



Fiscal Services Division

ADMINISTRATIVE RULES – FISCAL IMPACT SUMMARIES

November 10, 2009

Section 17A.4(3) Iowa Code Supplement requires the Legislative Services Agency (LSA) to analyze the fiscal impact of all administrative rules with an impact of \$100,000 or more and provide a summary of the impact to the Administrative Rules Review Committee (ARRC). Fiscal Impact Statements filed by State agencies can be found on our website at http://staffweb.legis.state.ia.us/lfb/docs/Admin_Rules/arfiscal_notes.htm

Environmental Protection Commission

ARC 8215B

Rule Summary Updates air quality rules for new federal requirements, including the adoption of new ambient air standards for lead and ozone. Adopts two new air toxic standards for metal fabrication and finishing operations and for plating and polishing operations. Permits a construction exemption for certain temporary diesel engines used in periodic testing and maintenance of natural gas pipelines. Clarifies procedures for emissions testing. Updates references to the Department of Natural Resources' Air Quality Bureau office address to reflect a zip code change that took effect July 1, 2009.

Fiscal Impact The Department of Natural Resources (DNR) estimates the cost to establish a new ambient air monitoring network for lead is at least \$100,000 per year. Additional equipment is needed for laboratory analysis of samples collected from the monitoring network for lead. At least 50.0% of the monitoring network for lead is required to be installed and operational by January 1, 2010. The second half of the network must be installed and operating by January 1, 2011. No additional State or federal money is being provided to establish the ambient air monitoring network for lead. Funds to cover the costs of the network will be provided from fees collected for the federal Title V Clean Air Act operating permits.

Table of Contents			
Agency	Page	Agency	Page
Environmental Protection Commission	1	Iowa Finance Authority	9
Department of Education	3	Labor Services Div. – Dept. of Workforce Dev.	10
Board of Educational Examiners	3	Board of Medicine	10
Board of Veterinary Medicine	3	Natural Resource Commission	11
Department of Inspections and Appeals	3	Board of Nursing	12
Department of Economic Development	4	Propane Education and Research Council	12
Department of Human Services	4	Department of Public Health	12
Banking Division – Department of Commerce	6	Department of Revenue	13
Department of Economic Development	7	Secretary of State	14
Department of Education	8	Department of Transportation	14
Historical Division – Dept. of Cultural Affairs	9	Utilities Division – Department of Commerce	15
Department of Inspections and Appeals	9	Dept. of Veterans Affairs – Veterans Home	15

ARC 8216B

Rule Summary Removes the federal provisions of the Clean Air Mercury Rule (CAMR). Requires CAMR-affected Electrical Generating Units (EGUs) to conduct quarterly coal sampling analyses or stack testing for mercury using approved methods. Specifies that affected EGUs will not be required to continue to operate and collect data from the mercury continuous emissions monitors (CEMS) because the continuous mercury monitoring methods have never been approved by the federal Environmental Protection Agency (EPA) and have been shown to be inaccurate.

Fiscal Impact No fiscal impact.

ARC 8214B

Rule Summary Changes Water Quality Standards (WQS) as summarized below:

- Establishes numerical water quality criteria for chloride and sulfate for the protection of aquatic life uses.
- Updates the effective date of references to the “Supporting Document for Iowa Water Quality Management Plans” to reflect the removal of the total dissolved solids site-specific approach and revision of the sulfate ion guideline value.
- Revises the default hardness level used for hardness-dependent chemical criteria from 100 milligrams per liter to 200 milligrams per liter.

Additional information is available at the following web site:
<http://www.iowadnr.com/water/standards/index.html>

Fiscal Impact The DNR does not anticipate any new costs to the State and estimates the total cost for implementation is between \$1.6 and \$3.9 million for the facilities affected.

ARC 8226B

Rule Summary Amends water quality standards for a number of waterbodies:

- Lists 33 river and stream segments as Class A2 Secondary Contact Recreational Use designated waters.
- Lists 83 river and stream segments as Class A2 Secondary Contact Recreational Use and Class B (WW-2) or Warm Water Type 2.
- Lists four stream segments as Class A2 Secondary Contact Recreational Use and Class B (WW-3) or Warm Water Type 3.
- Lists six river and stream segments as Class A3 Children’s Recreational Use and Class B (WW-2) or Warm Water Type 2.
- Lists 11 river and stream segments as Class A3 Children’s Recreational Use.
- Lists one stream segment as Class HH or Human Health designated water.

Fiscal Impact The cost to the DNR is minimal. Industries affected by these standards may be required to provide additional treatment to disinfect or reduce the levels of nitrogen. The initial cost estimate related to water quality standards was estimated to be between \$790.0 million and \$956.0 million. This rule change represents only a small portion of the original fiscal estimate and no separate fiscal impact was completed by the DNR.

Administrative Rules – Fiscal Impact Summaries

November 10, 2009

3

Department of Education

ARC 8054B

Rule Summary Provides guidance on the appropriate use of categorical funds received by school districts and area education agencies.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Shawn Snyder (Ext. 16767)

Board of Educational Examiners

ARC 8143B

Rule Summary Eliminates a requirement to notify the respondent of a complaint when it is filed. Under the amended rule, the respondent would be notified only after the Board of Educational Examiners has found probable cause.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270)

Board of Veterinary Medicine

ARC 8168B

Rule Summary Details the job categories and requirements for veterinary assistants and technicians under the supervision of the Board of Veterinary Medicine.

Fiscal Impact This change will result in an estimated revenue increase of \$29,000 in the first year from persons taking the Certified Veterinary Assistant examination. The fees are deposited in the General Fund. There will be a minimal increase in expenditures for the exam.

STAFF CONTACT: Debra Kozel (Ext. 16767)

Department of Inspections and Appeals

ARC 8190B

Rule Summary Adds new requirements for exit interviews, plans of correction, revisits, and sets forth the process for handling complaints and self-reported incidents relating to nursing homes. Updates requirements for service, and includes inspector conflict-of-interest provisions. Adds waiver provisions for violations, self-identification procedures, and procedures for the 35.0% reduction provisions for Double Class I fines for intentional violations. Updates the appeals and informal conference provisions. Adds training requirements for nursing facility inspectors.

Fiscal Impact The fiscal impact is unknown. The number of penalty waivers that would be granted is unknown at this time. Additional penalty waivers could have a negative impact on revenue to the Department of Inspections and Appeals. Additional costs related to processing penalty waivers could occur.

STAFF CONTACT: Joseph Brandstatter (Ext. 52062)

Administrative Rules – Fiscal Impact Summaries

November 10, 2009

4

Department of Economic Development

ARC 8228B

Rule Summary Increases the credit percentage from 20.0% to 25.0% of the qualified contribution for the Endow Iowa Tax Credit Program. Increases the annual cap on total tax credits from \$2.0 million to \$3.0 million. Prevents a taxpayer claiming the Endow Iowa Tax Credit from claiming an Iowa income tax deduction for the same contribution.

Fiscal Impact The net impact of changes to the Endow Iowa Tax Credit Program will increase net General Fund revenue by \$305,000, beginning in FY 2011. This is the same as the estimate provided during the 2009 Legislative Session.

ARC 8213B

Rule Summary Requires the Community Attraction and Tourism (CAT) Review Committee to review the CAT applications and the Vision Iowa Review Committee to evaluate and rank River Enhancement Community Attraction and Tourism (RECAT) applications. Establishes a process for the Vision Iowa Board to review waiver requests for required local or private matching moneys under the CAT and RECAT Programs. The final rules are revised to limit the waiver applications to a disaster area.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

Department of Human Services

ARC 8204B

Rule Summary Permits the Department of Human Services (DHS) to issue assistance under the Family Investment Program (FIP) by electronic access card, by direct deposit to the client's own bank account, or by warrant.

Fiscal Impact This change will result in a combined savings to the Temporary Assistance to Needy Families (TANF) funding and the General Fund of \$110,000 in FY 2010 and \$173,000 in FY 2011.

ARC 8220B

Rule Summary Updates provisions for the long-term care partnership program. The program provides financing for long-term care through a combination of private insurance and medical assistance.

Fiscal Impact Minimal fiscal impact.

ARC 8221B

Rule Summary Makes several changes to the conditions of Medicaid eligibility for persons residing in a medical institution and persons treated as though they were in a medical institution for purposes of eligibility.

Fiscal Impact This change will cost the General Fund \$61,000 in FY 2010 and FY 2011. This change is required by federal policy. The cost was not funded for FY 2010.

Administrative Rules – Fiscal Impact Summaries

November 10, 2009

5

		ARC 8247B
Rule Summary	Requires measurement of a child's mental health functioning level with a standardized instrument when initiating Medicaid remedial services and every six months thereafter.	
Fiscal Impact	No fiscal impact.	
		ARC 8205B
Rule Summary	Changes Medicaid coverage limits and fees for services provided by an ambulatory surgical center.	
Fiscal Impact	Because there are very few procedures billed in this manner, this change has no fiscal impact.	
		ARC 8206B
Rule Summary	Sets Medicaid reimbursement policy for translation or interpretation services provided in connection with use of Medicaid services by members whose primary language is not English.	
Fiscal Impact	This change is estimated to cost the General Fund \$194,000 in FY 2010 and \$200,000 in FY 2011. Funding was provided for FY 2010 in HF 820 (FY 2010 Federal Funds Appropriations Act).	
		ARC 8246B
Rule Summary	Implements a Medicaid nursing facility "pay for performance" program to replace the nursing facility accountability measures. Makes technical changes to reflect the current organizational structure and processes of the Iowa Medicaid Enterprise (IME), including the elimination of the reconsideration of a level-of-care determination before the determination can be appealed.	
Fiscal Impact	The amount each nursing facility will receive as an add-on payment depends on the facility's survey compliance history during the fiscal year. The General Assembly appropriated \$2.0 million for add-on payments for FY 2010 in HF 811 (FY 2010 Health and Human Services Appropriations Act).	
		ARC 8208B and 8207B
Rule Summary	Reflects the 3.0% inflation factor for Medicaid reimbursement of intermediate care facilities for the mentally retarded in State Fiscal Year 2010.	
Fiscal Impact	This is estimated to cost \$891,000 in FY 2010. Funding was provided in HF 811 (FY 2010 Health and Human Services Appropriations Act).	

Administrative Rules – Fiscal Impact Summaries

November 10, 2009

6

ARC 8209B

Rule Summary Changes the retention period for records of rejected child abuse intakes from six months to three years. Requires that records of rejected child in need of assistance (CINA) intakes be retained for three years. Makes a technical change to add the number, 470-446, of the safety plan form.

Fiscal Impact Minimal costs related to information technology (IT) system adjustments to implement the proposed timeframe changes.

STAFF CONTACT: Jess Benson (Ext. 14611) Deborah Helsen (Ext. 16764)

Banking Division – Department of Commerce

ARC 8236B

Rule Summary Requires persons acting as mortgage loan originators to be licensed by the Banking Division beginning January 1, 2010. The rule addresses the bonding requirement for mortgage loan originators relating to regulated loan companies.

Fiscal Impact No fiscal impact.

ARC 8237B

Rule Summary Requires persons acting as mortgage loan originators to be licensed by the Banking Division beginning January 1, 2010. The rule addresses the bonding requirement for mortgage loan originators relating to industrial loan companies.

Fiscal Impact No fiscal impact.

ARC 8238B

Rule Summary Requires persons acting as mortgage loan originators to be licensed by the Banking Division beginning January 1, 2010. Addresses the processes and requirements for applying for and renewing a mortgage banker or mortgage broker license. Addresses continuing education requirements, licensing fees, and the complaint and disciplinary process applicable to mortgage loan originators.

Fiscal Impact No fiscal impact.

ARC 8239B

Rule Summary Requires persons acting as mortgage loan originators to be licensed by the Banking Division beginning January 1, 2010. Addresses the processes and requirements for applying for and renewing a mortgage loan originator license. Addresses continuing education requirements, licensing fees, and the complaint and disciplinary process applicable to mortgage loan originators.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Joseph Brandstatter (Ext. 52062)

Administrative Rules – Fiscal Impact Summaries

November 10, 2009

7

Department of Economic Development

ARC 8210B

Rule Summary Permits moneys in the Innovation and Commercialization Fund to be used for information technology training. Expands the Information Technology Training Program to businesses outside the Targeted Industries of bioscience, advanced manufacturing, and information technology. Limits the eligible equipment and software costs to \$1,000 per item.

Fiscal Impact No fiscal impact.

ARC 8211B

Rule Summary Permits moneys in the Innovation and Commercialization Fund to be used for supply chain initiatives. Adds a definition of “performance improvement programs,” and rescinds rules relating to the Lean Manufacturing Institute. Incorporates activities currently found in the Lean Manufacturing Institute rules in the new Supply Chain Development Program rules. Applicants with projects that currently qualify under the Lean Manufacturing Institute will be able to qualify under the Supply Chain Development Program.

Fiscal Impact No fiscal impact.

ARC 8212B

Rule Summary Permits moneys in the Innovation and Commercialization Fund to be used for recruiting management talent. Includes recruitment of in-state management talent as a purpose of the Management Talent Recruitment Program. Defines “early-stage” to include a company with five or fewer years of operating experience.

Fiscal Impact No fiscal impact.

ARC 8219B and 8218B

Rule Summary Establishes the structure and procedures for the Iowa Broadband Deployment Governance Board (BDGB). Specifies Board duties and establishes eligibility requirements and application and evaluation procedures for the Iowa Broadband Deployment Program.

Fiscal Impact Senate File 376 (Revenue Bonding and I-JOBS Program Act) provided a \$25.0 million Revenue Bonds Capitals Fund appropriation to the Iowa Telecommunications and Technology Commission (ITTC) to provide public broadband technology grants for the deployment and sustainability of high-speed broadband access. The federal American Recovery and Reinvestment Act (ARRA) included federal stimulus funds for competitive grants to provide broadband for underserved and unserved areas. The federal funds provide 80.0% of the cost and the State match is 20.0%. The State match may be waived for certain public sector projects, as determined by the National Telecommunications and Information Administration (NTIA).

STAFF CONTACT: Ron Robinson (Ext. 16256)

Administrative Rules – Fiscal Impact Summaries

November 10, 2009

8

Department of Education

		ARC 8186B
Rule Summary	Rescinds rules related to school district attendance centers.	
Fiscal Impact	No fiscal impact.	
		ARC 8187B
Rule Summary	Replaces the Post Secondary Enrollment Options with the Senior Year Plus Program enacted in HF 2679 (FY 2009 Education Appropriations Act).	
Fiscal Impact	The Senior Year Plus Program had the following provisions with a fiscal impact within HF 2679: <ul style="list-style-type: none">• Appropriated a total of \$1.9 million to the Department of Education in FY 2009 for an internet-based clearinghouse, development of a data management system and transcript repository, development of additional on-line courses, and advanced placement fees.• Reauthorized regional academies beginning in FY 2010. The fiscal impact is included in ARC 8188B (see below).• Changed the supplementary weighting for school district-to-community college sharing from 0.48 (multiplied by the percentage of the student's school day attending class at the community college) to 0.70 for career and technical courses and 0.46 for liberal arts and science courses. Based on the October 2008 Department of Education certified enrollment counts, the weighting change will result in an additional \$2.4 million in total school aid funding (State aid and property tax) to school districts in FY 2010.• Required all school districts to offer advanced placement classes to resident students. The estimated cost of this provision was \$130,000 annually; however no funding was provided.	
		ARC 8188B
Rule Summary	Amends supplementary weighting rules to conform with the passage of the Senior Year Plus Program enacted in HF 2679 (FY 2009 Education Appropriations Act). Clarifies rules regarding the supplementary weighting plan for operational sharing between school districts and other governmental entities, including clarification of the phase-out percentage for supplementary weighting.	
Fiscal Impact	The Senior Year Plus Program reauthorized regional academies beginning in FY 2010 and increased the previous minimum and maximum supplementary weighting amounts. Based on the October 2008 Department of Education certified enrollment data collection, five districts reported a total weighting of 90.0 FTE students. The FY 2010 fiscal impact is approximately \$520,000 in total funding (\$450,000 in State aid and \$70,000 in local property taxes). The fiscal impact is estimated to increase by the allowable growth rate each year after FY 2010 if there are no additional regional academies. There is no estimated fiscal impact due to the operational sharing rule changes.	

STAFF CONTACT: Robin Madison (Ext. 15270) Shawn Snyder (Ext. 17799)

Administrative Rules – Fiscal Impact Summaries

November 10, 2009

9

Historical Division – Department of Cultural Affairs

ARC 8234B

Rule Summary Allows up to \$200,000 of grants per county, rather than the previous limit of two grants per county of up to \$100,000 each. In the past, two entities might receive a \$50,000 grant and a \$100,000 grant and would not be eligible for the full \$200,000. Under the proposed rules, the limit is changed to total funding of \$200,000, rather than a set number of grants. In the past, some counties were forced to forfeit funding that was then distributed to other counties.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

Department of Inspections and Appeals

ARC 8242B

Rule Summary Makes technical changes to responsibilities of various Divisions and the mission statement for the Department of Inspections and Appeals.

Fiscal Impact No fiscal impact.

ARC 8189B

Rule Summary Changes references to the name of the Division of Labor Services within the Iowa Department of Workforce Development that is responsible for oversight of boilers in residential care facilities and nursing facilities, and corrects the chapter references relating to boilers. Removes a prohibition of plastic piping for hot or cold water systems in residential care facilities and nursing facilities.

Fiscal Impact No fiscal impact.

ARC 8243B

Rule Summary Adds new responsibilities related to the regulation of boarding homes.

Fiscal Impact The number of investigations that will be conducted is unknown at this time and the fiscal impact is not known.

STAFF CONTACT: Joseph Brandstatter (Ext. 52062)

Iowa Finance Authority

ARC 8193B

Rule Summary Eliminates the minimum loan amounts from the State Revolving Loan Fund for infrastructure projects. Caps the maximum loan amount per borrower for the Livestock Water Quality Program at \$500,000. Reduces the maximum loan term to ten years for the Livestock Water Quality Program.

Fiscal Impact No fiscal impact.

Administrative Rules – Fiscal Impact Summaries

November 10, 2009

10

ARC 8192B

Rule Summary Terminates the rules that provided the initial framework for creating and administering the I-JOBS Program. The rule published as ARC 7942B was superseded by emergency rule ARC 8103B and noticed rule ARC 8108B.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

Labor Services Division – Department of Workforce Development

ARC 8241B

Rule Summary Adopts changes to the occupational safety and health standards concerning personal protective equipment in general industry workplaces. Clarifies the re-inspection fee is equal to the annual inspection fee for amusement rides. Makes various technical changes.

Fiscal Impact No fiscal impact.

ARC 8185B

Rule Summary Increases the civil penalty amount for wage violations from \$100.00 to \$500.00.

Fiscal Impact Minimal fiscal impact. A very small number of wage violations result in a civil penalty. This change will result in increased civil penalties deposited in the General Fund. The average annual amount is estimated to be \$15,000.

STAFF CONTACT: Ron Robinson (Ext. 16256)

Board of Medicine

ARC 8191B

Rule Summary Updates various provisions related to the Board of Medicine's authority to deny issuance or renewal of a medical or osteopathic medical license or acupuncture license or suspend or revoke a license upon the receipt of a certificate of noncompliance from the centralized collection unit of the Iowa Department of Revenue.

Fiscal Impact No fiscal impact.

ARC 8199B

Rule Summary Establishes standards of practice for physicians, surgeons, or osteopathic physicians that serve as a medical director at a medical spa. Establishes the violation of improper delegation and supervision by a medical director that supervises medical aesthetic services.

Fiscal Impact No fiscal impact.

ARC 8198B

Rule Summary Clarifies that a professional that performs surgery on the wrong patient or at the wrong surgery site or performs unauthorized procedures or unnecessary procedures is in violation of professional conduct according to the oversight of the Board of Medicine. Currently a professional that is licensed by the Board may be charged with general incompetence. The proposed provisions will permit the Board to be more specific when addressing allegations of these specific kinds of professional misconduct.

Fiscal Impact No fiscal impact. The Board of Medicine's activities are funded by licensure fees.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

Natural Resource Commission

ARC 8196B

Rule Summary Changes the following rules for hunting and fishing:

- Clarifies the definition of a severe mental disability and severe physical disability.
- Establishes a means to verify low income persons.
- Substitutes a free lifetime fishing license with a free annual fishing license.
- Clarifies procedure in administering free licenses.
- Permits enforcement capability in revoking licenses issued in violation of this rule and provides a mechanism for the Department of Natural Resources to deny, suspend, or revoke licenses of persons that owe the State of Iowa money.

Fiscal Impact Minimal fiscal impact.

ARC 8197B

Rule Summary Increases the threshold for negotiation, as opposed to formal competition, of a lease considered by the Department of Natural Resources from \$2,500 to \$5,000. The Department of Administrative Services uses the same \$5,000 threshold for requiring competition for its service contracts.

Fiscal Impact No fiscal impact.

ARC 8195B

Rule Summary Limits anglers to using a maximum 5/0 treble hook size when snagging paddlefish, establishes a maximum length limit on paddlefish, and reduces the length of the fishing season.

Fiscal Impact Minimal fiscal impact.

ARC 8194B

Rule Summary Requires electronic submission of fishing tournament applications and adjusts the time period when applications are accepted.

Fiscal Impact Minimal fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

Administrative Rules – Fiscal Impact Summaries

November 10, 2009

12

Board of Nursing

ARC 8222B

Rule Summary Requires license applicants with a criminal history to submit specified court documents to the Board of Nursing for review.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

Propane Education and Research Council

ARC 8200B

Rule Summary Adds new definitions for “energy star certification” and “weatherization” for energy efficiency programs dedicated to weatherization. Modifies the membership of the Iowa Propane and Education Research Council to replace the public member with the Division of Community Action Agencies Administrator (part of the Department of Human Rights). Specifies that the State Fire Marshal appoints the ten Council members in lieu of the Governor.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Jennifer Acton (Ext. 17846) Beth Lenstra (Ext. 16301)

Department of Public Health

ARC 8231B

Rule Summary Revises the notification and surveillance of reportable communicable and infectious diseases rules. Clarifies the information to report, how and when to report, and the entities that are required to report. Clarifies rules for disease control through quarantine and isolation. Revises current definitions and adds new ones.

Fiscal Impact No fiscal impact.

ARC 8232B

Rule Summary Updates rules related to universal screening of all newborns and infants in Iowa. Makes technical changes to eliminate unnecessary dates, clarifies the role of hospitals and health care providers that conduct hearing screenings in reporting results to the Department of Public Health. Establishes procedures for the distribution of funds to support the purchase of hearing aids and audiological services for children.

Fiscal Impact Funding for hearing aids and audiological services for children has existed in the annual Health and Human Services Appropriations Act since FY 2008. For FY 2010, HF 811 (FY 2010 Health and Human Services Appropriations Act) appropriated \$190,000 for the program.

ARC 8229B

Rule Summary Reduces the number of required meetings held in a year for the Interagency Coordinating Council for the State Medical Examiner and the Advisory Council for the State Medical Examiner, from four to two.

Fiscal Impact Minimal savings will occur to the Office of the State Medical Examiner due to the reduction in meetings.

Administrative Rules – Fiscal Impact Summaries

November 10, 2009

13

ARC 8230B

Rule Summary Makes technical changes to update the reference made to the Iowa Emergency Medical Services (EMS) Scope of Practice document from the April 2005 edition to the April 2009 edition where applicable.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

Department of Revenue

ARC 8225B

Rule Summary Reflects the increase in the penalties for the illegal use of dyed fuel, the illegal importation of untaxed fuel, and the interference with the inspection of fuel or shipping papers. Requires an invoice for the transportation of ethanol-blended gasoline or biodiesel-blended fuel to include the designation. Requires the invoice to show that the tax rates for gasoline (21¢) and ethanol-blended gasoline (19¢) are the same for FY 2010 as they were for FY 2009. Requires invoices to explain the method for computing the tax rates for the rates effective July 1, 2010. Requires bills of lading (cargo) to identify the percentage of renewable fuel in the product being transported and indicate whether diesel fuel being transported is dyed or undyed.

Fiscal Impact Increased penalties could result in additional revenue for the State. The increased penalties could result in better compliance and timely payment of any tax due. With these two factors it is possible that the rule will have a minimal fiscal impact.

ARC 8223B

Rule Summary Changes language to be consistent with the federal 1040 tax form instructions pursuant to Senate File 322 (Revenue Department Technical Act).

Fiscal Impact No fiscal impact.

ARC 8224B

Rule Summary Eliminates the requirement that county recorders initial a deed to show that the real estate transfer tax has been paid. Updates the list of property transfers that are exempt from declaration of value filing requirements. Specifies that social security numbers and federal tax identification numbers on declaration of value forms are confidential and must be redacted from the Declaration of Value Form. Provides that wind energy conversion property may qualify for both the production tax credit and the special valuation by the local assessor. Clarifies that if a city council or county board of supervisors has not passed an ordinance for the special valuation of wind energy conversion property, the property is to be assessed by the Department of Revenue. Provides a property tax exemption for computers and related equipment used in the operation of a data center business. Provides a tax exemption for the increase in assessed value of property attributable to the revitalization of the property in a designated disaster area.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Joseph Brandstatter (Ext. 52062)

Secretary of State

ARC 8245B and 8244B

Rule Summary Provides a procedure the Iowa Board of Voting Equipment Examiners must follow when determining if a change to a voting system is “de minimis” or substantive. “De minimis change” means a change to a certified voting system’s hardware that will not materially alter the system’s reliability, functionality, capability, or operation.

The amendments are necessary due to the submission of a large number of Engineering Change Orders (ECOs) by voting equipment vendors. Current rules do not provide the Iowa Board of Voting Equipment Examiners with any discretion to determine whether ECOs should be considered “de minimis” changes to the voting system or whether they should be considered substantive modifications requiring the voting systems to be re-certified by the Board of Examiners before any of the changes can be implemented. In most cases, these ECOs will affect the ability of county commissioners to have existing voting equipment repaired.

Fiscal Impact No fiscal impact to the State.

STAFF CONTACT: Dave Reynolds (Ext. 16934)

Department of Transportation

ARC 8233B

Rule Summary Terminates the rulemaking initiated to adopt the Bridge Safety Fund. The rules were adopted and filed emergency on the same date as ARC 8026B, and the rules became effective July 15, 2009.

Fiscal Impact No fiscal impact.

ARC 8203B

Rule Summary Makes changes to temporary restricted licenses (TRLs). Implements SF 419 (FY 2010 Department of Transportation (DOT) Omnibus Act) changing temporary restricted licenses (TRLs). Senate File 419 (FY 2010 DOT Omnibus Act) amended Section 321J.4(2), Code of Iowa, to reduce the minimum period of ineligibility from one year to 45 days for a temporary restricted license (TRL) for a repeat offender (a person convicted of operating while intoxicated (OWI) that has had a previous conviction or revocation). This change was made to comply with an amendment to 23 U.S.C. (United States Code of Federal Regulations) Section 164 made by the Safe, Accountable, Flexible, and Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) Technical Corrections Act of 2008 that now allows states to impose either a one-year hard revocation or a 45-day hard revocation, followed by a period of restricted driving to and from work, school, or an alcohol treatment program. The National Highway Traffic Safety Administration (NHTSA) has advised the DOT that Iowa is out of compliance with the federal requirements without a change in this rule. This rule would bring Iowa into compliance with the federal requirements and prevent reallocation of necessary federal highway funds.

Fiscal Impact No fiscal impact.

Administrative Rules – Fiscal Impact Summaries

November 10, 2009

15

ARC 8202B

Rule Summary Requires the Department of Transportation (DOT) to install close-clearance warning signs along railroad tracks in places where the clearance between the track and an obstruction along the track would impede a person that is lawfully riding on the side of a train from clearing the obstruction.

Fiscal Impact There will be no State fiscal impact. House File 911 (FY 2008 Infrastructure and Capitals Appropriations Act) appropriated \$100,000 to the DOT from the Railroad Revolving Loan and Grant Fund to reimburse the affected parties for the cost of close-clearance warning signs and installation. The DOT will reimburse the owner of the railroad track up to \$100 per sign for the sign and installation. These rules only apply when funds are available from the DOT for reimbursement. The DOT anticipates it will take several years to reimburse the owners the \$100,000, since the number of signs required and the amount of time it will take the owners to install the signs and request reimbursement is unknown.

STAFF CONTACT: Mary Beth Mellick (Ext. 18223)

Utilities Division

ARC 8201B

Rule Summary Amends rules relating to electric interconnection of distributed generation facilities. Requires each rate-regulated utility to interconnect any customer's on-site generation (i.e. distributed generation) with the utility's local distribution facilities.

Fiscal Impact No fiscal impact.

ARC 8227B

Rule Summary Requires telecommunications carriers to negotiate or litigate rates for local exchange access services in certain circumstances involving high traffic volumes.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Joseph Brandstatter (Ext. 52062)

Department of Veterans Affairs – Iowa Veterans Home

ARC 8235B

Rule Summary Clarifies the ability for domiciliary residents to leave the Iowa Veterans Home on a pass status. Clarifies the discharge process for emergency discharge proceedings and the responsibility for discharge appeals.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Sue Lerdal (Ext. 17794)
