



ADMINISTRATIVE RULES – FISCAL IMPACT SUMMARIES

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.

DEPARTMENT OF ADMINISTRATIVE SERVICES

ARC 6809B

Rule Summary Authorizes the Director of the Department of Administrative Services (DAS) to enter into contractual agreements for the procurement of information technology that may limit the liability of the vendor. Requires that contractual limitations of vendor liability be provided in the competitive selection documents initiating the procurement.

Fiscal Impact Fiscal impact to the State cannot be determined. This process may attract vendors with lower prices for goods that were otherwise unwilling to participate in a competitive selection process that did not offer the possibility of limited vendor liability negotiations. However, limiting the liability of a vendor creates risk for the State.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

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DEPARTMENT OF EDUCATION

ARC 6837B, 6530B and 6836B

Rule Summary Terminates the previously noticed rule that governed the Entrepreneurs with Disabilities Program under the Iowa Finance Authority (IFA) and transfers rules regarding this Program to Iowa Vocational Rehabilitation Services (IVRS) within the Department of Education. Eliminates the First Step Program because all small business services are now part of the Entrepreneurs with Disabilities Program. Limits assistance to qualified persons with businesses in Iowa. Administrative responsibilities for the Entrepreneurs with Disabilities Program were transferred to IVRS in SF 2101 (Transferring the Entrepreneurs with Disabilities Program Act).

Fiscal Impact No fiscal impact.

ARC 6838B

Rule Summary Updates rules regarding the statutory ban on corporal punishment and the exceptions to reflect the latest research and provide more detail regarding allowable physical confinement and detention. The rules relate to public schools, accredited nonpublic schools, and area education agencies.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270)

DEPARTMENT OF VETERANS AFFAIRS

ARC 6865B

Rule Summary Eliminates the county match for the Veterans County Grant Program. Specifies when funds can be recovered by the State.

Fiscal Impact No fiscal impact.

ARC 6882B

Rule Summary Permits Vietnam Veterans Bonus payments to certain Vietnam veterans for service of 120 days but not within the specified dates for eligibility.

Fiscal Impact Twenty seven of the applicants for the bonus fall within this change. The average bonus payment has been \$184. There are funds remaining from the FY 2008 appropriation that carry forward into FY 2009 for these payments.

STAFF CONTACT: Sue Lerdal (Ext. 17794)

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VETERINARY MEDICINE BOARD

ARC 6863B

- Rule Summary** Makes the following changes to the Veterinary Medicine Board rules:
- Removes provisions related to auxiliary personnel and veterinary technicians and assistants.
 - Changes licensing fees and application requirements.
 - Revises the discipline standards and increases civil penalties.

Fiscal Impact The Department of Agriculture and Land Stewardship estimates the fee change will increase revenue to the General Fund by \$20,000 per year.

STAFF CONTACT: Debra Kozel (Ext. 16767)

BOARD OF PHARMACY

ARC 6868B and 6867B

Rule Summary Changes various definitions relating to national certification of pharmacy technicians. Permits certification from two separate entities prior to July 1, 2010. Establishes requirements for national certification after July 1, 2010.

Fiscal Impact No fiscal impact.

ARC 6872B

Rule Summary Permits a hospital to provide generic prescription blanks or forms that may identify the hospital or pharmacy while prescribers practice in the hospital.

Fiscal Impact No fiscal impact.

ARC 6843B

Rule Summary Permits a temporary pharmacist to be in charge at a pharmacy for no more than 90 days if written notification is submitted to the Board of Pharmacy.

Fiscal Impact No fiscal impact.

ARC 6874B

Rule Summary Changes the requirements of sterile compounding practices by clarifying definitions and establishing procedures relating to the preparation and dispensing of pharmaceuticals.

Fiscal Impact No fiscal impact. Individual pharmacies may be impacted by the new requirements.

ARC 6870B and 6869B

Rule Summary Defines “mail order pharmacy” and exempts central fill pharmacies from the requirement of returning the central fill prescription to the originating pharmacy if the central fill pharmacy is a mail order pharmacy.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Phillip Kauffman (Ext. 52062)

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ENVIRONMENTAL PROTECTION COMMISSION – DEPARTMENT OF NATURAL RESOURCES

ARC 6921B and 6922B

Rule Summary Modifies the voting requirements for the Environmental Protection Commission (EPC). Under the amendment, the number of votes needed for approval varies depending on the number of Commissioners currently appointed by the Governor and specifies that four votes are sufficient for approval when there are only seven appointed members.

Fiscal Impact No fiscal impact to the State.

ARC 6826B

Rule Summary Amends air quality rules to comply with federal regulations. Changes include:

- Revises definitions.
- Allows electronic filing of permit applications and inventories.
- Allows operation of small, temporary generators during disaster periods.
- Revises construction permitting procedures.
- Revises portable plant re-location notifications.
- Revises Title V definitions and permitting procedures.
- Revises Acid Rain Program provisions.
- Revises emission standards for hazardous air pollutants (HAP).
- Revises test methods and procedures.
- Revises Prevention of Significant Deterioration (PSD) permit procedures.

Fiscal Impact No fiscal impact to the State and minimal fiscal impact to the regulated community.

ARC 6891B

Rule Summary Increases fees for general stormwater permits numbers 1, 2 and 3. The increases include:

- \$150 to \$175 for a one-year authorization.
- \$300 to \$350 for a three-year authorization.
- \$450 to \$525 for a four-year authorization.
- \$600 to \$700 for a five-year authorization.
- Eliminates the requirement that the coverage provided by the multi-year permit fees expires no later than the general permit.

Revenues generated by the current fee structure are insufficient to fund the Stormwater Permit Program. Authorization extension past the expiration of the general permit will not cause difficulties as the authorization can be continued under an expired general permit with the language change and will be automatically authorized under a renewed general permit.

Fiscal Impact The fiscal impact is an estimated increase of \$135,000 in stormwater permit fees received by the Department of Natural Resources. The fees offset related Program expenditures.

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ARC 6828B

Rule Summary Allows municipal solid waste landfills to continue to use previously approved landfill cells that have a basal liner and leachate collection systems until those cells have been filled.

Fiscal Impact Minimal fiscal impact to the State. There are 19 municipal solid waste landfills identified as being impacted by the amendment. This provides more planning time for the landfills and provides more time to obtain funding for the liner construction project.

ARC 6892B

Rule Summary Revises the Risk-Based Corrective Action (RBCA) Tier 2 software model. Evaluates public water supply wells. Revises the planning process for corrective action at high risk leaking underground storage tank sites. Revises enforcement rules.

Fiscal Impact No fiscal impact to the State. The Iowa Underground Storage Tank Fund provides funding to eligible owners and operators to comply with Department of Natural Resources rules.

STAFF CONTACT: Debra Kozel (Ext. 16767)

DEPARTMENT OF HUMAN SERVICES

ARC 6829B

Rule Summary Reduces the amount of the fee assessed to intermediate care facilities for persons with mental retardation from 6.00% of the facility's total annual revenue to 5.50% in accordance with federal law.

Fiscal Impact It is estimated that the 0.50% reduction in fees collected will cost the State \$477,000 in FY 2008 and \$922,000 in FY 2009. An increase in funding has been provided for FY 2009 in SF 2425 (FY 2009 Health and Human Services Appropriations Act) to replace the lost revenue.

ARC 6877B

Rule Summary Specifies that both federal and State Earned Income Tax Credit (EITC) payments are exempt as income for the Family Investment Program (FIP), Federal Medical Assistance Percentage (FMAP)-related Medicaid, and Child Care Assistance eligibility. Specifies that income from these funds is exempt for the month of receipt and the following month for the FIP and the FMAP-related programs.

Fiscal Impact No fiscal impact as the current policy reflects these changes.

ARC 6871B

Rule Summary Exempts income earned through temporary employment with the U.S. Bureau of the Census in determining eligibility for the Family Investment Program (FIP).

Fiscal Impact No fiscal impact.

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	ARC 6920B
Rule Summary	Makes changes to the Iowa Disaster Individual Assistance Grant Program to expand eligibility, facilitate application processing, and deter fraudulent claims.
Fiscal Impact	The limit for home repairs and electrical or mechanical repairs is increased. Debris removal is added as a reimbursable expense. The Department of Human Services includes the additional expenses for these changes within ARC 6878B.
	ARC 6878B
Rule Summary	Updates the Iowa Disaster Aid Individual Grant Program to increase eligibility from 130% of Federal Poverty Level to 200% of federal poverty level as required in HF 2564 (FY 2009 Disaster Aid Individual Assistance Grant Program Act).
Fiscal Impact	The estimated cost of ARC 6920B and 6878B is an increase of \$305,000. The statute provides for the Executive Council to provide the funding directly from the balance of the General Fund.
	ARC 6879B
Rule Summary	Updates the statewide average cost of nursing facility services to those charged to a private-pay resident. Updates the statewide average charges or maximum Medicaid rate for the various levels of institutional care.
Fiscal Impact	Minimal fiscal impact to reflect the decreasing number of bed days and the average charge rate.
	ARC 6884B and 6886B
Rule Summary	Provides for the continuous eligibility for children under the age of 19 that are eligible for Medicaid under either the Federal Medical Assistance Program (FMAP), the Child Medical Assistance Program (CMAP), or the Mothers and Children (MAC) Program.
Fiscal Impact	This provision is estimated to cost the Medicaid Program \$2.5 million in FY 2009 and \$4.7 million in FY 2010. Funding has been provided for FY 2009 in SF 2425 (FY 2009 Health and Human Services Appropriations Act)
	ARC 6887B
Rule Summary	Clarifies the qualifications for certain staff providing area education services, local education services, or infant and toddler services relating to the Medicaid Program.
Fiscal Impact	No fiscal Impact.
	ARC 6831B
Rule Summary	Allows Medicaid recipients to obtain the smoking cessation drug Chantix™ through a prescription with prior authorization.
Fiscal Impact	It is estimated to cost the State \$100,000 in FY 2008 and \$300,000 in FY 2009 to provide access of Chantix™ to Medicaid recipients. Funding was not provided for this expenditure.

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	ARC 6889B
Rule Summary	Implements the Medicare ambulatory payment for outpatient hospital services for the Medicaid Program.
Fiscal Impact	There will be a one-time administrative cost of \$123,000 to implement the new methodology. Ongoing costs for this change will be minimal.
	ARC 6873B
Rule Summary	Permits certain maternity patients and children receiving home health agency services without a Department service worker to allow home health agency services to be available based on identified medical needs.
Fiscal Impact	Minimal fiscal impact.
	ARC 6833B
Rule Summary	Makes the following changes: <ul style="list-style-type: none">• Adds new components to supported living services offered under Medicaid Home and Community Based Services (HCBS) Habilitation and the Mental Retardation and Physical Disability Services Waivers and increases reimbursement limits.• Adds Medicaid reporting requirements for physical therapists, chiropractors, and audiologists and hearing aid dealers.• Permits a person receiving Habilitation Services to also receive different services under a waiver.• Removes out-dated provisions on assignment of waiver service slots, clarifies the relationship between service plan approval and the beginning date of services, and clarifies that personal care and protective oversight and supervision may not be the only components received in Home-Based Habilitation Services.• Updates the upper payment limit for HCBS Waiver Respite Services provided in a foster group care facility.
Fiscal Impact	This rule is estimated to cost the General Fund \$14,000 and counties \$51,000 in FY 2009 and FY 2010. The funding was not provided for this expenditure.
	ARC 6900B and 6901B
Rule Summary	Increases provider rates by 1.00% to the majority of Medicaid providers and a 2.00% increase to Consumer Directed Attendant Care (CDAC) providers.
Fiscal Impact	The provider rate increases are estimated to cost \$6.8 million in FY 2009 and \$7.0 million in FY 2010 with 3.00% inflation and utilization increases. Funding for FY 2009 was provided in Senate File 2425 (FY 2009 Health and Human Services Appropriations Act)
	ARC 6893B
Rule Summary	Permits a member of the IowaCare Program to request the month of retroactive eligibility for IowaCare after the eligibility determination.
Fiscal Impact	This rule is estimated to cost the General Fund \$157,000 in FY 2009 and \$151,000 in FY 2010. Funding was not provided for this expenditure.

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ARC 6902B and 6903B
Rule Summary Implements a 1.00% reimbursement rate increase for social service providers for foster care placements in supervised living and shelter care.

Fiscal Impact An appropriation of \$89,000 for a 1.00% provider care increase for supervised apartment living and shelter care was provided in SF 2425 (FY 2009 Health and Human Services Appropriations Act).

ARC 6906B and 6910B
Rule Summary Increases the reimbursement rates for foster family care to maintain the rate at 65.00% of the United States Department of Agriculture (USDA) estimate of the cost to raise a child.

Fiscal Impact An increase of \$325,000 was provided in SF 2425 (FY 2009 Health and Human Services Appropriations Act) for the State portion of this expenditure.

ARC 6895B
Rule Summary Updates the funding policy for “wrap around” child care. Limits funding to programs that provide care before and after a “core” program such as Head Start or Shared Visions.

Fiscal Impact No fiscal impact to the State.

ARC 6842B
Rule Summary Changes policy for Child Care Assistance Program by:

- Allowing certain parents to have child care paid for time they sleep during the day under certain required work hours.
- Requiring quality control reviews and eligibility investigations cooperation.
- Requiring recoupment of overpayments that were made by the DHS.
- Including vocational training in postsecondary education benefits.
- Exempting additional types of income from eligibility determinations.

Fiscal Impact Minimal fiscal impact.

ARC 6876B
Rule Summary Finalizes the process for the child care subsidy management information system that allows a provider to submit claims electronically. Exempts income of recipients under 18 years of age and a full-time student or those earning income from a temporary position with the U.S. Census Bureau for eligibility determination.

Fiscal Impact Minimal fiscal impact. The cost of the management information system was paid with prior fiscal year funding. The changes for eligibility determination reflect current practice.

ARC 6835B
Rule Summary Updates the Child Care Assistance fee schedule based on federal income guidelines issued for FY 2008. Allows families with increased income to maintain eligibility for Child Care Assistance.

Fiscal Impact Minimal fiscal impact.

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ARC 6911B and 6912B

Rule Summary Provides a 1.00% reimbursement rate increase for group foster care service providers.

Fiscal Impact For FY 2009, the State cost is estimated to be \$348,309. Senate File 2425 (FY 2009 Health and Human Services Appropriations Act) provided \$324,873 for FY 2009 that was the estimate during the 2008 Legislative Session.

ARC 6914B

Rule Summary Aligns the rule relating to the Department's responsibility to visit children in foster care with Title IV-B of the federal Social Security Act. Requires the assigned Department service worker to visit each child in out-of-home placement at least monthly.

Fiscal Impact The cost can not be estimated. Additional child welfare workers may be needed. An additional \$1.0 million was provided in SF 2425 (FY 2009 Health and Human Services Appropriations Act) for the State portion of additional staff. Staffing costs are typically matched 50.0%-50.0% with federal funding.

SPECIAL

Rule Summary Extends scheduled reporting, review, recertification and redetermination requirements for certain counties affected by disasters for the months of June, July and August for the Family Investment Program (FIP), State Supplementary Assistance, Food Assistance, Medicaid, Healthy and Well Kids in Iowa (hawk-i) Program, IowaCare, and Child Care Subsidy Assistance. For those households affected, the next report, review, recertification or redetermination shall be scheduled as if the June, July or August 2008 report, review, recertification or redetermination had occurred.

Fiscal Impact Minimal fiscal impact.

STAFF CONTACT: Jess Benson (Ext. 14611) Phillip Kauffman (Ext. 52062)

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

ARC 6864B

Rule Summary Allow counties to send preliminary Corn Promotion Board referendum results by email or fax to the Department of Agriculture and Land Stewardship. Currently, this can only be done by telephone. The next referendum count begins July 8, 2008.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

DEPARTMENT OF ECONOMIC DEVELOPMENT

ARC 6841B and 6840B

Rule Summary Adds definitions, allows tax credit certificates to be transferred regardless of amount, and expands the acceptable report formats for film and television projects.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

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BOARD OF EDUCATIONAL EXAMINERS

ARC 6812B
Rule Summary Clarifies what is considered administrative experience for purposes of licensure for superintendents.

Fiscal Impact No fiscal impact.

ARC 6811B
Rule Summary Clarifies requirements for a school psychologist endorsement.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270)

DEPARTMENT OF ELDER AFFAIRS

ARC 6899B
Rule Summary Clarifies the waiver and contested case procedures for the area agencies on aging.

Fiscal Impact No fiscal impact.

ARC 6907B
Rule Summary Requires nonprofit contractors or subgrantees to comply with all requirements for nonprofit entities for funding eligibility. Clarifies the waiver requirements regarding funding and area agencies on aging plans.

Fiscal Impact No fiscal impact.

ARC 6905B
Rule Summary Moves rules relating to the Iowa Family Caregiver Support Program to a new Chapter.

Fiscal Impact No fiscal impact.

ARC 6896B
Rule Summary Changes the process for membership on resident advocate committees in nursing facilities. Requires training for members and removes outdated language.

Fiscal Impact No fiscal impact.

ARC 6919B
Rule Summary Provides support services and criteria for services for family caregivers over 60 years of age. Provides support services and criteria for services for grandparents or elderly caregivers for children.

Fiscal Impact No fiscal impact. The area agencies on aging may incur some costs for educational requirements of staff.

ARC 6908B
Rule Summary Makes technical changes to the Case Management for Frail Elders Program. Clarifies the assessment, eligibility, and service plan requirement within the Case Management Program for consumers.

Fiscal Impact No fiscal impact.

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ARC 6918B

Rule Summary Updates rules for the Iowa Senior Living Program Home-and-Community-Based Services provisions for compliance with the federal Older Americans Act.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Phillip Kauffman (Ext. 52062)

IOWA EMPOWERMENT BOARD

ARC 6846B

Rule Summary Addresses the role and programs of the Business Community Investment Advisory Council (BCIAC) established in statute in 2006. Specifies that funds in the Community Empowerment Gifts and Grants account are intended to support the BCIAC First Years First Program.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270)

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

ARC 6848B

Rule Summary Requires an existing form, DR-SFA, to be filed prior to the distribution of political materials. The DR-SFA form was created to permit a candidate or organization that has not exceeded the \$750 financial filing threshold for registering a campaign committee to use the short form "paid for by" attribution statement on political materials.

Fiscal Impact No fiscal impact.

ARC 6849B

Rule Summary Clarifies the requirements for expenditure reporting for Executive Branch lobbying activities. Removes requirements reported in other documents relating to compensation received for Executive Branch lobbying activities.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

DEPARTMENT OF INSPECTIONS AND APPEALS

ARC 6839B

Rule Summary Eliminates duplicated rules relating to mobile units or pushcarts in lieu of standards set forth in the 2005 Food and Drug Administration Food Code with Supplement, that were adopted effective July 1, 2008. Changes to the industry include required holding temperatures, required cooking temperature for pork, aligning bare-hand contact standards with those of other food establishments, and the adoption of the uniform consumer advisory.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

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INSURANCE DIVISION – DEPARTMENT OF COMMERCE

ARC 6909B

Rule Summary Clarifies required rate-filing methods and procedures for requesting and filing rate deviations in workers' compensation liability insurance filings. Requirements take effect January 1, 2009.

Fiscal Impact No fiscal impact.

ARC 6888B

Rule Summary Designates the 1980 Commissioner Standard Ordinary Mortality Table as the authority to establish the required minimum reserves for preneed insurance. Preneed insurance provides for services at the time death including but not limited to, embalming, cremation, coffin or urn, memorial stone, and transportation of the deceased.

Fiscal Impact No fiscal impact.

ARC 6904B

Rule Summary Implements SF 559 (Cemeteries and Related Services Act) from 2007, SF 2349 (Cemetery Regulations Act) from 2008, and HF 2555 (Insurance Division Omnibus Act) from 2008 that regulate the sale of various cemetery and funeral merchandise and funeral services.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

IOWA FINANCE AUTHORITY

ARC 6819B

Rule Summary Changes the standard of liability for the Title Guaranty Division from strict liability to negligence, in accordance with HF 2700 (FY 2009 Standing Appropriations Act).

Fiscal Impact No fiscal impact.

ARC 6818B

Rule Summary Allows the Iowa Finance Authority to issue a greater number of real estate closing protection letters by adding mortgage loan closers.

Fiscal Impact No fiscal impact.

ARC 6815B

Rule Summary Updates the criteria for allocating federal tax credits with the FY 2009 qualified allocation plan.

Fiscal Impact No fiscal impact.

ARC 6817B

Rule Summary Updates and clarifies the standards that apply to the operation and management of property in the Low Income Housing Tax Credit provisions by updating the referenced compliance manual.

Fiscal Impact No fiscal impact.

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ARC 6816B

Rule Summary Updates the Local Housing Trust Fund Allocation Plan.

Fiscal Impact No fiscal impact.

ARC 6915B and 6913B

Rule Summary Replaces rules pertaining to the Military Service Member Home Ownership Assistance Program to conform with the enactment of SF 2354 (Veterans Home Ownership Program Modification Act) by changing the eligibility dates and specifying the eligible person can participate in other loan programs.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

ARC 6917B

Rule Summary Allows the Iowa Public Employees' Retirement System (IPERS) to conform to Internal Revenue Service plan qualification requirements. Provides for administration of a new beneficiary designation law regarding letters of notification in the event of a divorce, annulment, or remarriage. Clarifies procedures for the naming of alternate payees and the paying of death benefits to beneficiaries of divorced members.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

LABOR SERVICES DIVISION - IOWA WORKFORCE DEVELOPMENT DEPARTMENT

ARC 6853B and 6852B

Rule Summary Provides temporary rules for lifts in wind towers.

Fiscal Impact Minimal fiscal impact. The Division of Labor Services will perform additional inspections each year. The estimated fees that will be generated from permits and inspections will cover the costs of the additional activities. The Elevator Revolving Fund will be used for the additional revenue and expenses. The rules provide for various fees including \$250 for the installation inspection and permit fee, with a \$150 re-inspection fee. Currently there are approximately 600 wind towers. The number containing lifts is not known.

ARC 6854B

Rule Summary Incorporates the most recent version of the American Society of Mechanical Engineers codes, removes obsolete and unnecessary provisions, and includes statutory changes enacted in HF 369 (Elevator Code Updates Act) and SF 2154 (Elevator Language Update Act).

Fiscal Impact Minimal fiscal impact. Statutory changes made small expansions in the coverage that addresses elevators. Changes will result in a small number of additional inspections and permits each year.

STAFF CONTACT: Ron Robinson (Ext. 16256)

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BOARD OF MEDICINE

ARC 6858B
Rule Summary Adds to the Board of Medicine's member guidelines for alternate Board members and the Board's ability to appoint alternate members to serve on a hearing panel.

Fiscal Impact Minimal fiscal impact. Possible minimal savings reflect one less appeal step.

ARC 6862B
Rule Summary Updates rules regarding the verification of physician licensure and fees for the public record. Eliminates an out-of-date licensure status system. Requires the use of an on-line VeriDoc service. Eliminates charges for various media-related items.

Fiscal Impact No fiscal impact. Various labor costs may decrease while minimal electronic costs may increase.

ARC 6859B
Rule Summary Allows a physician enrolled as an intern, a resident, or a fellow in an Iowa resident training program to practice under a resident physician license.

Fiscal Impact No fiscal impact.

ARC 6860B
Rule Summary Adds a disciplinary measure for the failure to comply with an audit of continuing education or training following a reported abuse within 30 days of the audit request.

Fiscal Impact No fiscal impact.

ARC 6861B
Rule Summary Details a licensee's right to appear in a hearing conference with teleconference or video conference and allows respondents to appear personally and by an attorney.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Phillip Kauffman (Ext. 52062)

NATURAL RESOURCE COMMISSION – DEPARTMENT OF NATURAL RESOURCES

ARC 6824B
Rule Summary Implements the rules for the Water Trails and Low-Head Dam Safety Programs. Establishes a grant program for local entities and nonprofit organizations for signage, trail development, and brochures.

Fiscal Impact An allocation of \$200,000 from the \$8.4 million appropriated to the Lake Restoration Fund will be used for these Programs.

ARC 6823B
Rule Summary Modifies rules related to kayaks to reflect increased kayaking at night. This change affects watercraft on natural lakes, Army Corps of Engineers impoundments, border rivers, and impoundments on inland rivers.

Fiscal Impact No fiscal impact.

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ARC 6825B

Rule Summary Creates a speed restriction at the west end of Clear Lake in Cerro Gordo County to provide recreational boating safety to the public. The area will have an active dredging operation from approximately July 1, 2008, through July 1, 2009. Portions of the west end of Clear Lake will be buoyed/marked for safety reasons.

Fiscal Impact No fiscal impact.

ARC 6827B

Rule Summary Implements the designation of a no-wake zone for the Lake Cornelia boat harbor and harbor entrance, as requested by the Wright County Conservation Board and designation of a public swimming area at the northwest shore. The request was made in an effort to regulate and reduce boat speed and increase swimmer and boating safety.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD

ARC 6808B

Rule Summary Modifies procedures for reimbursement of claims for removal of eligible upgraded underground storage tanks. Increases the number of eligible sites and adds provisions for removal of certain tanks with the Department of Natural Resources. Reduces eligibility documentation requirements for sites where ownership has changed.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Jeff Robinson (Ext. 14614)

PROFESSIONAL LICENSING AND REGULATION BUREAU – DEPARTMENT OF COMMERCE

ARC 6850B

Rule Summary Allows the Professional Licensing Bureau's newsletter to include articles from other Bureaus within the Iowa Division of Banking in the Department of Commerce.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

PROFESSIONAL LICENSURE DIVISION – DEPARTMENT OF PUBLIC HEALTH

ARC 6851B

Rule Summary Updates requirements for school-based occupational therapy screening.

Fiscal Impact No fiscal impact.

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ARC 6845B

Rule Summary Eliminates duplicate language for the Board of Sign Language Interpreters.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Phillip Kauffman (Ext. 52062)

IOWA PROPANE EDUCATION AND RESEARCH COUNCIL

ARC 6810B

Rule Summary Establishes the Iowa Propane Education and Research Council as enacted in HF 556 (Petroleum Council Act).

Fiscal Impact No fiscal impact to the State. The Council is funded by one-tenth of one cent from each gallon of propane sold. An estimated \$350,000 is expected to be generated.

STAFF CONTACT: Sue Lerdal (Ext. 17794)

DEPARTMENT OF PUBLIC HEALTH

ARC 6830B

Rule Summary Makes changes relating to radiation machines and tanning facilities and regulations.

Fiscal Impact No fiscal impact.

ARC 6832B

Rule Summary Provides the purpose and responsibilities of the Office of Multicultural Health and the Multicultural Advisory Council.

Fiscal Impact No fiscal impact.

ARC 6822B

Rule Summary Specifies education, training, and certification requirements for emergency medical providers. Establishes standards of conduct for training programs, students, and providers of the services.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Phillip Kauffman (Ext. 52062)

DEPARTMENT OF PUBLIC SAFETY

ARC 6897B and 6898B

Rule Summary Updates manufactured housing installation requirements with new federal requirements.

Fiscal Impact No fiscal impact.

ARC 6916B

Rule Summary Updates record information and restrictions on the release of official photographs of employees of the Department of Public Safety.

Fiscal Impact No fiscal impact.

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ARC 6894B

Rule Summary Updates the adopted national standards used as the basis for firefighter certification and other fire service personnel.

Fiscal Impact No fiscal impact.

ARC 6883B and 6885B

Rule Summary Implements provisions enacted in SF 517 (State Building Code Requirements Act) including energy conservation rules and energy conservation requirements applicable to all construction, except for renovation or remodeling of one and two family residences.

Fiscal Impact The fiscal impact cannot be determined; however, minimal fiscal impact to the State is anticipated. Some additional inspections may occur but should be offset with inspection fees. Some additional construction costs may result but cannot be quantified, as the number and scope of affected construction projects is unknown.

ARC 6880B and 6881B

Rule Summary Establishes requirements for the certification of manufactured housing installers to comply with federal regulations.

Fiscal Impact The fiscal impact is anticipated to be approximately \$48,000 every three years from the \$300 certification fee covering approximately 160 certified installers with some sporadic collections in other years, as a result of the new three-year certification cycle.

NOTE: Non-reversion language for this Program does not exist. If this language is not added by May 1, 2009, the Program will revert to a one-year program with a \$100 certification fee rather than a three-year program with a \$300 certification fee.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

RACING AND GAMING COMMISSION

ARC 6866B

Rule Summary Provides for denial of a racing license for persons convicted of a felony in the last five years. Permits the Racing and Gaming Commission to deny a license if a conviction prior to the last five years has occurred. Allows additional testing of gambling games. Makes technical changes to definitions and conforms racing rules to national standards.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

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REAL ESTATE COMMISSION

ARC 6844B

Rule Summary Implements the operations and grant process for the Iowa Real Estate Education Grant Committee under the Professional Licensing Bureau. The Real Estate Commission is responsible for awarding grants to universities and community colleges to underwrite the cost of administering real estate education programs.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

DEPARTMENT OF REVENUE

ARC 6855B

Rule Summary Provides corrections and clarifications to the practice and procedure for the conduct of appeals before the Iowa Property Assessment Appeal Board.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

SECRETARY OF STATE

ARC 6856B and 6643B

Rule Summary Terminates a rule that provided notice to the public concerning the wording of the proposed constitutional amendment scheduled for a vote at the November 4, 2008, General Election. The notice was intended to provide the public with an opportunity to review the wording and submit comments. The Secretary of State has determined that there is no longer a reason to proceed with rule making for ARC 6643B. The proposed constitutional amendment changes the language that describes certain illegal voters from "idiot or insane person" to "a person adjudged mentally incompetent to vote."

Fiscal Impact No fiscal impact.

ARC 6834B

Rule Summary Establishes a process for electronic transmission of absentee ballot materials for voters eligible under the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). These individuals are also covered under Chapter 53 of the Code of Iowa, "Absent Voting by Armed Forces." This process for electronic transmission includes both e-mail and facsimile transmission of ballots from county commissioners of elections to voters and allows eligible voters to send requests for absentee ballots by e-mail or facsimile.

Fiscal Impact No fiscal impact.

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ARC 6857B and 6728B

Rule Summary Terminates a rule that provided a notice of intended action to give the public an opportunity to comment on a proposed rule change associated with the enactment and implementation of SF 2347 (Optical Scan Voting System Act). The Secretary of State has determined there is no longer a reason to proceed with rule making for ARC 6728B.

Fiscal Impact No fiscal impact.

STAFF CONTACT: David Reynolds (Ext. 16934)

STATUS OF IOWANS OF ASIAN AND PACIFIC ISLANDER HERITAGE DIVISION – DEPARTMENT OF HUMAN RIGHTS

ARC 6813B

Rule Summary Defines the operating procedures for the Division and the Commission on the Status of Iowans of Asian and Pacific Islander Heritage of the Department of Human Rights including organizational structure, administrative procedures, and purpose.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

DEPARTMENT OF TRANSPORTATION

ARC 6814B

Rule Summary Makes numerous technical changes regarding the following outdoor advertising signs along interstates and primary highways, including:

- Permits businesses located within the limits of a commercial or industrial development to advertise on a sign located anywhere within the development, regardless of land ownership. Limits the number of development directory signs allowed per business and the message content.
- Establishes criteria for a property to qualify as a commercial or industrial development.
- Allows light-emitting diode (LED) displays to be used when the message is displayed in the minimum required timeframe. Requires a minimum spacing between LED displays of 1,000 feet outside city limits and 500 feet inside city limits.
- Requires an advertising device visible from an interstate highway to be located in an area zoned and used for commercial or industrial purposes.
- Permits signing for cemeteries that is allowed by the Federal Highway Administration (FHWA). Allows service clubs or religious notices to display hours open to the public.
- Amends provisions regarding obstructions in the highway right-of-ways.
- Deletes references to the issuance of permits for municipal, county, and school district recognition signs that are permitted without Department of Transportation (DOT) approval.
- Specifies the process for removal of illegal and abandoned advertising devices.

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- Fiscal Impact** No fiscal impact to the State. Costs would be paid by those affected by the proposed amendment. Existing LED displays and advertising devices along interstate highways appear to conform to the new requirements. There may be a few existing developmental directory signs that do not comply with either the new rule or current outdoor advertising rules. These signs were not approved by the Department of Transportation (DOT), and are subject to removal if the signs cannot be brought into compliance.
- ARC 6890B**
- Rule Summary** Corrects contact information, ties the valuation of volunteer labor to the current State minimum wage rate in effect when the application is due, and clarifies the process for selecting projects for Keep Iowa Beautiful funding.
- Fiscal Impact** No State fiscal impact. The change in the valuation of volunteer labor only impacts the amount of match a community can claim on its application. It does not impact the amount of funding a community may receive.
- ARC 6821B**
- Rule Summary** Extends the enforcement of the Federal Motor Carrier Safety Regulation (FMCSR) and Federal Hazardous Materials Regulations (HMR) to commercial vehicles operated intrastate unless exempted by statute.
- Fiscal Impact** The fiscal impact cannot be determined. The proposed federal regulatory changes may impact motor carrier operations, equipment maintenance, and reporting requirements. Without conducting an extensive analysis of the impact, this information cannot be determined.
- ARC 6820B**
- Rule Summary** Establishes initial fees and a fee bracket structure for the Unified Carrier Registration Agreement by citing the current version of the Code of Federal Regulations (CFR) (October 2007) with the Federal Motor Carrier Safety Regulations (FMCSR).
- Fiscal Impact** The fiscal impact to the State will be revenue neutral. For-hire interstate motor carriers will primarily benefit. The total revenue from the Single State Registration by all jurisdictions will remain about the same as collected in 2004, but will be paid by both for-hire and private interstate motor carriers. The fee structure is set by the FMCSR, and is based on the latest data available (2004).

STAFF CONTACT: Mary Beth Mellick (Ext. 18223)

UTILITIES DIVISION – DEPARTMENT OF COMMERCE

ARC 6847B

Rule Summary Allows energy tax credits for electricity generated for on-site consumption. Sets a minimum nameplate capacity of two megawatts for eligible applications filed after March 1, 2008. Extends the in-service deadline for eligible projects by three years from July 1, 2009, to January 1, 2012.

Fiscal Impact Extending the deadline by three years will be initially positive to the State General Fund as a result of sales and income taxes paid during the construction of the wind facilities. Over a 16-year period as the tax credits are earned, the direct net General Fund impact is an estimated reduction of \$8.7 million as was estimated during the 2008 Session for the fiscal impact of SF 2405 (Renewable Energy Tax Credits Act).

STAFF CONTACT: Deborah Helsen (Ext. 16764)

WORKERS' COMPENSATION DIVISION - IOWA WORKFORCE DEVELOPMENT DEPT.

ARC 6875B

Rule Summary Updates references to payroll tax tables used to determine the rate of weekly workers' compensation benefits.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)
