

## PUBLIC SAFETY DEPARTMENT[661](cont'd)

the details of any incident or incidents which give rise to the complaint.

**35.2(3)** Each complaint received will be recorded and investigated.

**35.2(4)** The complainant need not be identified. Anonymous complaints will be accepted and investigated as thoroughly as possible.

**661—35.3(80) Notification to complainant.** The professional standards bureau shall provide any identified complainant with a written receipt of the complaint and may provide additional information regarding the complaint and its disposition as permitted by law.

These rules are intended to implement Iowa Code chapter 80.

**ARC 5374B****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 691.3, the Department of Public Safety hereby gives Notice of Intended Action to rescind Chapter 12, “Criminalistics Laboratory,” and adopt a new Chapter 150, “Division of Criminal Investigation Criminalistics Laboratory,” Iowa Administrative Code.

Iowa Code chapter 691 creates a State Criminalistics Laboratory under the supervision of the Commissioner of Public Safety and authorizes the Commissioner to assign the laboratory to a division or bureau within the Department. Further, the Commissioner of Public Safety is required to adopt rules regarding the capabilities of the laboratory and procedures for submitting evidence to the laboratory for analysis.

The administrative rules for the Criminalistics Laboratory, contained in Iowa Administrative Code 661—Chapter 12, have become outdated. The rules proposed herein update those outdated provisions. In addition, the Department’s rules generally are being renumbered, which is intended to make the rules more accessible to members of the public and to persons subject to the provisions of these rules. In coordination with that initiative, Chapter 12 is proposed to be rescinded and to be replaced with a new Chapter 150.

A public hearing on these proposed amendments will be held on October 5, 2006, at 10 a.m. in the third floor conference room at the Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319. Persons may present their views orally or in writing at the public hearing. Persons who wish to make oral presentations at the public hearing should contact the Agency Rules Administrator, Iowa Department of Public Safety, Wallace State Office Building, Des Moines, Iowa 50319, by mail; by telephone at (515)281-5524; or by electronic mail to [admrule@dps.state.ia.us](mailto:admrule@dps.state.ia.us), at least one day prior to the public hearing.

Any written comments or information regarding these proposed amendments may be directed to the Agency Rules Administrator by mail or electronic mail at the addresses indicated at least one day prior to the public hearing or may be

submitted at the public hearing. Persons who wish to convey their views orally other than at the public hearing may contact the Agency Rules Administrator by telephone or in person at the Department office by 4:30 p.m. on October 5, 2006.

These amendments are intended to implement Iowa Code chapter 691.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendments are proposed.

ITEM 1. Rescind and reserve **661—Chapter 12**.

ITEM 2. Adopt the following **new** chapter:

## CHAPTER 150

DIVISION OF CRIMINAL INVESTIGATION  
CRIMINALISTICS LABORATORY

**661—150.1(691) Criminalistics laboratory.** The state criminalistics laboratory, created in Iowa Code section 691.1, is located, pursuant to that section, within the division of criminal investigation.

**150.1(1) Identification.** The state criminalistics laboratory shall be known as the division of criminal investigation criminalistics laboratory. Unless the context clearly implies otherwise, the term “laboratory,” when used in this chapter, shall mean the division of criminal investigation criminalistics laboratory.

**150.1(2) Administration.** The laboratory shall be headed by an administrator who shall report to the director of the division of criminal investigation.

**150.1(3) Contact information.**

a. The address of the laboratory for receiving mail or shipped materials is:

Iowa DCI Criminalistics Laboratory  
2240 South Ankeny Boulevard  
Ankeny, Iowa 50023

b. The telephone number of the laboratory is (515) 725-1500.

c. Information regarding the laboratory may be obtained from the department Web site.

NOTE: Currently, information about the laboratory may be found at [www.dps.state.ia.us/DCI/Crime\\_Lab/index.shtml](http://www.dps.state.ia.us/DCI/Crime_Lab/index.shtml).

**661—150.2(691) Purpose and scope of work.** The laboratory provides forensic science services to law enforcement agencies within the state of Iowa. The laboratory shall, within its capabilities, conduct analyses and comparative studies on physical evidence to aid in any criminal investigation, when requested by a prosecuting attorney, a medical examiner, or a law enforcement agency.

**150.2(1) Resource or capability limitations.**

a. The laboratory administrator may refuse any request to conduct an analysis when, in the judgment of the administrator, the laboratory is unable to adequately conduct the requested analysis, either because of resource limitations or because the analysis is not within the professional capabilities of laboratory personnel.

b. The laboratory administrator may establish a policy excluding evidence of specific types or evidence arising from certain types of cases from being accepted by the laboratory, if the administrator finds that such a policy is necessary either due to resource constraints, safety concerns, or the professional capabilities of laboratory personnel. Any policy

## PUBLIC SAFETY DEPARTMENT[661](cont'd)

adopted pursuant to this paragraph shall be provided to all county attorneys, medical examiners, and law enforcement agencies within Iowa.

c. If analysis by the laboratory of specific evidence arising from a criminal investigation in Iowa has been excluded pursuant to either paragraph "a" or "b," the administrator may, at the administrator's discretion, assist the agency requesting the analysis in locating the services of another laboratory able to perform the requested analysis.

**150.2(2)** Exclusion by law. The laboratory shall only perform analyses which have arisen from, or will aid in, criminal investigations or which are otherwise provided for by law.

**661—150.3(691) Laboratory capabilities.** The laboratory is capable of performing any forensic scientific analysis for which a laboratory staff member has received appropriate training and for which the necessary equipment and materials are available to the staff member performing the analysis.

The following subrules catalogue and explain specific laboratory capabilities. These descriptions and explanations are provided for informational purposes and in no way limit the authority of the laboratory to perform any analysis for which a staff person is appropriately trained and for which necessary equipment and materials are available. Further information regarding the current forensic science capabilities of the laboratory may be obtained in the Iowa Criminalistics Laboratory Quality Assurance Manual, published by the division of criminal investigation criminalistics laboratory.

**150.3(1)** Crime scene response. The laboratory may assist law enforcement agencies, when appropriate, by responding to a crime scene and may examine, collect and preserve physical evidence.

**150.3(2)** Breath alcohol section. The breath alcohol section provides testing, approval, repair, maintenance and certification of breath testing instruments, provides officer training and certification in the use of evidential breath testing equipment, and provides expert testimony in the area of breath testing instrumentation and the effects of alcohol on the human body.

**150.3(3)** Controlled substance identification. The laboratory will identify and quantify, when appropriate, materials suspected to contain controlled substances, and will identify items of significance recovered from clandestine drug laboratories.

**150.3(4)** DNA. The laboratory will examine evidence for human biological samples and characterize the samples using DNA technologies.

**150.3(5)** DNA profiling. The laboratory will generate and maintain DNA profiles from qualifying offenders.

**150.3(6)** Firearms. The firearms section examines firearms, ammunition and ammunition components to determine whether a specific firearm fired a specific bullet or cartridge case or, lacking a specific firearm, to determine the possible type of firearm which could have fired the evidentiary bullets and cartridge cases. The firearms section also reconstructs shooting scenes to determine the distance from the muzzle of the firearm to the target, and examines firearms to determine if they function as designed or have been altered from the original design.

The firearms section also maintains a reference collection of firearms and ammunition for comparison purposes and is responsible for the inventory and destruction of firearms forfeited to the laboratory under the Iowa Code.

**150.3(7)** Latent prints and impressions. The latent prints and impressions section:

- a. Examines evidence for visible or latent prints.

- b. Makes comparisons to known friction skin exemplars of the fingers, palms and soles of the feet.

- c. Examines footwear, tire tracks, and other impression evidence and compares the evidence to known exemplars.

**150.3(8)** Photography. The photography section provides photographic services, both digital and film-based, required by all divisions of the department of public safety.

**150.3(9)** Questioned documents. The questioned documents section characterizes and compares handwritten and machine-produced documents to determine facts about their origins.

**150.3(10)** Tool marks. The tool marks section examines tools and tool marks to determine whether a specific tool produced a specific mark on an item of evidence or, lacking the tool, what type of tool produced a specific mark.

**150.3(11)** Toxicology. The toxicology section examines biological samples for the presence of ethyl alcohol and common drugs of abuse.

**150.3(12)** Trace and arson. The trace and arson section examines submitted materials to characterize, identify, or compare them using various analytical techniques. Examples of materials include but are not limited to: ignitable liquids, glass, paint, soil, building materials, explosives, and fibers.

**661—150.4(691) Evidence submission to the laboratory.**

**150.4(1)** Evidence may be submitted to the laboratory by any law enforcement agency in Iowa.

**150.4(2)** Evidence may be submitted to the laboratory via regular, certified, or registered mail or personal service. All evidence submitted must be accompanied by a standard laboratory receipt form that describes each item and its container, if any, and lists examination requests.

NOTE: The standard laboratory receipt form may be found on the Web site of the department. Currently, it is located at [http://www.dps.state.ia.us/DCI/Crime\\_Lab/index.shtml](http://www.dps.state.ia.us/DCI/Crime_Lab/index.shtml).

**150.4(3)** Evidence submitted to the laboratory which is not personally delivered shall be packaged in such a manner that laboratory personnel can determine that the package has not been opened while in transit. If the laboratory receives an unsealed or damaged package, the laboratory may refuse to process such evidence, if the integrity of the evidence has been compromised.

**661—150.5(17A,691) Distribution of reports.**

**150.5(1)** A copy of each completed report of analyses performed by the laboratory shall be provided to the submitting officer and to the prosecuting attorney. The prosecuting attorney shall be responsible for providing copies of any laboratory report to the defendant or defendants as required by law.

**150.5(2)** Results of laboratory analyses shall not be made available to any unauthorized person or organization.

**661—150.6(17A,691) Disposition of evidence.**

**150.6(1)** Evidence will be returned to the submitting agency, unless one of the following conditions applies:

- a. Retention of the evidence would be beneficial for future laboratory analysis.

- b. Returning the evidence presents a hazard to health or safety. Any required notice to the defendant of destruction of evidence pursuant to this paragraph is the responsibility of the prosecuting attorney.

**150.6(2)** Evidence shall not be transferred or submitted to any person or agency other than the submitting agency without an applicable court order, unless authorized by the submitting agency.

PUBLIC SAFETY DEPARTMENT[661](cont'd)

These rules are intended to implement Iowa Code chapter 691.

**ARC 5382B**

## UTILITIES DIVISION[199]

### 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 Iowa Code sections 17A.4, 476.1, 476.2, and 476.8, the Utilities Board (Board) gives notice that on August 23, 2006, the Board issued an order in Docket No. RMU-06-6, In re: Amendments to Gas and Electric Line Extension Rules [199 IAC 19.3(10) and 20.3(13)], “Order Commencing Rule Making,” proposing to revise the requirements for natural gas and electric line extensions. The amendments to subrules 19.3(10) and 20.3(13) are being proposed based upon a review of the current extension rules by the Board and participants in Docket No. NOI-05-2. Amendments to clarify subrule 19.3(11) and to adopt new subrule 20.3(14) are also being proposed. The order containing the background and support for this rule making can be found on the Board’s Web site, [www.state.ia.us/iub](http://www.state.ia.us/iub).

Pursuant to Iowa Code section 17A.4(1)“a” and “b,” any interested person may file a written statement of position pertaining to the proposed amendments. The statement must be filed on or before October 3, 2006, by filing an original and ten copies in a form substantially complying with 199 IAC 2.2(2). All written statements should clearly state the author’s name and address and should make specific reference to this docket. All communications should be directed to the Executive Secretary, Iowa Utilities Board, 350 Maple Street, Des Moines, Iowa 50319-0069.

A public hearing to receive oral comments on the proposed amendments will be held at 10 a.m. on November 14, 2006, in the Board’s hearing room at the address listed above. Persons with disabilities who require assistive services or devices to observe or participate should contact the Utilities Board at (515)281-5256 in advance of the scheduled date to request that appropriate arrangements be made.

These amendments are intended to implement Iowa Code sections 17A.4, 476.1, 476.2, and 476.8.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendments are proposed.

ITEM 1. Amend subrule 19.3(10) as follows:

**19.3(10)** ~~Extensions and service line extensions to customers. Plant additions, distribution main extensions, and service lines.~~

a. Definitions. The following definitions shall apply to the terms as used in ~~these rules~~ *this subrule*.

~~“Advances Advance for construction costs,” as used in these subrules~~ *this subrule*, ~~are~~ *means* cash payments, ~~or surety bonds,~~ or equivalent surety made to the utility by an applicant for ~~an~~ *a* ~~distribution main~~ extension, portions of which may be refunded depending on any subsequent ~~connections made~~ *service line attached to the distribution main* extension. Cash payments, ~~surety bonds,~~ or equivalent ~~sureties~~ *surety* shall include a grossed-up amount for the income tax effect of such revenue.

**ARC 5383B**

## TREASURER OF STATE[781]

### 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 12.34(2), the Treasurer of State hereby gives Notice of Intended Action to amend Chapter 4, “Linked Investments for Tomorrow (LIFT),” Iowa Administrative Code.

This proposed rule making provides procedures for implementing 2006 Iowa Acts, House File 2661, as passed by the 2006 General Assembly. New rules 781—4.1(12) to 781—4.6(12) establish the application process for the Linked Investments for Tomorrow (LIFT) program and provide certificate of deposit qualifications, loan qualifications, and small business requirements.

2006 Iowa Acts, House File 2661, replaces the five existing LIFT programs (Focused Small Business, Horticulture and Alternative Crops, Rural Small Business, Value Added Agriculture, and Traditional Livestock) with one small business program that injects capital into small businesses owned and operated by Iowa residents. One-half of the moneys invested will be available for qualifying small businesses which are 51 percent or more owned, operated, and actively managed by one or more women, minority persons, or persons with disabilities. The minimum interest rate on certificates of deposit deposited with lenders will decrease from 2 percent to 1 percent. Borrowers or businesses will be able to borrow up to \$200,000 through this program. The maximum combined net worth of all owners or borrowers will increase from \$500,000 to \$750,000. LIFT participants with certificates of deposit issued prior to July 1, 2006, are subject, for renewal certificates of deposit, to the requirements and terms which were in place prior to July 1, 2006.

Any interested person may make written comments on the proposed rules on or before October 3, 2006. Comments should be directed to Treasurer’s Office, LIFT Administration, State Capitol Building, Room 114, Des Moines, Iowa 50319; fax (515)281-7562. Persons may also contact the Treasurer’s Office by telephone at (515)281-6878 or by E-mail at [jina.lilly@iowa.gov](mailto:jina.lilly@iowa.gov).

These rules were also Adopted and Filed Emergency and are published herein as **ARC 5384B**. The content of that submission is incorporated by reference.

These rules are intended to implement Iowa Code sections 12.32 through 12.43 as amended by 2006 Iowa Acts, House File 2661.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.