.

There will be a public hearing on December 2, 2014, at 1 p.m. in the Department of Homeland Security and Emergency Management, Cyclone Conference Room, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa, 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 new chapter.

After analysis and review, the Department finds that it is possible this filing will have a positive fiscal impact in multiple counties within Iowa. Counties will not be charged a fee to access the system. Counties that presently incur an expense to access a system of their choice can eliminate this expense from their budgets by using the statewide system.

These rules were also Adopted and Filed Emergency and are published herein as **ARC 1712C**. The content of that submission is incorporated by reference.

After analysis and review, the Department does not anticipate any impact to jobs within Iowa.

These rules are intended to implement 2014 Iowa Acts, Senate File 2349, division VIII.

ARC 1729C

HUMAN SERVICES DEPARTMENT[441]**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 249A.4, the Department of Human Services proposes to amend Chapter 78, “Amount, Duration and Scope of Medical and Remedial Services,” and Chapter 88, “Managed Health Care Providers,” Iowa Administrative Code.

These amendments replace references to the multi-axial classification of mental disorders used prior to the implementation of the fifth edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-5) in 2013 with appropriate references to the new DSM-5.

Any interested person may make written comments on the proposed amendments on or before December 2, 2014. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by e-mail to policyanalysis@dhs.state.ia.us.

These amendments do not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

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

These amendments are intended to implement Iowa Code section 249A.4.

The following amendments are proposed.

ITEM 1. Amend rule 441—78.12(249A), introductory paragraph, as follows:

441—78.12(249A) Behavioral health intervention. Payment will be made for behavioral health intervention services not otherwise covered under this chapter that are designed to minimize or, if possible, eliminate the symptoms or causes of ~~an Axis I psychological~~ a mental disorder, subject to the limitations in this rule.

ITEM 2. Amend subrule 78.12(1) as follows:

78.12(1) Definitions.

~~“Axis I disorder” means a diagnosed mental disorder, except for personality disorders and mental retardation, as set forth in the “Diagnostic and Statistical Manual IV-TR,” Fourth Edition.~~

“Behavioral health intervention” means skill-building services that focus on:

1. Addressing the mental and functional disabilities that negatively affect a member’s integration and stability in the community and quality of life;
2. Improving a member’s health and well-being related to the member’s Axis-I mental disorder by reducing or managing the symptoms or behaviors that prevent the member from functioning at the member’s best possible functional level; and
3. Promoting a member’s mental health recovery and resilience through increasing the member’s ability to manage symptoms.

“Licensed practitioner of the healing arts” or “LPHA,” as used in this rule, means a practitioner such as a physician (M.D. or D.O.), an advanced registered nurse practitioner (ARNP), a psychologist, a social worker (LMSW or LISW), a marital and family therapist (LMFT), or a mental health counselor (LMHC) who:

1. Is licensed by the applicable state authority for that profession;
2. Is enrolled in the Iowa Plan for Behavioral Health (Iowa Plan) pursuant to 441—Chapter 88, Division IV; and

HUMAN SERVICES DEPARTMENT[441](cont'd)

3. Is qualified to provide clinical assessment services (Current Procedural Terminology code 90801) under the Iowa Plan pursuant to 441—Chapter 88, Division IV.

“Mental disorder” means a disorder, dysfunction, or dysphoria diagnosed pursuant to the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, excluding intellectual disabilities, personality disorders, medication-induced movement disorders and other adverse effects of medication, and other conditions that may be a focus of clinical attention.

ITEM 3. Amend paragraph **78.12(6)“a”** as follows:

a. Consistent with the diagnosis and treatment of the member’s condition and specific to a daily impairment caused by ~~an Axis-I~~ a mental disorder;

ITEM 4. Amend paragraph **78.45(1)“c”** as follows:

c. The member has a validated principal ~~DSM-IV-TR Axis-I~~ mental health diagnosis consistent with a severe and persistent mental illness. For this purpose, a mental health diagnosis means a disorder, dysfunction, or dysphoria diagnosed pursuant to the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, excluding neurodevelopmental disorders, substance-related disorders, personality disorders, medication-induced movement disorders and other adverse effects of medication, and other conditions that may be a focus of clinical attention. Members with a primary diagnosis of substance-related disorder, developmental disability, or organic disorder are not eligible for ACT services.

ITEM 5. Amend subrule 88.65(5) as follows:

88.65(5) Covered diagnoses. Services for a covered diagnosis cannot be denied solely on the basis of an individual’s also having a noncovered diagnosis. Mental health services, including inpatient care, cannot be denied solely on the basis of an individual’s having no ~~Axis-I~~ diagnosis pursuant to the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association. The contractor will be responsible for ensuring, arranging, monitoring, and reimbursing services necessary for the behavioral care and treatment of the covered diagnoses for Iowa Plan enrollees who are diagnosed with a covered diagnosis and a noncovered diagnosis.

The services defined at subrules 88.65(3) and 88.65(4) shall be provided to all Iowa Plan enrollees who meet the diagnostic criteria for the following disorders listed in the International Classification of Diseases—Ninth Edition (ICD-9):

1. Mental health: 290-302.9; 306-309.9; 311-314.9.
2. Substance abuse: 303-305.9.

ARC 1727C

INSPECTIONS AND APPEALS DEPARTMENT[481]

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 10A.104(5), the Department of Inspections and Appeals hereby gives Notice of Intended Action to rescind Chapter 9, “Indigent Defense Claims Processing,” Iowa Administrative Code.

This chapter is unnecessary and redundant because the administrative rules adopted by the State Public Defender pursuant to the authority provided under Iowa Code section 13B.4 supersede the Department’s existing administrative rules in Chapter 9. The State Public Defender’s rules are contained in 493—Chapter 12, “Claims for Indigent Defense Services,” 493—Chapter 13, “Claims for Other

INSPECTIONS AND APPEALS DEPARTMENT[481](cont'd)

Professional Services,” and 493—Chapter 14, “Claims for Attorney Fees in 600A Terminations,” and set forth detailed procedures related to indigent defense claims processing.

The Department does not believe that the proposed amendment imposes any financial hardship on any regulated entity, body, or individual.

Any interested person may make written suggestions or comments on the proposed amendment on or before December 2, 2014. Such written materials should be addressed to the Director, Department of Inspections and Appeals, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319-0083; faxed to (515)242-6863; or e-mailed to david.werning@dia.iowa.gov.

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

This amendment is intended to implement Iowa Code sections 10A.104 and 13B.4.

The following amendment is proposed.

Rescind and reserve **481—Chapter 9**.

ARC 1724C

IOWA FINANCE AUTHORITY[265]

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 17A.3(1)“b” and 16.5(1)“r,” the Iowa Finance Authority proposes to amend Chapter 10, “Mortgage Credit Certificates,” Iowa Administrative Code.

These amendments propose to amend rules 265—10.2(16) and 265—10.4(16), pertaining to the fees charged by the Iowa Finance Authority for issuing mortgage credit certificates.

The Authority does not intend to grant waivers under the provisions of any of these rules, other than as may be allowed under the Authority’s general rules concerning waivers.

The Authority will receive written comments on the proposed amendments until 4:30 p.m. on December 2, 2014. Comments may be addressed to Deb Haugh, Director of Single Family Production, Iowa Finance Authority, 2015 Grand Avenue, Des Moines, Iowa 50312. Comments may also be faxed to Deb Haugh at (515)725-4983 or e-mailed to deb.haugh@iowa.gov.

The Authority may make changes to the proposed amendments based on comments received from the public.

After analysis and review of this rule making, no impact on jobs is foreseen.

These amendments are intended to implement Iowa Code sections 16.5(1)“r,” 16.5(1)“m,” 17A.12, and 17A.16.

The following amendments are proposed.

ITEM 1. Amend rule 265—10.2(16) as follows:

265—10.2(16) Participating lenders. The authority will disseminate a summary of the MCC program to mortgage lenders operating within Iowa. Each branch office of a mortgage lender is deemed to be a separate mortgage lender. Any mortgage lender as defined in Iowa Code section 16.1 may become a participating lender by entering into an MCC lender participation agreement with the authority. All other participating lenders may take applications for MCCs on loans closed after the effective date of the participation agreement. Each participating lender shall pay a \$100 annual participation fee. The authority shall set and post on its Web site annual participation fees to be paid by participating lenders as a condition of participating in the MCC program.

IOWA FINANCE AUTHORITY[265](cont'd)

ITEM 2. Amend rule 265—10.4(16) as follows:

265—10.4(16) MCC procedures. Applications for MCCs may be made with any participating lender. The applicant shall provide the lender with all information that is necessary to secure a mortgage loan and an MCC. An applicant must meet the eligibility requirements set out in rule 265—10.3(16). If the eligibility requirements are met, the participating lenders may nonetheless deny a loan, subject to all reporting and disclosure requirements of applicable state and federal law, for any reason premised on sound lending practices, including underwriting risk evaluation, portfolio diversification, and limitations on restrictions on investments or available funds. If the loan is approved, the terms of the loan, including interest rate, length of loan, down payment, fees, origination charge and repayment schedule, shall not be greater than those available to similar customers that do not make application for an MCC. However, the lender may collect a one-time MCC commitment fee of up to \$200, which may be paid by the borrower, lender, or any other party. ~~Of this fee, \$100~~ An MCC program application fee must accompany the MCC application and be submitted to the authority by the lender. ~~The balance of the fee may be kept by the lender as compensation for processing the MCC.~~ The amount of the maximum allowable MCC commitment fee and the amount of the MCC program application fee shall be set by the authority from time to time and posted on the authority's Web site.

No MCC will be issued unless the requirements and procedures set out in the MCC program guide are complied with by all parties to the home sale and financing.

ITEM 3. Amend **265—Chapter 10**, implementation sentence, as follows:

These rules are intended to implement Iowa Code section ~~16.15, subsection 7.~~ 16.5(1) "m."

ARC 1730C

PROFESSIONAL LICENSURE DIVISION[645]

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 147.76 and 2014 Iowa Acts, chapter 1043, the Professional Licensure Division hereby gives Notice of Intended Action to amend Chapter 5, "Fees," Chapter 240, "Licensure of Psychologists," and Chapter 241, "Continuing Education for Psychologists," Iowa Administrative Code.

These amendments implement 2014 Iowa Acts, chapter 1043, which provides for provisional licensure in psychology to persons who possess doctoral degrees in psychology from institutions approved by the Board of Psychology and for the setting of fees for the administrative costs of issuance and renewal of provisional licenses. The amendments address the process for issuance of provisional licenses, specify the fees for issuance and renewal of provisional licenses, and clarify the requirements for accrual of supervised work experience for licensure.

Any interested person may make written suggestions or comments on the proposed amendments no later than December 2, 2014, addressed to Sharon Dozier, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075. Comments may be sent by e-mail to sharon.dozier@idph.iowa.gov.

A public hearing will be held on December 2, 2014, from 11 a.m. to 12 noon in Conference Room 513, Fifth Floor, Lucas State Office Building, Des Moines, Iowa, 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 proposed amendments. Any

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

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

The proposed amendments are subject to the waiver provisions at 645—Chapter 18.

After analysis and review of this rule making, there will be a positive impact on jobs due to the new provisional license, which is valid for two years following issuance and is renewable for an additional two years. In addition, it is anticipated that persons with provisional licenses will complete the requirements for licensure, resulting in an increase in the availability of licensed psychologists in Iowa.

These amendments are intended to implement 2014 Iowa Acts, chapter 1043.

The following amendments are proposed.

ITEM 1. Adopt the following **new** subrules 5.16(13) and 5.16(14):

5.16(13) Provisional license fee is \$120.

5.16(14) Provisional license renewal fee is \$170.

ITEM 2. Amend rule **645—5.16(147,154B)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code section 147.80 and chapters 17A, 154B and 272C and 2014 Iowa Acts, chapter 1043.

ITEM 3. Amend rule **645—240.1(154B)**, definition of “Reactivate,” as follows:

“*Reactivate*” or “*reactivation*” means the process as outlined in rule ~~645—240.18(17A,147,272C)~~ 645—240.14(17A,147,272C) by which an inactive license is restored to active status.

ITEM 4. Adopt the following **new** definition in rule **645—240.1(154B)**:

“*Provisional license*” means a license issued to a person who has met the educational qualifications for licensure and is engaged in professional experience under supervision that meets the requirements of rules 645—240.1(154B), 645—240.6(154B) and 645—240.9(154B).

ITEM 5. Adopt the following **new** subrule 240.5(3):

240.5(3) In addition to the title designations set forth in subrules 240.5(1) and 240.5(2), persons who possess provisional licenses shall add the designation “provisional license in psychology” following the “associate” or “resident” designation.

ITEM 6. Rescind subrule 240.6(1) and adopt the following **new** subrule in lieu thereof:

240.6(1) The supervised professional experience shall:

- a. Be a minimum of one year on a full- or part-time basis for no less than 1500 hours, or be a minimum of 1500 hours that are completed in no less than 10 months;
- b. Apply the principles of psychology;
- c. Be supervised by a licensed psychologist in accordance with subrule 240.6(2) and rule 645—240.9(154B);
- d. Be performed competently as attested to by the supervisor; and
- e. Have the fees and receipt of payment schedule remain the sole domain of the employing agency or supervising psychologist.

ITEM 7. Renumber rule **645—240.12(147)** as **645—240.13(147)**.

ITEM 8. Adopt the following **new** rule 645—240.12(85GA,ch1043):

645—240.12(85GA,ch1043) Requirements for provisional licensure. A provisional license shall not be granted unless the applicant has submitted a completed licensure application and the required licensure application fee.

240.12(1) An applicant for a provisional license shall provide the following:

a. A completed provisional license application. Applications are obtained and submitted via the board’s Web site at <https://ibpllicense.iowa.gov/>.

b. The provisional application fee payable to the Board of Psychology. The fee is nonrefundable.

240.12(2) The following documents must be received by the board office:

a. Official copies of academic transcripts sent directly from the school establishing that the requirements stated in 645—240.3(154B) are met; and

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

b. A completed supervision plan on the prescribed board form, signed by the applicant's supervisors who meet the definition of "supervisor" in rule 645—240.1(154B). A change in a supervisor or in the supervision plan requires submission of a new supervision plan on the prescribed board form.

240.12(3) The provisional license is effective for two years from the date of issuance. A provisional license may be renewed one time for a period of two years upon submission of the following:

- a.* A provisional license renewal application;
- b.* A provisional license renewal fee; and
- c.* A current supervision plan as required in these rules.

ITEM 9. Renumber rules **645—240.18(17A,147,272C)** and **645—240.19(17A,147,272C)** as **645—240.14(17A,147,272C)** and **645—240.15(17A,147,272C)**.

ITEM 10. Amend subparagraph **241.3(2)“c”(1)** as follows:

(1) Completing training to comply with mandatory reporter training requirements, as specified in 645—subrule 240.12(4) 240.13(4). Hours reported for credit shall not exceed the hours required to maintain compliance with required training.

ARC 1728C

PROFESSIONAL LICENSURE DIVISION[645]

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 147.76 and 2014 Iowa Acts, chapter 1006, the Professional Licensure Division hereby gives Notice of Intended Action to amend Chapter 81, "Licensure of Dietitians," and Chapter 83, "Discipline for Dietitians," Iowa Administrative Code.

These amendments implement 2014 Iowa Acts, chapter 1006, which addresses technical changes to reflect the name changes of the national organization of dietetic professionals and the accrediting body for the formal education and supervised experience training programs and clarifies that the Commission on Dietetic Registration examination is the board-approved licensure examination. These amendments also add the current terminology for supervised experience program requirements for licensure to be consistent with the current terminology used by the national accrediting body and update the terminology regarding licensure exemptions that pertain to dietetics students and the conduct of teaching clinical demonstrations to be consistent with the changes in names and terminology.

Any interested person may make written suggestions or comments on the proposed amendments no later than December 2, 2014, addressed to Sharon Dozier, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075. Comments may be sent by e-mail to sharon.dozier@idph.iowa.gov.

A public hearing will be held on December 2, 2014, from 12 noon to 1 p.m. in the Conference Room 513, Fifth Floor, Lucas State Office Building, Des Moines, Iowa, 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 proposed amendments. 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 Division and advise of specific needs.

The proposed amendments are subject to the waiver provisions at 645—Chapter 18.

After analysis and review of this rule making, there is no known negative jobs impact.

These amendments are intended to implement 2014 Iowa Acts, chapter 1006.

The following amendments are proposed.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

ITEM 1. Amend subrule 81.5(1) as follows:

81.5(1) The applicant shall ~~be issued a license to practice dietetics by the board when the applicant possesses~~ possess a baccalaureate degree or postbaccalaureate degree from a U.S. regionally accredited college or university with a major course of study in human nutrition, food and nutrition, nutrition education, dietetics, or food systems management, or in an equivalent major course of study, which meets minimum academic requirements as established by the ~~American Dietetic Association Accreditation Council for Education in Nutrition and Dietetics (ACEND) of the Academy of Nutrition and Dietetics (AND)~~ and is approved by the board.

ITEM 2. Amend subrule 81.5(2) as follows:

81.5(2) A foreign-trained dietitian shall:

a. Provide an official letter sent directly from the Commission on Dietetic Registration (CDR) to the board to verify that the applicant has met the minimum academic and didactic program requirements of CDR. Foreign degree ~~evaluation agencies and equivalency evaluation requirements of the Commission on Accreditation for Dietetics Education (CADE) of the American Dietetic Association (ADA)~~ Accreditation Council for Education in Nutrition and Dietetics (ACEND) of the Academy of Nutrition and Dietetics (AND) are listed on the ~~CADE ACEND~~ Web site at: <http://www.eatright.org/students/getstarted/international/agencies.aspx> <http://www.eatright.org/ACEND/content.aspx?id=241>; and

b. Provide evidence of meeting all other requirements in these rules.

ITEM 3. Amend rule 645—81.6(152A) as follows:

645—81.6(152A) Supervised experience. The applicant shall complete ~~a documented supervised practice experience component that meets the requirements established by the Commission on Dietetic Registration (CDR) of the American Dietetic Association (ADA)~~ an accredited competency-based supervised experience program approved by the Accreditation Council for Education in Nutrition and Dietetics (ACEND) of the Academy of Nutrition and Dietetics (AND).

ITEM 4. Amend subrule 83.2(1) as follows:

83.2(1) Failure to comply with the ~~American Dietetic Association~~ Academy of Nutrition and Dietetics/Commission on Dietetic Registration, Code of Ethics for the Profession of Dietetics and Process for Consideration of Ethics Issues, as revised effective January 1, 2010, hereby adopted by reference. Copies may be obtained from the ~~American Dietetic Association~~ Academy of Nutrition and Dietetics/Commission on Dietetic Registration Web site at <http://www.edrnet.org> <http://www.eatright.org/codeofethics/>.

ARC 1722C

PUBLIC SAFETY DEPARTMENT[661]

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 101.1, the State Fire Marshal hereby gives Notice of Intended Action to amend Chapter 226, “Liquefied Petroleum Gas,” Iowa Administrative Code.

The proposed amendments update the current standards in order to adopt the most recent edition of the National Fuel Gas Code that has been developed by the National Fire Protection Association (NFPA).

The NFPA standards are designed to mitigate risks and to ensure safe installation of liquefied petroleum gas storage, handling, transportation and use and to prevent failures, leaks, and tampering

PUBLIC SAFETY DEPARTMENT[661](cont'd)

that could lead to fires and explosions. The most recent standards reflect industry standards and promote safety.

Liquefied petroleum gas is a clean-burning fossil fuel that is primarily produced domestically. It can be adapted for many uses, and its use has increased in popularity in residential, agricultural, and commercial markets in the United States and elsewhere. Domestic and global demand is expected to increase markedly in the next five years. Safety standards are important for any fuels that can create public safety hazards, and adoption of the current national standards reflects the current state of knowledge and experience in the industry.

A public hearing on these proposed amendments will be held on December 2, 2014, at 9 a.m. in the First Floor Public Conference Room (Room 125), Oran Pape State Office Building, 215 East 7th Street, Des Moines, Iowa 50319. Persons may present their views orally or in writing at the public hearing.

In addition, any written comments or information regarding these proposed amendments may be directed to the Agency Rules Administrator by mail to Agency Rules Administrator, Iowa Department of Public Safety, Oran Pape State Office Building, 215 East 7th Street, Des Moines, Iowa 50319, or by electronic mail to admrule@dps.state.ia.us by 4:30 p.m. on December 2, 2014.

Rules regarding liquefied petroleum gas are subject to the waiver provisions of rule 661—501.5(103). The State Fire Marshal does not have authority to waive requirements established by statute.

These amendments are not expected to have an impact on jobs in Iowa. The national code reflects current industry standards, and the adoption of those standards is not expected to affect jobs.

These amendments are intended to implement Iowa Code sections 101.1(4)“b,” 101.1(5), and 100C.3(7).

The following amendments are proposed.

ITEM 1. Amend rule 661—226.1(101) as follows:

661—226.1(101) General requirements. The provisions of the ~~International Fire Code, Chapter 38, 2009 edition, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041~~ National Fire Protection Association, NFPA 54, ANSI Z223.1-2015 National Fuel Gas Code, 2015 edition, and NFPA 58, Liquefied Petroleum Gas Code, 2014 edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169-7471, and all references contained therein, are hereby adopted by reference as the general requirements for transportation, storage, handling, and use of liquefied petroleum gas, with the following amendments:

~~Delete section 3801.1 and insert in lieu thereof the following new section:~~

~~**3801.1** Scope. Storage, handling and transportation of liquefied petroleum gas (LP-gas) and the installation of LP-gas equipment pertinent to systems for such uses shall comply with this chapter, NFPA 54, ANSI Z223.1-2009 National Fuel Gas Code, 2009 edition, and NFPA 58, Liquefied Petroleum Gas Code, 2008 edition, with the following amendments:~~

~~Amend NFPA 54, ANSI Z223.1-2009~~ 2015 National Fuel Gas Code, 2009 2015 edition, as follows:

~~Delete section 7.3.5.2 and insert in lieu thereof the following new section:~~

~~**7.3.5.2** Gas piping underground, outside a building, shall not be in physical contact with any concrete. Where it is necessary to install piping that will extend through or under an exterior concrete slab for connection to a regulator or other part of the system, before entering a building, the gas piping shall be sleeved. The sleeve shall extend through the concrete and be sealed only at the end extending above grade to prevent the entrance of insects, debris, or moisture. All piping, fittings, and risers shall be protected against corrosion in accordance with NFPA 54, National Fuel Gas Code, 2009 2015 edition, section 5.6.6.~~

~~Delete section 8.2.1 and insert in lieu thereof the following new section:~~

~~**8.2.1** Leak checks using fuel gas (propane vapor) shall be permitted in piping systems that have been pressure-tested in accordance with 661—subrule 226.5(1).~~

~~Amend NFPA 58, Liquefied Petroleum Gas Code, 2008~~ 2014 edition, as follows:

~~Properties of LP-gases shall be determined in accordance with Annex B of NFPA 58.~~

~~Delete section 4.3.1 and insert in lieu thereof the following new section:~~

PUBLIC SAFETY DEPARTMENT[661](cont'd)

4.3.1 Stationary installations. Where a stationary installation utilizes a storage container of more than 2,000 gallons (7,570 L) of individual water capacity, or the aggregate water capacity of storage containers is more than 4,000 gallons (15,140 L) in water capacity, the installer shall submit plans (Liquid Propane Plan – DIVISION OF STATE FIRE MARSHAL) for such installation to the state fire marshal for review and approval. Installation shall not commence until written approval from the state fire marshal has been received. The local fire department [city or county where the tank(s) is located] shall be advised of each installation.

Delete section 5.2.3 and insert in lieu thereof the following new section:

~~5.2.3 DOT cylinders in stationary service that are filled on site and therefore are not under the jurisdiction of DOT shall be either requalified in accordance with DOT requirements or visually inspected within 12 years of the date of manufacture and every 5 years thereafter, in accordance with 5.2.3.1 through 5.2.3.3. The effective date for qualification and requalification requirements of this section shall be July 1, 2010.~~

~~5.2.3.1 Any cylinder that fails one or more of the criteria in 5.2.3.3 shall not be refilled or continued in service until the condition is corrected.~~

~~5.2.3.2 Personnel shall be trained and qualified to perform inspections. Initial and refresher training shall be in accordance with rule 661—226.4(101).~~

~~5.2.3.3 Visual inspection shall be performed in accordance with the following:~~

~~(A) The cylinder is checked for exposure to fire, dents, cuts, digs, gouges, and corrosion according to CGA C-6-2007, Standards for Visual Inspection of Steel Compressed Gas Cylinders, ninth edition, except that paragraph 5.2.1.1(1) of that standard (which requires tare weight verification) shall not be part of the required inspection criteria.~~

~~(B) The cylinder protective collar (where utilized) and the foot ring are intact and are firmly attached.~~

~~(C) The cylinder is painted or coated to retard corrosion.~~

~~(D) The cylinder pressure relief valve indicates no visible damage, corrosion of operating components, or obstructions.~~

~~(E) There is no leakage from the cylinder or its appurtenances that is detectable without the use of instruments.~~

~~(F) The cylinder is installed on a firm foundation and is not in contact with the soil.~~

~~(G) A cylinder that passes the visual examination shall be marked with the month and year of the examination followed by the letter “E” (for example, 10-01E, indicating requalification in October 2001 by the external inspection method) and the requalifier identification number (RIN) in accordance with the requalifying agency’s permit issued by the United States Department of Transportation.~~

~~(H) The results of the visual inspection shall be documented, and a record of the inspection shall be retained for a 5-year period or until the cylinder is again requalified, whichever occurs first.~~

5.2.3 Cylinders filled on site at the point of use.

5.2.3.1 DOT cylinders in stationary service that are filled on site at the point of use and, therefore, are not under the jurisdiction of DOT shall comply with one of the following criteria:

(1) The cylinders shall be requalified in accordance with DOT requirements.

(2) The cylinders shall be visually inspected within 12 years of the date of manufacture and within every 5 years thereafter, in accordance with 5.2.3.2 through 5.2.3.4.

5.2.3.2 Any cylinder that fails to meet one or more of the criteria in 5.2.3.4 shall not be refilled or continued in service until the condition is corrected.

5.2.3.3 Personnel shall be trained and qualified to perform inspections. Training shall be documented in accordance with rule 661—226.4(101).

5.2.3.4 Visual inspection shall be performed in accordance with the following:

(1) The cylinder is checked for exposure to fire, dents, cuts, digs, gouges, and corrosion according to CGA C-6-2007, Standard for Visual Inspection of Steel Compressed Gas Cylinders, tenth edition, except that 5.2.1.1(1) of that standard (which requires tare weight verification) shall not be part of the required inspection criteria.

(2) The cylinder protective collar (where utilized) and the foot ring are intact and are firmly attached.

(3) The cylinder is painted or coated to minimize corrosion.

PUBLIC SAFETY DEPARTMENT[661](cont'd)

(4) The cylinder pressure relief valve indicates no visible damage, corrosion of operating components, or obstructions.

(5) There is no leakage from the cylinder or its appurtenances that is detectable without the use of instruments.

(6) The cylinder is installed on a firm foundation and is not in contact with the soil.

(7) A cylinder that passes the visual examination is marked with the month and year of the examination followed by the letter E (e.g., "10-01E," indicating requalification in October 2001 by the external inspection method) and the requalifier identification number (RIN) in accordance with the requalifying agency's permit issued by the DOT.

(8) The results of the visual inspection are documented, and a record of the inspection is retained for a 5-year period or until the cylinder is again requalified, whichever occurs first.

Delete section 6.6.7.1 and insert in lieu thereof the following new section:

6.6.7.1 Installation of permanent, stationary containers on roofs of buildings shall be prohibited.

Delete section 6.6.7.2.

Delete section 6.7.2.7 and insert in lieu thereof the following new section:

6.7.2.7 The pressure relief valve discharge on each aboveground container of more than 2000-gal (7.6 m³) water capacity shall be piped vertically upward to a point at least 7 ft (2.1 m) above the top of the container, and the discharge opening shall be unobstructed to the open air.

Delete section 6.9.3.14 and insert in lieu thereof the following new section:

6.9.3.14 ~~Underground metallic piping shall be protected against corrosion as warranted by soil conditions (see section 6.16). Underground gas piping that is outside a building shall not be in physical contact with any concrete.~~

6.9.3.14 Metallic piping shall be protected against corrosion in accordance with 6.9.3.14(A) through 6.9.3.14(C). Underground gas piping that is outside a building shall not be in physical contact with any concrete.

(A) Piping and tubing of 1-inch (25 mm) nominal diameter or smaller shall be protected in accordance with 6.17.1 or 6.17.2.

(B) Piping and tubing larger than 1-inch (25 mm) nominal diameter and installed aboveground shall be protected in accordance with 6.17.1.

(C) Steel piping larger than 1-inch (25 mm) nominal diameter installed underground shall have a cathodic protection system in accordance with 6.17.2(C) unless technical justification is approved by the authority having jurisdiction.

Delete sections 6.14, 6.14.1, 6.14.2, and 6.14.3 section 6.14 in its entirety.

Delete section 6.15 in its entirety.

Delete paragraph 6.19.1.2(C) and insert in lieu thereof the following new paragraph:

6.19.1.2(C) ~~Cylinders installed permanently on roofs of buildings shall be prohibited.~~

Delete paragraph 6.20.1.2(C) and insert in lieu thereof the following new paragraph:

6.20.1.2(C) ~~Cylinders installed permanently on roofs of buildings shall be prohibited.~~

~~Delete section 6.19.11.1, including paragraphs (A) through (F), and insert in lieu thereof the following new section:~~

~~**6.19.11.1** ~~Cylinders installed permanently on roofs of buildings shall be prohibited.~~~~

~~Delete section 6.20.11.1, including paragraphs (A) through (F), and insert in lieu thereof the following new section:~~

~~**6.20.11.1** ~~Cylinders installed permanently on roofs of buildings shall be prohibited.~~~~

~~Delete section 6.19.11.2 6.20.11.2.~~

Delete section 7.2.1.1 and insert in lieu thereof the following new section:

7.2.1.1 Transfer operations shall be conducted by qualified personnel meeting the provisions of rule 661—226.4(101).

Delete section 11.2 and insert in lieu thereof the following new section:

11.2 Each person engaged in installing, repairing, filling, or otherwise servicing an LP-gas engine fuel system shall be trained in accordance with rule 661—226.4(101) and trained under the applicable installation and maintenance procedures established by the manufacturer.

PUBLIC SAFETY DEPARTMENT[661](cont'd)

Delete section 3801.2.

Delete section 3801.3 and insert in lieu thereof the following new section:

3801.3 Construction documents. Where a single container is more than 2,000 gallons (7,570 L) in water capacity or the aggregate capacity of containers is more than 4,000 gallons (15,140 L) in water capacity, the installer shall submit construction documents for such installation to the fire marshal for review and approval. Installation shall not commence until written approval from the fire marshal has been received.

Delete section 3803.1 and insert in lieu thereof the following new section:

3803.1 General. LP gas equipment shall be installed in accordance with NFPA 54, ANSI Z223.1-2009 National Fuel Gas Code, 2009 edition, and NFPA 58, Liquefied Petroleum Gas Code, 2008 edition, except as otherwise provided in this chapter.

Delete section 3803.2.1.7 and insert in lieu thereof the following new section:

3803.2.1.7 Use for food preparation. Where approved, listed LP gas commercial food service appliances are allowed to be used for food preparation within restaurants and in attended commercial food catering operations in accordance with NFPA 54, ANSI Z223.1-2009 National Fuel Gas Code, 2009 edition, the International Mechanical Code, 2009 edition, and NFPA 58, Liquefied Petroleum Gas Code, 2008 edition.

Delete section 3803.3 and insert in lieu thereof the following new section:

3803.3 Location of equipment and piping. Equipment and piping shall not be installed in locations where such equipment and piping are prohibited by NFPA 54, ANSI Z223.1-2009 National Fuel Gas Code, 2009 edition.

Delete sections 3804 through 3804.4.

Delete section 3805.1 and insert in lieu thereof the following new section:

3805.1 Nonapproved equipment. LP gas shall not be used for the purpose of operating devices or equipment unless such device or equipment is approved for use with LP gas in accordance with NFPA 58, Liquefied Petroleum Gas Code, 2008 edition, sections 1.5 through 1.5.3.

Delete section 3806.1 and insert in lieu thereof the following new section:

3806.1 Attendants. Transfer operations shall be conducted by qualified personnel meeting the provisions of rule 661—226.4(101).

Amend sections 3803.2.1.6, 3809.3, and 3809.9, exception 3 to section 308.1.4, and the exception to section 3809.7 by deleting the phrase “water capacity of 2½ pounds” and inserting in lieu thereof the phrase “water capacity of 2.7 pounds.”

Delete section 3809.10 and insert in lieu thereof the following new section:

3809.10 Storage within buildings not accessible to the public. The maximum quantity allowed in one storage location in buildings not accessible to the public, such as industrial buildings, shall not exceed a water capacity of 735 pounds (334 kg) (nominal 300 pounds (136 kg) of LP gas). Where additional storage locations are required on the same floor within the same building, they shall be approved by the authority having jurisdiction. Storage beyond these limitations shall comply with section 3809.11.

ITEM 2. Amend rule 661—226.4(101) as follows:

661—226.4(101) Qualifications of personnel.

226.4(1) Persons who transfer liquefied petroleum gas, who are employed to transport liquefied petroleum gas, or whose primary duties fall within the scope of this chapter shall be trained in proper handling and emergency response procedures.

a. Training shall include both initial training and refresher training that addresses but is not limited to safe work practices, the health and safety hazards of liquefied petroleum gas, emergency response procedures, and supervised on-the-job training.

(1) Initial training shall include participation in a training program and shall include both a written qualification assessment (closed-book test) and a skills assessment, based on the objectives set forth in the recognized training program and the requirements of NFPA 54 National Fuel Gas Code, 2009 2015 edition, NFPA 58 Liquefied Petroleum Gas Code, 2008 2014 edition, and any applicable requirements established in this chapter.

PUBLIC SAFETY DEPARTMENT[661](cont'd)

(2) Refresher training shall include both a written qualification assessment (closed-book test) and a hands-on skills assessment based on requirements of NFPA 54 National Fuel Gas Code, ~~2009~~ 2015 edition, NFPA 58 Liquefied Petroleum Gas Code, ~~2008~~ 2014 edition, and any applicable requirements established in this chapter.

(3) to (5) No change.

b. No change.

226.4(2) Persons who install, service, test, or maintain propane gas utilization equipment, or gas piping systems of which the equipment is a part, or accessories shall be trained in the proper procedures in accordance with applicable codes.

a. Initial training shall include participation in a training program and shall include both a written qualification assessment (closed-book test) and a skills assessment, based on the objectives set forth in the recognized training program and the requirements of NFPA 54 National Fuel Gas Code, ~~2009~~ 2015 edition, NFPA 58 Liquefied Petroleum Gas Code, ~~2008~~ 2014 edition, and this chapter.

b. Refresher training shall include both a written qualification assessment (closed-book test) and a hands-on skills assessment based on requirements of NFPA 54 National Fuel Gas Code, ~~2009~~ 2015 edition, NFPA 58 Liquefied Petroleum Gas Code, ~~2008~~ 2014 edition, and this chapter.

c. to f. No change.

226.4(3) All training programs shall be instructor-led by a competent trainer.

~~226.4(3)~~ **226.4(4)** Successful completion of the written qualification assessment and hands-on skills assessment shall satisfy the refresher training requirements of subrules 226.4(1) and 226.4(2).

ITEM 3. Amend rule 661—226.5(101) as follows:

661—226.5(101) Pressure testing.

226.5(1) Pressure testing required. After assembly and after any modification or repair, metallic LP-gas piping and hose shall be pressure-tested as follows:

a. Piping systems having operating pressures greater than 20 psig shall be pressure-tested in accordance with the following:

(1) Prior to acceptance and initial operation, all piping installations shall be visually inspected and pressure-tested to determine that the materials, design, fabrication, and installation practices comply with the requirements of this chapter.

(2) Inspection shall consist of visual examination, during or after manufacture, fabrication, assembly, or pressure tests as appropriate. ~~Supplementary types of nondestructive inspection techniques, such as magnetic particle, radiographic, and ultrasonic, shall not be required unless specifically required in this chapter or a standard or code adopted by reference in this chapter or in the engineering design.~~

(3) and (4) No change.

(5) A piping system shall be tested as a complete unit or in sections. A valve in a line shall not be used as a bulkhead between gas in one section of the piping system and test medium in an adjacent section, unless two valves are installed in series with a valved "telltale" located between these valves a double block and bleed valve is installed. A valve shall not be subjected to the test pressure unless it can be determined that the valve, including the valve-closing mechanism, is designed to safely withstand the pressure applied during the test.

(6) No change.

(7) Prior to testing the system, the interior of the pipe shall be cleared of all foreign material.

~~(7)~~ (8) The test medium shall be air, nitrogen, carbon dioxide, or an inert gas. Oxygen shall not be used.

~~(8)~~ (9) Test pressure shall be measured with a pressure-measuring device designed and calibrated to read, record, or indicate a pressure loss due to leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. Mechanical gauges used to measure test pressures shall have a range such that the highest end of the scale is not greater than five times the test pressure.

~~(9)~~ (10) The test pressure to be used shall be no less than 50 psi and shall not exceed 75 psi.

PUBLIC SAFETY DEPARTMENT[661](cont'd)

~~(10)~~ (11) Expansion joints shall be provided with temporary restraints, if required, for the additional thrust load under test.

~~(11)~~ (12) Appliances and equipment that are not to be included in the test shall be either disconnected from the piping or isolated by blanks, blind flanges, or caps. Flanged joints at which blinds are inserted to blank off other equipment during the test shall not be required to be tested.

~~(12)~~ (13) Where the piping system is connected to appliances or equipment designed for operating pressures of less than the test pressure, such appliances or equipment shall be isolated from the piping system by disconnecting them and capping the outlet(s).

~~(13)~~ (14) Where the piping system is connected to appliances or equipment designed for operating pressures equal to or greater than the test pressure, such appliances or equipment shall be isolated from the piping system by closing the individual appliance or equipment shutoff valve(s).

~~(14)~~ (15) All testing of piping systems shall be ~~done with due regard for the safety of employees and the public during the test. Bulkheads, anchorage, and bracing suitably designed to resist test pressures shall be installed if necessary. Prior to testing, the interior of the pipe shall be cleared of all foreign material~~ performed in a manner that protects the safety of employees and the public during the test.

~~(15)~~ (16) Test duration shall be not less than one-half hour for each 500 ft³ (14 m³) of pipe volume or fraction thereof. The duration of the test shall not be required to exceed 24 hours.

EXCEPTION: When a system having a volume of less than 10 ft³ (0.28 m³) is tested, the test duration shall be a minimum of 10 minutes.

b. Piping systems having operating pressures of 20 psig or less, all polyethylene and polyamide piping, and piping to which NFPA 54 National Fuel Gas Code, ~~2009~~ 2015 edition, is applicable shall be tested in accordance with that code.

226.5(2) Testing for leakage. Immediately after the gas is turned on into a new system or into a system that has been initially restored after an interruption of service, the piping system shall be checked for leakage in accordance with this chapter and Section 8.2 of NFPA 54, National Fuel Gas Code, ~~2009~~ 2015 edition. Where leakage is indicated, the gas supply shall be shut off until the necessary repairs have been made.

a. All LP-gas piping systems that have operating pressures of 20 psig or less and all polyethylene and polyamide piping shall have system and equipment leakage tests performed in accordance with this chapter and Section 8.2 of NFPA 54, National Fuel Gas Code, ~~2009~~ 2015 edition.

b. and *c.* No change.

226.5(3) No change.

226.5(4) Out-of-gas customers or interruption of service system start-up procedure. When a delivery of propane is made to any on-site container which is out of gas, or if propane service was interrupted, the delivery person shall comply with the following procedures.

a. No change.

b. When the “out-of-gas customer” is present:

(1) The container service valve shall be shut off; and

(2) The gas customer shall be informed that the container is out of service and a qualified person must perform a leak check or other test on the system as required by this chapter or Section 8.2 of NFPA 54 National Fuel Gas Code, ~~2009~~ 2015 edition, before turning on the container service valve. Further action is the responsibility of the customer.

ITEM 4. Amend rule 661—226.8(101) as follows:

661—226.8(101) Installation and use of DOT specification MC330 or MC331 cargo tanks in stationary service. The installation and use of DOT specification MC330 or MC331 cargo tanks in stationary service shall be in accordance with NFPA 58, ~~2008~~ 2014 edition, and this chapter.

226.8(1) to 226.8(3) No change.

PUBLIC SAFETY DEPARTMENT[661](cont'd)

ITEM 5. Adopt the following **new** rule 661—226.9(101):

661—226.9(101) NFPA standards. To the extent that NFPA standards are inconsistent with International Fire Code standards, the NFPA standards shall control.

ARC 1725C

PUBLIC SAFETY DEPARTMENT[661]

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 103.6 and 2014 Iowa Acts, chapter 1116, division VI, the Electrical Examining Board hereby gives Notice of Intended Action to adopt new Chapter 506, “Military Service and Veteran Reciprocity,” Iowa Administrative Code.

The Electrical Examining Board is authorized under Iowa Code section 103.6 to adopt administrative rules governing all aspects of the licensing of electricians and electrical contractors and of the state electrical inspection program. The proposed amendment is designed to adopt rules related to the Home Base Iowa Act, 2014 Iowa Acts, Senate File 303, to be codified at Iowa Code section 272C.4.

The Home Base Iowa initiative is focused on matching veterans with good, high-paying jobs in Iowa. The Occupational Employment Statistics (OES) Wage Survey shows that Iowa electricians have an average annual income of \$46,980, which is higher than the average for all occupations. National statistics provide similar conclusions about electricians across the United States.

The United Services Military Apprenticeship Program (USMAP), a partnership between the U.S. Department of Labor (DOL) and the military allows service members to use their on-duty experience to earn journeyman status in a trade. USMAP is a formal military training program executed by the Center for Personal and Professional Development that provides active duty Coast Guard, Marine Corps, and Navy service members the opportunity to improve their job skills and to complete their civilian apprenticeship requirements while they are on active duty. DOL provides the nationally recognized Certificate of Completion upon program completion. Originally established in 1976 as a Navy program, the three Sea Services merged into a single program registered with DOL (N-93063) in April 2000. USMAP allows active duty service members to complete a DOL apprenticeship program while serving their country.

The objective of the National Apprenticeship Standards for USMAP is to provide registered certification of the training of the individual military service member and to achieve recognition for the military service member equal to the service member’s civilian counterpart. USMAP supports apprenticeship training in 125 occupations, including electricians.

Electrical work in military settings is similar to the work performed by civilian electricians, including lighting hospitals, running power tools, and operating computers. In military assignments, personnel may serve as building electricians who install and repair electrical wiring systems in offices, repair shops, airplane hangars, and other buildings on military bases. Building electricians in the military may install and wire transformers, junction boxes, and circuit breakers using wire cutters, insulation strippers, and other hand tools; read blueprints, wiring plans, and repair orders to determine wiring layouts or repair needs; cut, bend, and string wires and conduits (pipe or tubing); inspect power distribution systems, shorts in wires, and faulty equipment using test meters; repair and replace faulty wiring and lighting fixtures; and install lightning rods to protect electrical systems.

Military job training also is similar to civilian training, consisting of classroom instruction and practice in the installation and repair of electrical wiring systems. Further training occurs on the job and through advanced courses. Course content typically includes fundamentals of electricity, electrical

PUBLIC SAFETY DEPARTMENT[661](cont'd)

circuit troubleshooting, safety procedures, and techniques for wiring switches, outlets, and junction boxes. These same skills are learned in civilian training programs.

The training and experience that veterans receive as part of their military duties can be translated well into the civilian sector. Veterans who locate in or come home to Iowa to work should have their skills recognized in the licensing system for electricians.

A public hearing on these proposed rules will be held on December 2, 2014, at 9:30 a.m. in the First Floor Public Conference Room (Room 125), Oran Pape State Office Building, 215 East 7th Street, Des Moines, Iowa. Persons may present their views orally or in writing at the public hearing.

In addition, any written comments or information regarding these proposed rules may be directed to the Agency Rules Administrator by mail to Agency Rules Administrator, Iowa Department of Public Safety, Oran Pape State Office Building, 215 East 7th Street, Des Moines, Iowa 50319; or by electronic mail to admrule@dps.state.ia.us by 4:30 p.m. on December 2, 2014.

Rules of the Electrical Examining Board are subject to the waiver provisions of rule 661—501.5(103). The Board does not have authority to waive requirements established by statute.

After analysis and review of this rule making, there will be a positive impact on jobs due to the expedited process of issuing reciprocal and provisional licenses to veterans who locate in or return to Iowa.

These rules are intended to implement Iowa Code sections 103.6 and 272C.4 and 2014 Iowa Acts, chapter 1116, division VI.

The following amendment is proposed.

Adopt the following **new** 661—Chapter 506:

CHAPTER 506
MILITARY SERVICE AND VETERAN RECIPROCITY

661—506.1(85GA,ch1116) Definitions.

“*Board*” means the electrical examining board established in Iowa Code section 103.2.

“*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).

661—506.2(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.

506.2(1) The application may be submitted with an application for licensure or examination, or prior to applying for licensure or to take an examination. No fee is required for the submission of an application for military service credit.

506.2(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.

506.2(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).

506.2(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 licensure requirement.

PUBLIC SAFETY DEPARTMENT[661](cont'd)

506.2(5) The board shall grant credit requested in 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.

506.2(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.

506.2(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. There shall be no fees or costs assessed against the military service applicant in connection with a contested case conducted pursuant to this subrule.

506.2(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 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.

661—506.3(85GA,ch1116) Veteran reciprocity.

506.3(1) A veteran with an electrical license in another jurisdiction may apply for licensure in Iowa through reciprocity, based on the reciprocity procedures for licensed electricians as set out in the administrative rules in effect at the time that the application is made, and in compliance with any agreements with other jurisdictions regarding 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.

506.3(2) 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 histories 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).

506.3(3) Upon receipt of a fully completed licensure application, the board shall promptly determine if the 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. The board may consider the following factors in determining substantial equivalence: scope of practice, education and coursework, degree requirements, and postgraduate experiences.

506.3(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 criminal background.

506.3(5) If the board determines that the licensure 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 veteran may not be issued a provisional license but may request that the 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.

PUBLIC SAFETY DEPARTMENT[661](cont'd)

b. If additional experience or education is required 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 comes first. The board may extend a provisional license on a case-by-case basis for good cause.

506.3(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 military service applicant in connection with a contested case conducted pursuant to this subrule.

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

ARC 1726C

REVENUE DEPARTMENT[701]

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 17A.3 and 421.14, the Department of Revenue proposes to amend Chapter 49, “Estimated Income Tax for Individuals,” Iowa Administrative Code.

The rules in Chapter 49 implement the payment of estimated income tax for individual withholding. This proposed amendment removes the requirement that the Department of Revenue mail a preaddressed estimate tax form to all resident taxpayers who filed an estimate tax form in the prior year. This amendment is in response to suggestions from the tax preparer community that mailing preaddressed estimate tax forms to all residents who filed in the prior year is no longer necessary.

The amendment will not necessitate additional expenditures by political subdivisions or agencies and entities which contract with political subdivisions.

Any interested person may make written suggestions or comments on this proposed amendment on or before December 2, 2014. Such written comments should be directed to the Policy Section, Policy and Communications Division, Department of Revenue, Hoover State Office Building, P.O. Box 10457, Des Moines, Iowa 50306. Persons who want to convey their views orally should contact the Policy Section, Policy and Communications Division, Department of Revenue, at (515)281-8450 or at the Department of Revenue offices on the fourth floor of the Hoover State Office Building.

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

This amendment is intended to implement Iowa Code section 422.16.

The following amendment is proposed.

REVENUE DEPARTMENT[701](cont'd)

Amend subrule 49.5(1) as follows:

49.5(1) Resident forms. ~~Resident taxpayers who have filed a prior year estimate tax form will receive by mail a preaddressed estimate tax reporting form.~~ Blank estimate tax forms are available from the department for those individuals resident taxpayers making state estimate payments for the first time or when the preaddressed form is misplaced or lost.

USURY

In accordance with the provisions of Iowa Code section 535.2, subsection 3, paragraph “a,” the Superintendent of Banking has determined that the maximum lawful rate of interest shall be:

November 1, 2013 — November 30, 2013	4.75%
December 1, 2013 — December 31, 2013	4.50%
January 1, 2014 — January 31, 2014	4.75%
February 1, 2014 — February 28, 2014	5.00%
March 1, 2014 — March 31, 2014	4.75%
April 1, 2014 — April 30, 2014	4.75%
May 1, 2014 — May 31, 2014	4.75%
June 1, 2014 — June 30, 2014	4.75%
July 1, 2014 — July 31, 2014	4.50%
August 1, 2014 — August 31, 2014	4.50%
September 1, 2014 — September 30, 2014	4.50%
October 1, 2014 — October 31, 2014	4.50%
November 1, 2014 — November 30, 2014	4.50%

ARC 1712C

**HOMELAND SECURITY AND EMERGENCY
MANAGEMENT DEPARTMENT[605]**

Adopted and Filed Emergency

Pursuant to the authority of 2014 Iowa Acts, Senate File 2349, division VIII, the Homeland Security and Emergency Management Department hereby adopts new Chapter 15, “Mass Notification and Emergency Messaging System,” Iowa Administrative Code.

New Chapter 15 implements 2014 Iowa Acts, Senate File 2349, division VIII, which creates a statewide mass notification and emergency messaging system. This system is to be used by state and local authorities to provide timely notification to the public when an emergency situation is happening that poses a threat to life and property and requires the public to take immediate action. This chapter specifies how state and local agencies shall access and utilize the system. This chapter includes how application is made to access and utilize the system, minimum operational plans and procedures, and how to access personal information that is provided by the public.

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are unnecessary because the immediate deployment of the mass notification and emergency messaging system by state and local authorities conveys a public safety benefit to Iowans.

In compliance with Iowa Code section 17A.4(3), the Administrative Rules Review Committee at its October 14, 2014, meeting reviewed the Department’s findings and the rules and approved the Emergency adoption.

Pursuant to Iowa Code section 17A.5(2)“b”(2), the Department also finds that the normal effective date of these rules, 35 days after publication, should be waived and the rules made effective October 15, 2014, because the immediate deployment of the mass notification and emergency messaging system by state and local authorities conveys a public safety benefit to Iowans.

After analysis and review, the Department finds that it is possible this rule making will have a positive fiscal impact in multiple counties within Iowa. Counties will not be charged a fee to access the system. Counties that presently incur an expense to access a system of their choice can eliminate this expense from their budgets by using the statewide system.

The Homeland Security and Emergency Management Department adopted these rules on October 14, 2014.

These rules are also published herein under Notice of Intended Action as **ARC 1713C** to allow public comment. The emergency filing allows the Department to implement the new provisions of the law.

After analysis and review, the Department does not anticipate any impact to jobs within Iowa.

These rules are intended to implement 2014 Iowa Acts, Senate File 2349, division VIII.

These rules became effective October 15, 2014.

The following amendment is adopted.

Adopt the following **new** 605—Chapter 15:

CHAPTER 15

MASS NOTIFICATION AND EMERGENCY MESSAGING SYSTEM

605—15.1(29C) Purpose. In accordance with 2014 Iowa Acts, Senate File 2349, division VIII, the department of homeland security and emergency management establishes the policies and procedures for the creation and administration of a statewide mass notification and emergency messaging system.

605—15.2(29C) Definitions. For the purpose of this chapter, the following definitions apply:

“*Commission*” means a local emergency management commission or joint emergency management commission.

“*Department*” means the department of homeland security and emergency management.

“*Director*” means the director of the department of homeland security and emergency management.

HOMELAND SECURITY AND EMERGENCYMANAGEMENT DEPARTMENT[605](cont'd)

“Mass notification and emergency messaging system” or *“system”* means a system operated by the department which disseminates imminent emergency and public safety-related information.

“State agency” means a principal central department enumerated in Iowa Code section 7E.5.

605—15.3(29C) Application for access.

15.3(1) A state agency or commission may apply to the department for access to the system for use by state, county and local officials. The application is available on the department’s Web site at www.homelandsecurity.iowa.gov. The application shall contain the following:

- a. Name of state agency or commission submitting the application.
- b. Primary point of contact for implementation and administration of the system at the applicant’s level.
- c. Signature of the state agency director or chair of the commission.
- d. Operational plan and procedures created in accordance with rule 605—15.4(29C).

15.3(2) All applications shall be reviewed by the director or designated staff to ensure that the application meets all of the requirements established in this chapter. If the application does not meet all of the requirements, the state agency or commission shall be notified of such shortfalls and possible remedies.

15.3(3) If all of the requirements have been met and the director chooses to grant access to the system, the state agency or commission shall be notified of acceptance.

15.3(4) If the director chooses not to grant the state agency or commission access to the system, the director shall provide notice to the state agency or commission and provide information regarding the decision.

15.3(5) After access to the system has been granted, the director may revoke or suspend such access if the director determines that the state agency or commission is not using the system in accordance with 2014 Iowa Acts, Senate File 2349, division VIII, and this chapter.

605—15.4(29C) Operational plan and procedures.

15.4(1) Each state agency or commission that submits an application to access the system shall develop and maintain an operational plan and procedures. The operational plan and procedures shall contain the following:

- a. Introductory paragraphs that provide a summary of, the purpose of, and the authorities for the operational plan and procedures document.
- b. A description of the system and a listing of the types of imminent emergency alerts and public safety-related information that will be communicated to the public via the system.
- c. The contact information for the individual who will function as the state agency’s or commission’s administrator for the system and who will be the primary contact point for the department and system vendor.
- d. A listing of those positions or individuals that are authorized to initiate emergency alerts and mass notification messages via the system. These individuals shall complete any federally specified training needed to access any federal messaging systems that are utilized by the statewide system.
- e. A listing of those positions or individuals that are authorized to conduct system database maintenance.
- f. The detailed process by which emergency alerts or mass notification messages will be developed, reviewed, and authorized for dissemination.
- g. A listing by the commission of any memorandums of understanding completed with neighboring counties for the purpose of allowing cross-border emergency alerts or mass notification messaging when an incident will impact the public outside the incident county within 30 minutes and will cause the public to be endangered if action is not taken by the public. Copies of such agreements shall be included within the operational plan and procedures document.
- h. A glossary of definitions for message types that can be issued by the system.

15.4(2) The state agency or commission shall complete a memorandum of agreement with the Federal Emergency Management Agency (FEMA) Integrated Public Alert and Warning System

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(IPAWS) program management office for the purpose of accessing IPAWS. A copy of the approved agreement shall be included within the operational plan and procedures document.

15.4(3) The state agency or commission shall complete an All Hazards Emergency Message Collection System (HazCollect) registration with the National Weather Service. A copy of the approved registration shall be included within the operational plan and procedures document.

15.4(4) The state agency or commission shall complete a user agreement with the department. The user agreement shall specify that by accessing the system, users may be exposed to information deemed confidential under Iowa Code chapter 22. A copy of the user agreement shall be included within the operational plan and procedures document.

15.4(5) The department has developed an operational plan and procedures template to be used by all state agencies and commissions making application to access the system. All operational plans and procedures developed by the state agencies or commissions and submitted for approval shall substantially conform to this template. This template is available on the department's Web site at www.homelandsecurity.iowa.gov.

These rules are intended to implement 2014 Iowa Acts, Senate File 2349, division VIII.

[Filed Emergency 10/15/14, effective 10/15/14]

[Published 11/12/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/12/14.

ARC 1720C

EDUCATIONAL EXAMINERS BOARD[282]

Adopted and Filed

Pursuant to the authority of Iowa Code section 272.31, the Board of Educational Examiners hereby amends Chapter 22, "Authorizations," Iowa Administrative Code.

The Board's rules currently provide for the issuance of a substitute authorization, which provides an individual limited authority to act as a substitute teacher in a secondary classroom for no more than 5 consecutive days and no more than 10 days in a 30-day period in one job assignment for a regularly assigned teacher who is absent. To obtain the substitute authorization, an applicant must hold a bachelor's degree. The applicant must also pass a background check and complete a minimum of 15 hours of coursework in classroom management, strategies for learning, diversity, and ethics. The amendment expands the authority of this authorization to include the elementary classroom.

This amendment is based on input from the field. Specifically, school administrators have indicated they often face a shortage of qualified substitute teachers and would benefit from a rule granting the administrators the discretion to place effective holders of the substitute authorization in elementary classrooms as well as secondary classrooms.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1552C** on July 23, 2014. A public hearing was held on August 13, 2014, with written comment accepted until August 15, 2014. No one attended the hearing, and two written comments were received. One comment was in favor of the amendment, and one was in opposition.

This amendment is identical to that published under Notice of Intended Action.

There is an agencywide waiver provision available in 282—Chapter 6.

The Board of Educational Examiners adopted this amendment on October 10, 2014.

After analysis and review of this rule making, there is no anticipated impact on jobs.

This amendment is intended to implement Iowa Code section 272.31.

This amendment will become effective December 17, 2014.

The following amendment is adopted.

Amend rule 282—22.2(272), introductory paragraph, as follows:

282—22.2(272) Substitute authorization. A substitute authorization allows an individual to substitute in a ~~middle school, junior high school, or high school~~ grades PK-12 for no more than 5 consecutive days and no more than 10 days in a 30-day period in one job assignment for a regularly assigned teacher who is absent, ~~except in the driver's education classroom.~~ A school district administrator may file a written request with the board for an extension of the 10-day limit in one job assignment on the basis of documented need and benefit to the instructional program. The licensure committee will review the request and provide a written decision either approving or denying the request. An individual who holds a paraeducator certificate without a bachelor's degree and completes the substitute authorization program is authorized to substitute only in the special education classroom in which the individual paraeducator is employed. ~~This special education classroom may be on the preschool or elementary school level as well as the middle school, junior high school or high school level.~~

[Filed 10/17/14, effective 12/17/14]

[Published 11/12/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/12/14.

ARC 1719C**EDUCATIONAL EXAMINERS BOARD[282]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 272.31, the Board of Educational Examiners hereby amends Chapter 22, "Authorizations," Iowa Administrative Code.

The amendment makes the school business official authorization valid for two years from the date of issuance, rather than from the date of employment. This change increases administrative efficiency as Board staff members are not always informed of an applicant's date of employment and often receive applications before the applicant has been hired. Board staff collaborated with the Iowa School Business Management Academy in formulating this change.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1551C** on July 23, 2014. A public hearing was held on August 13, 2014, with written comment accepted until August 15, 2014. No one attended the hearing, and no written comments were received.

This amendment is identical to that published under Notice of Intended Action.

There is an agencywide waiver provision available in 282—Chapter 6.

The Board of Educational Examiners adopted this amendment on October 10, 2014.

After analysis and review of this rule making, there is no anticipated impact on jobs.

This amendment is intended to implement Iowa Code section 272.31.

This amendment will become effective December 17, 2014.

The following amendment is adopted.

Amend subrule 22.3(6) as follows:

22.3(6) Validity.

a. The initial school business official authorization shall be valid for two years from the date of ~~employment~~ issuance.

b. The standard school business official authorization shall be valid for three years, and it shall expire three years from the date of issuance on the last day of the practitioner's birth month.

[Filed 10/17/14, effective 12/17/14]

[Published 11/12/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/12/14.

ARC 1721C**EDUCATIONAL EXAMINERS BOARD[282]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 272.2(1)"a," the Board of Educational Examiners hereby amends Chapter 22, "Authorizations," Iowa Administrative Code.

The Board of Educational Examiners has adopted rules for a preliminary native language teaching authorization, which is valid for five years while candidates complete basic pedagogy courses. After that time, candidates must convert the preliminary native language teaching authorization to a native language teaching authorization, which is established in new rule 282—22.6(272). The native language teaching authorization will also be available to fully licensed teachers who are native speakers of a foreign language.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1604C** on September 3, 2014. A public hearing was held on September 24, 2014, with written comment accepted until September 26, 2014. No one attended the hearing, and no written comments were received.

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

There is an agencywide waiver provision available in 282—Chapter 6.

The Board of Educational Examiners adopted these amendments on October 10, 2014.

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After analysis and review of this rule making, there is no anticipated impact on jobs.

These amendments are intended to implement Iowa Code section 272.2(1)“a.”

These amendments will become effective December 17, 2014.

The following amendments are adopted.

ITEM 1. Renumber rules **282—22.6(272)** and **282—22.7(272)** as **282—22.7(272)** and **282—22.8(272)**.

ITEM 2. Adopt the following new rule 282—22.6(272):

282—22.6(272) Native language teaching authorization.

22.6(1) Authorization. The native language teaching authorization allows an individual to teach the individual’s native language as a foreign language in grades K-8 or grades 5-12.

22.6(2) Application process. Any person interested in the native language teaching authorization shall submit an application to the board of educational examiners for an evaluation. Application materials are available from the office of the board of educational examiners online at <http://www.boee.iowa.gov/>.

22.6(3) Requirements. Applicants must:

a. Hold a preliminary native language teaching authorization and meet the conversion requirements for the native language teaching authorization, or

b. Hold an Iowa teaching license and provide verification of successfully passing the Iowa-mandated assessment(s) by meeting the minimum score set by the Iowa department of education. The cut score may not be waived by the board. Applicants who hold an Iowa teaching license must also obtain a recommendation from a school district administrator verifying that the school district wishes to hire the applicant. Before the applicant is hired, the school district administrator must verify that a diligent search was completed to hire a fully licensed teacher with the proper endorsement for the position.

22.6(4) Validity. This authorization is valid for five years. No Class B licenses may be issued to an applicant holding the native language teaching authorization unless a teaching license is additionally obtained. No additional endorsement areas may be added to the native language teaching authorization.

22.6(5) Renewal.

a. Applicants must meet the renewal requirements set forth in rule 282—20.3(272) and 282—subrule 20.5(2).

b. A one-year extension may be issued if all requirements for the renewal of the native language teaching authorization have not been met. This one-year extension is not renewable.

22.6(6) Revocation and suspension. Criteria of professional practice and rules of the board of educational examiners shall be applicable to the holders of the native language teaching authorization. If a school district hires an applicant without the proper licensure or endorsement, a complaint may be filed.

[Filed 10/17/14, effective 12/17/14]

[Published 11/12/14]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 11/12/14.

ARC 1718C

EDUCATIONAL EXAMINERS BOARD[282]

Adopted and Filed

Pursuant to the authority of Iowa Code section 272.2(1)“a,” the Board of Educational Examiners hereby amends Chapter 22, “Authorizations,” Iowa Administrative Code.

The amendment allows an individual with a degree in athletic administration or a related field to serve in the role of an activities director if the individual meets the requirements for an activities

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administration authorization. Currently, an individual must have a teaching or administrative license to hold this position.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1605C** on September 3, 2014. A public hearing was held on September 24, 2014, with written comment accepted until September 26, 2014. No one attended the hearing, and three written comments were received. Two of the written comments were in support of the activities administration authorization, and one was in opposition.

This amendment is identical to that published under Notice of Intended Action.

There is an agencywide waiver provision available in 282—Chapter 6.

The Board of Educational Examiners adopted this amendment on October 10, 2014.

After analysis and review of this rule making, there is no anticipated impact on jobs.

This amendment is intended to implement Iowa Code section 272.2(1)“a.”

This amendment will become effective December 17, 2014.

The following amendment is adopted.

Adopt the following **new** rule 282—22.10(272):

282—22.10(272) Activities administration authorization. An activities administration authorization allows an individual to administer any pupil activity program in a K-12 school setting.

22.10(1) Application process. Any person interested in the activities administration authorization shall submit an application and records of credit to the board of educational examiners for an evaluation of the required courses or contact hours. Application materials are available from the office of the board of educational examiners online at <http://www.boee.iowa.gov>.

a. Requirements. Applicants for the activities administration authorization shall meet the following requirements:

(1) Degree. A baccalaureate degree or higher in athletic administration or related field from a regionally accredited institution is required.

(2) Credit hours. Applicants must complete credit hours or courses offered by the Leadership Training Institute (LTI) from the National Interscholastic Athletic Administrators Association in the following areas:

1. Successful completion of 1 semester credit hour or LTI course relating to knowledge and understanding of risk management, Title IX, sexual harassment, hazing, Americans with Disabilities Act (ADA), and employment law as they pertain to the role of the activities administrator.

2. Successful completion of 1 semester credit hour or LTI course relating to knowledge and understanding of activities administration foundations including philosophy, leadership, professional programs and activities administration principles, strategies and methods.

3. Successful completion of 1 semester credit hour or LTI course relating to knowledge and understanding of the role of the activities director in supporting and developing sports medicine programs, management of athletic player equipment, concussion assessment and proper fitting of athletic protective equipment, and sports field safety.

4. Successful completion of 1 semester credit hour or LTI course relating to knowledge and understanding of the techniques and theory of coaching concepts and strategies for interscholastic budget and concepts and strategies for interscholastic fundraising.

5. Successful completion of 1 semester credit hour or LTI course, approved by the board, relating to the assessment and evaluation of interscholastic athletic programs and personnel, dealing with challenging personalities, and administration of professional growth programs for interscholastic personnel.

6. Successful completion of the concussion training approved by the Iowa High School Athletic Association or Iowa Girls High School Athletic Union.

b. Minimum age. Applicants must have attained a minimum age of 21 years.

c. Iowa division of criminal investigation background check. Applicants must have successfully completed an Iowa division of criminal investigation background check. The background check fee will be assessed to the applicant.

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

d. National criminal history background check. Applicants must have successfully completed a national criminal history background check. The background check fee will be assessed to the applicant.

22.10(2) Validity. The activities administration authorization shall be valid for five years.

22.10(3) Renewal.

a. The authorization may be renewed upon application and verification of successful completion of the following renewal activities:

(1) Applicants for renewal of an activities administration authorization must complete one of the following professional development options:

1. Document attendance at one state IHSADA convention and one LTI course relating to the knowledge and understanding of professional ethics and legal responsibilities of activities administrators.
2. Complete three LTI courses.
3. Complete 2 semester hours of college credit from a regionally accredited institution.
4. Complete 2 licensure renewal credits from an approved provider.

(2) Applicants for renewal of an activities authorization must complete child and dependent adult abuse training as stated in 282—subrule 20.3(4).

b. A one-year extension of the applicant's activities administration authorization may be issued if all requirements for the renewal of the activities administrator authorization have not been met. The one-year extension is nonrenewable.

22.10(4) Revocation and suspension. Criteria of professional practice and rules of the board of educational examiners shall be applicable to the holders of the activities administration authorization.

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[Published 11/12/14]

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ARC 1715C

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed

Pursuant to the authority of Iowa Code section 103.6, the Electrical Examining Board amends Chapter 504, "Standards for Electrical Work," Iowa Administrative Code.

The Electrical Examining Board is authorized to adopt administrative rules governing all aspects of the licensing of electricians and electrical contractors and of the state electrical inspection program. The amendment updates rule 661—504.1(103) regarding electrical installations by the adoption of the 2014 edition of the National Electrical Code (NEC), with specified exceptions.

Iowa Code section 103.6(1)"a" requires the Electrical Examining Board to adopt rules that set minimum standards "set forth in the most current publication of the national electrical code issued and adopted by the national fire protection association," and to "adopt rules reflecting updates to the code and amendments to the code."

The National Fire Protection Association (NFPA) has developed the National Electrical Code (NEC) since 1911 as part of a family of codes and standards. The NEC is designed to be a uniform approach to electrical work across the country, with the primary goal of protecting people and property from electrical hazards. New editions are issued every three years, after a process that includes input from many groups and individuals interested in electrical issues. Each new edition reflects the newest installation practices in the electrical industry.

Significant changes in the 2014 edition of the NEC reflect changes in communication and energy demands in industrial, business and consumer contexts. Changes in industrial/business and personal consumer reliance on Internet services and communications devices, along with changes in energy demands and technology innovation, resulted in standards that better protect people and property as demands on electrical service increase and change. The changes in the 2014 edition are based on

PUBLIC SAFETY DEPARTMENT[661](cont'd)

modifications in the industry related to energy efficiency, energy production, residential uses, and special needs for health care facilities.

These types of changes are particularly relevant in Iowa. Iowa economic recovery outpaced other states and has remained strong (Iowa Business Council, 2014 Iowa Competitiveness Indicators (2014); Iowa Workforce Development, "Iowa's Workforce and the Economy" (2013)). Electrical demand is correlated to economic growth (U.S. Energy Information Administration, "U.S. Economy and Electricity Demand Growth are Linked, But Relationship is Changing" (2013)). Iowa's plan for more robust broadband and other communications infrastructure suggests that electrical demand will continue to increase (Connect Iowa, "Iowa Broadband: Current Market Analysis & Initial Recommendations for Acceleration of Iowa's Broadband Market" (August 2010)). Nationally, a 26 percent increase in demand for electricity is expected by 2030 (National Academies, "What you Need to Know About Energy: Electricity" (2014)).

Across the United States, about two-thirds of the states are in the process of examining the 2014 edition of the NEC for adoption. Of the states bordering Iowa, Nebraska and South Dakota have adopted the 2014 edition of the NEC; Minnesota is nearly finished with the adoption process for the 2014 edition of the NEC; Wisconsin has adopted the 2011 edition of the NEC; and there are no statewide standards set in Illinois or Missouri.

Information regarding the economic impact of the adoption of the 2014 NEC indicates that Iowa will benefit from having the most recent version of the NEC. Demands for electrical work are likely to continue to rise, and Iowa can maintain a competitive edge with other states by updating its standards to meet the current industry expectations and to provide better protection and safety for individuals and property.

The Electrical Examining Board sets the statewide minimum standard for electrical work in Iowa. Local communities can impose additional standards, and some local governments have inquired about the statewide adoption of the 2014 NEC requirements.

Prior to publication of the Notice of Intended Action for this amendment, the Electrical Examining Board sought input from interested persons in several ways. In conjunction with the public meetings of the Electrical Examining Board in 2014, the key changes in the 2014 NEC edition were discussed, with presentations by experts and opportunities for input from those in attendance, including board members and the public. A special public meeting was held on March 25, 2014, to encourage interested persons to discuss comments and concerns with a subcommittee of the Electrical Examining Board. In addition to the public notice of the meeting, invitations were sent to groups and licensees who were likely to have an interest in the adoption of the 2014 NEC, including the Iowa Association of Building Officials, the Farm Bureau, the Master Builders of Iowa, the National Electrical Contractors Association, the Home Builders Association, the National Electrical Manufacturers Association, the Associated Builders and Contractors of Iowa, Joint Apprenticeship Training Centers, local unions, and all individuals who signed up for e-mail notifications from the Electrical Examining Board. E-mail notifications were made to at least 800 recipients. After that special meeting, additional comments were provided to the Board, and individuals also provided comments at the April board meeting to discuss their views about the adoption of the 2014 edition of the NEC. Comments were provided to the Electrical Examining Board after the April meeting as well.

Based on input received from organizations and individuals, the Electrical Examining Board adopts the 2014 NEC with three primary exceptions:

- (1) Ground-fault circuit-interrupter (GFCI) protection for personnel is required, except for receptacles that are not readily accessible and for a single or duplex receptacle for two appliances within dedicated space for the appliances. The Board has determined that a GFCI located under a kitchen sink is "readily accessible," which addresses some concerns expressed by contractors.

- (2) Lighting load provisions include an exception that accommodates local energy code provisions.

- (3) Modification of arc-fault circuit interrupter (AFCI) requirements for replacement receptacles and branch circuit extensions or modifications are excepted because these products are new, experience with them has been limited, and few manufacturers produce the necessary products.

PUBLIC SAFETY DEPARTMENT[661](cont'd)

Notice of Intended Action was published in the Iowa Administrative Bulletin on July 23, 2014, as **ARC 1557C**. Public comment was received before, during and after the public hearing on August 12, 2014. Comments from the National Electrical Manufacturers Association, the National Fire Protection Association, and a Des Moines inspector supported the amendment of the rule. A comment from an inspector in Urbandale suggested a clarification by way of an additional definition. A comment from an electrician in Fort Dodge argued against a portion of the proposed amendment, on the grounds that it failed to account for indoor/outdoor electrical access and that the equipment contemplated in the proposed amendment was readily accessible.

This amendment is identical to that published under Notice of Intended Action.

Rules of the Electrical Examining Board are subject to the waiver provisions of rule 661—501.5(103). The Board does not have authority to waive requirements established by statute.

After analysis and review of this rule making, there should be a positive impact on jobs. This rule making lessens the burden for electricians to enter into Iowa's market, simplifying the examination process. Further, this rule making should allow Iowans to obtain business in other markets. The Board will continue to work with stakeholders to maximize this rule making's positive impact on jobs.

This amendment is intended to implement Iowa Code section 103.6.

This amendment will become effective January 1, 2015.

The following amendment is adopted.

Amend rule 661—504.1(103) as follows:

661—504.1(103) Installation requirements. The provisions of the National Electrical Code, ~~2011~~ 2014 edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169-7471, are adopted as the requirements for electrical installations performed by persons licensed pursuant to 661—Chapters 500 through 503 and to installations subject to inspection pursuant to Iowa Code chapter 103 with the following amendments:

504.1(1) Add the following exceptions to section 210.8, paragraph (A), subparagraph (2):

- a. Exception No. 1 to (2): Receptacles that are not readily accessible.
- b. Exception No. 2 to (2): A single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected in accordance with 400.7(A)(6), (A)(7), or (A)(8).
- c. Receptacles installed under the exceptions to 210.8(A)(2) shall not be considered as meeting the requirements of 210.52(G).

504.1(2) Add the following exceptions to section 210.8, paragraph (A), subparagraph (5):

- a. Exception No. 2 to (5): Receptacles that are not readily accessible.
- b. Exception No. 3 to (5): A single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected in accordance with 400.7(A)(6), (A)(7), or (A)(8).
- c. Receptacles installed under the exceptions to 210.8(A)(5) shall not be considered as meeting the requirements of 210.52(G).

504.1(3) Delete section 210.12(B).

504.1(4) Delete the exception to section 220.12 and insert in lieu thereof the following exception:

EXCEPTION: Where the building is designed and constructed to comply with an energy code adopted by the local authority, the lighting load shall be permitted to be calculated at the values specified in the energy code.

504.1(5) Delete section 406.4(D)(4).

This rule is intended to implement Iowa Code chapter 103.

[Filed 10/16/14, effective 1/1/15]

[Published 11/12/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/12/14.

ARC 1731C

REAL ESTATE APPRAISER EXAMINING BOARD[193F]

Adopted and Filed

Pursuant to the authority of Iowa Code section 543D.5, the Real Estate Appraiser Examining Board hereby amends 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 in the rules 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 adopted amendments to Chapters 5 and 6 is a direct result of the changes made by the AQB 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 adopts these amendments. These amendments establish uniform appraisal standards and appraiser certification requirements and update other rules.

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

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

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

New rule 193F—4.6(543D) is not a federal requirement, but it moves 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.

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).

New paragraph 5.2(1)“c” brings the Board’s rules into compliance with the change in formal education requirements. New subrule 5.2(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.

Amended rule 193F—5.3(543D) clarifies 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 to rule 193F—5.7(543D) improve clarity and set forth the date on which national criminal history checks will begin.

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

New 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. New 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.

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

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.

New 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.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1631C** on September 17, 2014. A public hearing was held on October 7, 2014. No oral or written public comment was received. These amendments are identical to those published under Notice of Intended Action.

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

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

The Real Estate Appraiser Examining Board adopted these amendments on October 22, 2014.

After analysis and review of this rule making, 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.

These amendments will become effective December 17, 2014.

The following amendments are adopted.

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.~~

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

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

~~e.~~ (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;
- 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~~.

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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.

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.

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

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.

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 ~~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 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).

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

- ~~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 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.~~

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

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

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.

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.

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

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 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 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;~~

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.

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

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.

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.

[Filed 10/22/14, effective 12/17/14]

[Published 11/12/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/12/14.

ARC 1732C

REAL ESTATE APPRAISER EXAMINING BOARD[193F]

Adopted and Filed

Pursuant to the authority of Iowa Code section 543D.5, the Real Estate Appraiser Examining Board hereby amends 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 amendment to subrule 9.2(1) provides the Board the authority to send either electronic or paper renewal reminders to appraisers.

The 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.

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

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 is consistent with the current rules. The subrule prepares 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 amendments in Chapter 9 also incorporate reinstatement and reactivation continuing education requirements that were previously contained in Chapter 11, "Continuing Education."

The amendments in Chapter 15 change the word "trainee" to "associate." This change provides consistency throughout the administrative rules. In addition, the 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.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 1629C** on September 17, 2014. A public hearing was held on October 7, 2014. No oral or written public comment was received. These amendments are identical to those published under Notice of Intended Action.

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

The Real Estate Appraiser Examining Board adopted these amendments on October 22, 2014.

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

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

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

These amendments will become effective December 17, 2014.

The following amendments are adopted.

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~~ 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)~~ 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).~~

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

~~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 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 ~~reinstate~~ 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

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

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.

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;

~~*e.*~~ Arbitrations, dispute resolution;

~~*f.*~~ Business courses Courses related to the practice of real estate appraisal or consulting;

~~*g.*~~ Construction cost or development cost estimating;

~~*g.*~~ Cost approach;

h. Ethics and standards of professional practice, USPAP;

~~*i.*~~ Income approach;

~~*j.*~~ Land use planning, or zoning and taxation;

~~*k.*~~ Litigation;

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- ~~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 economies;~~
- ~~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.

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~~

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~~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.* Learning objectives for each major topic that specify the level of knowledge or competency the student should demonstrate upon completing the program;~~
- ~~*e.* Description of the instructional methods utilized to accomplish the learning objective;~~
- ~~*f.* 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.* Copies of all instructor and student program materials;~~
- ~~*h.* Copies of all examinations and a description of all grading procedures;~~
- ~~*i.* 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;~~
- ~~*k.* Such information as needed to verify compliance with board rules;~~
- ~~*l.* The name, address, telephone number, fax number and e-mail address for the program's coordinator;~~
- ~~*m.* 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~~

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~~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.
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.

[Filed 10/22/14, effective 12/17/14]

[Published 11/12/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/12/14.

ARC 1714C

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Iowa Department of Transportation, on October 15, 2014, adopted amendments to Chapter 602, “Classes of Driver’s Licenses,” Chapter 605, “License Issuance,” Chapter 607, “Commercial Driver Licensing,” and Chapter 630, “Nonoperator’s Identification,” Iowa Administrative Code.

Notice of Intended Action for these amendments was published in the September 3, 2014, Iowa Administrative Bulletin as **ARC 1601C**.

The amendments update the Department’s rules to conform to legislative changes that increased the standard terms for an Iowa driver’s license or nonoperator’s identification card from five years to eight years; provided for a transition from five-year to eight-year licenses in which the Department issues licenses with terms of five, six, seven and eight years to equalize renewal volumes over succeeding eight-year periods; increased the age at which drivers receive two-year licenses from 70 to 72; eliminated nonexpiring nonoperator’s identification cards for persons aged 70 or over; increased the fee to upgrade a license to include a motorcycle from \$1 per year to \$2 per year; increased the fees for duplicate licenses and nonoperator’s identification cards from \$1 to \$3 respectively for involuntary (lost, stolen or destroyed) and voluntary (duplicates for reasons such as name changes, address changes, etc.) duplicates to a flat fee of \$10; waived the fee for a nonoperator’s identification card issued to a person who voluntarily surrendered the person’s license in lieu of suspension for incapability; and allowed veterans honorably discharged from the United States Armed Forces to add a veteran designation on their driver’s licenses or nonoperator’s identification cards with approval from the Iowa Department of Veterans Affairs. The amendments also add language that conforms to existing practice and statutory authority regarding the addition of symbols or statements on driver’s licenses and nonoperator’s identification cards indicating the presence of a medical condition, that the licensee is a donor under the uniform anatomical gift law, that the licensee has in effect a medical advance directive, or that the licensee is hearing impaired or deaf.

These rules do not provide for waivers. Any person who believes that the circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

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

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

These amendments are intended to implement Iowa Code sections 321.189, 321.190, 321.191, 321.195 and 321.196 and 2013 Iowa Acts, chapter 104, section 2.

These amendments will become effective December 17, 2014.

The following amendments are adopted.

ITEM 1. Amend subrule 602.11(1) as follows:

602.11(1) Validity and issuance.

a. No change.

b. The license is issued for either two years or ~~five~~ eight years.

(1) A qualified applicant who is at least 17 years, 11 months of age but not yet ~~70~~ 72 years of age shall be issued a ~~five-year~~ an eight-year license. However, the expiration date of the license issued shall not exceed the licensee’s 74th birthday.

(2) A two-year license shall be issued to a qualified applicant who is under 17 years, 11 months of age or who is ~~70~~ 72 years of age or older.

(3) No change.

ITEM 2. Amend subrule 602.12(1) as follows:

602.12(1) Validity and issuance.

a. and b. No change.

c. The license is issued for either two years or ~~five~~ eight years.

TRANSPORTATION DEPARTMENT[761](cont'd)

(1) A qualified applicant who is at least 18 years of age but not yet ~~70~~ 72 years of age shall be issued ~~a five-year~~ an eight-year license. However, the expiration date of the license issued shall not exceed the licensee's 74th birthday.

(2) A two-year license shall be issued to a qualified applicant who is ~~70~~ 72 years of age or older.

(3) No change.

~~d. Rescinded IAB 11/8/06, effective 12/13/06.~~

ITEM 3. Amend paragraph **602.13(1)“b”** as follows:

b. The license is issued for either two years or ~~five~~ eight years.

(1) A qualified applicant who is at least 17 years, 11 months of age but not yet ~~70~~ 72 years of age shall be issued ~~a five-year~~ an eight-year license. However, the expiration date of the license issued shall not exceed the licensee's 74th birthday.

(2) A two-year license shall be issued to a qualified applicant who is under 17 years, 11 months of age or who is ~~70~~ 72 years of age or older.

(3) No change.

ITEM 4. Adopt the following new rule 761—602.14(321):

761—602.14(321) Transition from five-year to eight-year licenses. During the period January 1, 2014, to December 31, 2018, the department shall issue qualified applicants otherwise eligible for an eight-year license a five-year, six-year, seven-year, or eight-year license, subject to all applicable limitations for age and ability. The applicable period shall be randomly assigned to the applicant by the department's computerized issuance system based on a distribution formula intended to spread renewal volumes as equally as practical over the eight-year period beginning January 1, 2019, and ending December 31, 2026.

This rule is intended to implement Iowa Code section 321.196 and 2013 Iowa Acts, chapter 104, section 2.

ITEM 5. Adopt the following new subrule 605.2(7):

605.2(7) Voluntary markings. Upon the request of the licensee, the department shall indicate on the driver's license the presence of a medical condition, that the licensee is a donor under the uniform anatomical gift law, that the licensee has in effect a medical advance directive, that the licensee is hearing impaired or deaf, or that the licensee is a veteran. To be eligible for a veteran designation, the licensee must be an honorably discharged veteran of the armed forces of the United States. A licensee who requests a veteran designation shall submit Form 432035, properly completed by the licensee and a designee of the Iowa department of veterans affairs.

ITEM 6. Amend rule **761—605.2(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~section~~ sections 142C.3 and 321.189, the REAL ID Act of 2005 (49 U.S.C. Section 30301 note), and 6 CFR Part 37.

ITEM 7. Amend rule 761—605.11(321) as follows:

761—605.11(321) Duplicate license.

605.11(1) Lost, stolen or destroyed license. To replace a valid license that is lost, stolen or destroyed, the licensee shall ~~submit Form 430052 and shall~~ comply with the requirements of 761—601.5(321) and pay the replacement fee. The replacement fee is \$3.

605.11(2) Voluntary replacement. The department shall issue a duplicate of a valid license to an eligible licensee if the license is surrendered to the department and the ~~\$1 voluntary~~ replacement fee is paid. Voluntary replacement includes but is not limited to:

a. to i. No change.

j. Replacement to add a veteran designation to the license. To be eligible for a veteran designation, the licensee must be an honorably discharged veteran of the armed forces of the United States. A licensee who requests a veteran designation shall submit Form 432035, properly completed by the licensee and a designee of the Iowa department of veterans affairs.

TRANSPORTATION DEPARTMENT[761](cont'd)

605.11(3) Fee. The fee to replace a license is \$10. Anything in this rule, notwithstanding the fee for replacement of a license under paragraphs 605.11(2) "f" and 605.11(2) "g," shall be as set forth in Iowa Code subsection 321.189(6).

This rule is intended to implement Iowa Code sections 321.189, 321.195 and 321.208, the REAL ID Act of 2005 (49 U.S.C. Section 30301 note), and 6 CFR Part 37.

ITEM 8. Amend rule 761—605.20(321) as follows:

761—605.20(321) Fee adjustment for upgrading license. The fee for upgrading a driver's license shall be computed on a full-year basis. The fee is charged for each year or part of a year between the date of the change and the expiration date on the license.

605.20(1) The fee to upgrade a driver's license from one class to another is determined by computing the difference between the current license fee and the new license fee as follows:

a. and b. No change.

c. Converting Class M to noncommercial Class C with a motorcycle endorsement—~~\$1~~ \$2 one-time fee.

605.20(2) The fee to add a privilege to a driver's license is computed per year of new license validity as follows:

Noncommercial Class C (full privileges from a restricted Class C)	\$4 per year
Motorized bicycle	\$4 per year
Minor's restricted license	\$4 per year
Minor's school license	\$4 per year
Motorcycle instruction permit	\$1 <u>\$2</u> per year
Motorcycle endorsement	\$1 <u>\$2</u> per year

This rule is intended to implement Iowa Code sections 321.189 and 321.191.

ITEM 9. Amend rule 761—607.16(321) as follows:

761—607.16(321) Commercial driver's license (CDL).

607.16(1) No change.

607.16(2) Validity.

a. to d. No change.

e. A commercial driver's license valid for ~~five~~ eight years shall be issued to a qualified applicant who is at least 18 years of age but not yet ~~70~~ 72 years of age. However, the expiration date of the license issued shall not exceed the licensee's 74th birthday.

f. A commercial driver's license valid for two years shall be issued to a qualified applicant ~~70~~ 72 years of age or older. A two-year license may also be issued, at the discretion of the department, to an applicant whose license is restricted due to vision or other physical disabilities.

g. and h. No change.

607.16(3) No change.

607.16(4) Transition from five-year to eight-year licenses. During the period January 1, 2014, to December 31, 2018, the department shall issue qualified applicants otherwise eligible for an eight-year license a five-year, six-year, seven-year, or eight-year license, subject to all applicable limitations for age and ability. The applicable period shall be randomly assigned to the applicant by the department's computerized issuance system based on a distribution formula intended to spread renewal volumes as equally as practical over the eight-year period beginning January 1, 2019, and ending December 31, 2026.

This rule is intended to implement Iowa Code sections 321.177, 321.182, 321.188, 321.189, and 321.196 and 2013 Iowa Acts, chapter 104, section 2.

TRANSPORTATION DEPARTMENT[761](cont'd)

ITEM 10. Amend rule 761—630.2(321) as follows:

761—630.2(321) Application and issuance.

630.2(1) and 630.2(2) No change.

630.2(3) The nonoperator's identification card shall be coded for identification only, as explained on the reverse side of the card. The county number shall indicate the county of residence. The card shall expire five eight years from the date of issue ~~if the applicant is under the age of 70~~. A card issued to a person who is a foreign national with temporary lawful status shall be issued only for the length of time the person is authorized to be present in the United States as verified by the department, not to exceed two years. However, if the person's lawful status as verified by the department has no expiration date, the card shall be issued for a period of no longer than one year.

630.2(4) Upon the request of the cardholder, the department shall indicate on the nonoperator's identification card the presence of a medical condition, that the cardholder is a donor under the uniform anatomical gift law, ~~or that the cardholder has in effect a medical advance directive, that the cardholder is hearing impaired or deaf, or that the cardholder is a veteran.~~ To be eligible for a veteran designation, the cardholder must be an honorably discharged veteran of the armed forces of the United States. A cardholder who requests a veteran designation shall submit Form 432035, properly completed by the licensee and a designee of the Iowa department of veterans affairs.

630.2(5) The issuance fee is ~~\$5~~ \$8. However, no issuance fee shall be charged for a person whose license has been suspended for incapability pursuant to rule 761—615.14(321), ~~or who has been denied further licensing in lieu of a suspension for incapability pursuant to rule 761—615.4(321), or who voluntarily surrenders the person's license in lieu of suspension for incapability pursuant to rule 761—615.14(321).~~

630.2(6) to 630.2(11) No change.

ITEM 11. Amend rule 761—630.3(321) as follows:

761—630.3(321) Duplicate card.

630.3(1) *Lost, stolen or destroyed card.* To replace a nonoperator's identification card that is lost, stolen or destroyed, the cardholder shall ~~submit Form 430052 and shall~~ comply with the requirements of 761—601.5(321) and pay the replacement fee. ~~The replacement fee is \$3.~~

630.3(2) *Voluntary replacement.* To voluntarily replace a nonoperator's identification card, the cardholder shall surrender to the department the card to be replaced. The reasons a card may be voluntarily replaced and any additional supporting documentation required are the same as those listed in 761—paragraphs 605.11(2) "*a*" to "*i.*" "*j.*" ~~The fee for voluntary replacement is \$1.~~

630.3(3) *Fee.* The fee to replace a nonoperator's identification card is the same amount as the fee required to replace a driver's license. See 761—subrule 605.11(3).

[Filed 10/15/14, effective 12/17/14]

[Published 11/12/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/12/14.

ARC 1716C

UTILITIES DIVISION[199]

Adopted and Filed

Pursuant to Iowa Code sections 17A.4 and 476.1, Iowa Code chapter 476C, and 2014 Iowa Acts, Senate File 2343, the Utilities Board (Board) gives notice that on October 16, 2014, the Board issued an order in Docket No. RMU-2014-0005, In re: Renewable Energy Tax Credits, "Order Adopting Rules." The amendments to 199 IAC 15.19 and 15.21 reflect legislative changes to Iowa Code chapter 476C contained in 2014 Iowa Acts, Senate File 2343, which was signed by the Governor on May 30, 2014, and became effective July 1, 2014.

UTILITIES DIVISION[199](cont'd)

The amendments to 199 IAC 15.19 and 15.21 are in response to legislative changes contained in 2014 Iowa Acts, Senate File 2343. The legislation amended Iowa Code chapter 476C to extend an eligible facility's in-service deadline by two years, from January 1, 2015, to January 1, 2017. The amendments reflect this legislative change and also extend the last year for tax credit issuance by two years, from year-end 2024 to year-end 2026.

2014 Iowa Acts, Senate File 2343, also now allows a cogeneration facility incorporated within or associated with an ethanol plant to receive tax credits for heat and power generation. The cogeneration facility is no longer limited to using natural gas as a fuel but may also use methane or landfill gas or biogas, and the facility need not reapply for tax credit eligibility approval if it switches fuels. This legislative change did not require a change to the Board's rules.

The Notice of Intended Action in Docket No. RMU-2014-0005 was published in IAB Vol. XXXVII, No. 5 (9/3/2014), p. 350, as **ARC 1600C**. Written comments were received from the Consumer Advocate Division of the Department of Justice (Consumer Advocate) and Interstate Power and Light Company (IPL). IPL supported the proposed amendments, and Consumer Advocate said it had no objection to the proposed amendments. No one requested an oral presentation pursuant to Iowa Code section 17A.4(1)"b," and none was held.

The Board adopted the amendments as proposed with no changes. Therefore, no additional notice was necessary prior to the adoption of these amendments.

The Board did not find it necessary to propose a separate waiver provision in this rule making. While the Board has a general waiver provision in 199 IAC 1.3, the amendments in 2014 Iowa Acts, Senate File 2343, did not give the Board the authority to waive the statutory deadlines, so no waiver provision for these rules is necessary.

After analysis and review of this rule making, the legislative and rule changes extending the deadline have no negative impact on jobs that has been found.

These amendments are intended to implement Iowa Code section 476.1 and chapter 476C and 2014 Iowa Acts, Senate File 2343.

These amendments will become effective on December 17, 2014.

The following amendments are adopted.

ITEM 1. Amend subparagraph **15.19(1)"f"(4)** as follows:

(4) The date the facility is expected to be placed in service; that is, placed in service on or after July 1, 2005, but before January 1, ~~2015~~ 2017, for eligibility under Iowa Code chapter 476C; and

ITEM 2. Amend rule 199—15.21(476C), introductory paragraph, as follows:

199—15.21(476C) Applications for renewable energy tax credits under Iowa Code chapter 476C. The renewable energy tax credits equal 1.5 cents per kilowatt-hour of electricity, or 44 cents per 1,000 standard cubic feet of hydrogen fuel, or \$4.50 per 1 million British thermal units of methane gas or other biogas used to generate electricity, or \$4.50 per 1 million British thermal units of heat for a commercial purpose, generated by eligible renewable energy facilities under 199—15.19(476C), which is sold or used for on-site consumption by the owners, for tax years beginning on or after July 1, 2006. For renewable energy that is sold, either the owners of an eligible facility or a designated purchaser of renewable energy from the facility may apply for renewable energy tax credits for up to ten tax years following the date the facility is placed in service. For renewable energy used for on-site consumption, the owners of an eligible facility may apply for renewable energy tax credits for up to ten tax years following the date the facility is placed in service. Renewable energy tax credits will not be issued for renewable energy sold or used for on-site consumption after December 31, ~~2024~~ 2026. For purposes of this rule, renewable energy used for on-site consumption means any renewable energy produced by the facility and not sold.

UTILITIES DIVISION[199](cont'd)

ITEM 3. Amend subparagraph **15.21(1)“a”(6)** as follows:

(6) The date that the eligible facility was placed in service (that is, between July 1, 2005, and January 1, ~~2015~~ 2017).

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/12/14.