



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 5117B

Rule Summary The rule implements SF 2231 (FY 2007 Sick Leave Conversion Act), which extends the Sick Leave Incentive Program provided to members of the American Federation of State, County, and Municipal Employees (AFSCME) under their collective bargaining agreement to certain non-Regent employees in the Executive Branch not covered by a collective bargaining agreement. Under the Program, retirees can elect to have the value of their sick leave balance used to pay the State share for continuation of the State group health insurance coverage.

Fiscal Impact As reflected in the fiscal note for SF 2231, the fiscal impact increases State expenses for the payment of retirees' health insurance by \$891,000 in total from all funds in FY 2007 compared to the estimated FY 2006 expenses. This includes \$474,000 from the General Fund. State expenses will increase to a maximum of \$1.6 million in total from all funds in FY 2008 compared to the estimated FY 2006 expenses. This includes \$860,000 from the General Fund. The program cost will increase each year due to salary wage increases, increased cost of health insurance, and as the total number of retirees increase over the next five years.

STAFF CONTACT: Jess Benson (Ext. 14613)

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

ARC 5118B

Rule Summary Establishes the procedures for submitting applications and the criteria for selecting proposals when awarding moneys from the Grape and Wine Development Fund.

Fiscal Impact No fiscal impact to the State. Persons beginning or engaged in grape growing or wine making may benefit by applying for financial assistance in the form of a loan, forgivable loan, loan guarantee, cost share, indemnification of costs, or any combination of such financing.

STAFF CONTACT: Debra Kozel (Ext. 16767)

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BANKING DIVISION – DEPARTMENT OF COMMERCE

ARC 5112B

Rule Summary The rule implements HF 737 (FY 2006 Mortgage Brokers Licensing Act), which requires persons acting as mortgage bankers and mortgage brokers to register with the Division and to complete annual continuing education requirements. The rule addresses the processes and requirements of original individual registration and the annual renewal of those registrations. The rule also addresses the application and renewal requirements for mortgage banker and mortgage broker licenses, establishes administrative fees associated with licenses and registrations administered pursuant to Chapter 535B, Code of Iowa, and establishes record keeping and reporting requirements for licensees. Additionally, the rule describes the complaint and disciplinary process that applies to mortgage banker and broker licensees and individual registrants.

Fiscal Impact As reflected in the fiscal note for HF 737, the estimated net fiscal impact will be minimal. Expenses relating to personnel and computer costs will be offset by moneys collected from background checks and mortgage broker and banker fees.

STAFF CONTACT: Sam Leto (Ext. 16764)

DEPARTMENT OF ECONOMIC DEVELOPMENT

ARC 5104B

Rule Summary The proposed amendments revise the method of distributing recaptured Community Development Block Grant (CDBG) funds and change the application requirements.

Fiscal Impact No fiscal impact. Since the rule changes the percentage allocation within the Community Development Block Grant, no fiscal impact is anticipated. The proposed rule was changed after public input suggesting eliminating the required approval of the Department of Natural Resources (DNR) of the facilities plan. The facilities plan is now only required to be submitted to the DNR. There will still be no fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

BOARD OF EDUCATIONAL EXAMINERS

ARC 5101B

Rule Summary New chapter of rules to address the procedural responsibilities of the Board in licensing applicants who are not citizens of the United States. Specifies documentation required for application.

Fiscal Impact No fiscal impact.

ARC 5097B

Rule Summary Notice of the proposed rule regarding the removal of references to a public letter of reprimand from the public information access system is terminated.

Fiscal Impact No fiscal impact.

ARC 5099B

Rule Summary Creates a non-renewable, two-year Class G license for those who have completed the course work in a school guidance counseling program and are completing a practicum or internship.

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Fiscal Impact No fiscal impact.

Rule Summary Extends the duration of a substitute teaching authorization from one year to three years and increases the number of credits needed for renewal from one to two units. **ARC 5098B**

Fiscal Impact No fiscal impact.

Rule Summary Changes rules for license renewal to provide that only a small portion of an applicant's educational credits will be verified through auditing. The change will facilitate on-line renewal and allow the Board office to respond more quickly to applications for renewal. **ARC 5100B**

Fiscal Impact This change should help the Board contain personnel expenditures and other costs in the future by reducing the amount of staff time required for processing renewal applications. Staff time saved will be reallocated to other priorities.

STAFF CONTACT: Robin Madison (Ext. 15270)

DEPARTMENT OF ELDER AFFAIRS

Rule Summary Case Management Program for the Frail Elderly (CMPFE) – Makes changes relating to the addition of case management as a Medicaid-covered service under the home and community-based Medicaid Elderly Waiver. **ARC 5121B**

Revisions were made to the noticed rules that included removing three proposed changes that will be addressed in rules submitted by the Department of Human Services; education and experience requirements for two positions involved with the CMPFE were rearranged and changed to provide for clarification and a reference to one position was removed; and the responsibility for establishing procedures to address potential conflicts of interest is given to the Department of Elder Affairs.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

ENVIRONMENTAL PROTECTION COMMISSION – DEPARTMENT OF NATURAL RESOURCES

Rule Summary Changes effective dates for the National Pollutant Discharge Elimination System (NDPES) General Permit Number Two. **ARC 5090B**

Fiscal Impact No fiscal impact.

Rule Summary The proposed rule adds color cathode ray tubes (CRTs) to the list of household hazardous materials. Retailers that sell CRTs will be required to purchase an annual Household Hazardous Materials Permit for \$25. The revenue generated from the permits will be used to provide educational materials for retailers, and to provide Toxic Cleanup Days, HHM Education Grants, and administrative support for the programs. **ARC 5091B**

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Fiscal Impact Minimal fiscal impact. It is estimated there are 50 retailers that will need to purchase a \$25 permit. This will increase revenue to the Department of Natural Resources (DNR) by \$1,250 per year. Expenditures related to adding the color CRTs to the list of household hazardous waste are estimated at \$1,250. This includes issuing permits, providing signing to the retailers, and other program activities.

STAFF CONTACT: Debra Kozel (Ext. 16767)

ENVIRONMENTAL PROTECTION COMMISSION – SPECIAL REVIEW

Rule Summary Existing rule review related to implement dealers that work on large engines (such as a tractor or combine). Currently these dealers must obtain an air quality permit for the vent stack they use to vent the exhaust from the repair facility. **SPECIAL**

Fiscal Impact No fiscal impact. The Department of Natural Resources (DNR) met with implement dealers to provide wording to determine an exemption.

STAFF CONTACT: Debra Kozel (Ext. 16767)

DEPARTMENT OF HUMAN SERVICES

Rule Summary Makes various changes to the accreditation of providers of services to persons with mental illness, mental retardation, and developmental disabilities. The changes include altering the amount of education needed to be a “psychiatric rehabilitation practitioner,” and expanding and altering the performance indicators used for the accreditation process. **ARC 5096B**

Fiscal Impact No fiscal impact.

Rule Summary Implements the changes required by the federal Deficit Reduction Act of 2005 requiring individuals receiving or applying for Medicaid to provide proof that they are U.S. citizens or nationals. **ARC 5076B and ARC 5077B**

Fiscal Impact Potential annual savings of \$100,000 if those currently eligible and receiving Medicaid benefits are unable to provide required documentation upon review for eligibility.

Rule Summary Makes the Department of Public Health (DPH) a Medicaid provider for the purposes of receiving federal funds for lead investigation services. **ARC 5080B**

Fiscal Impact The fiscal impact is an estimated \$4,000 for both FY 2007 and FY 2008.

Rule Summary Eliminates the requirements for infant and toddler programs and local education agencies participating in Medicaid to certify that the nonfederal share of the costs of services under these programs is unrestricted public funds and is not federal funds. These programs use only local funds and no State Medicaid funds; therefore, the requirement is no longer necessary. **ARC 5079B**

Fiscal Impact No fiscal impact.

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ARC 5081B
Rule Summary Makes changes to rules regarding the distribution of payments from the Graduate Medical Education and Disproportionate Share Fund. They revise the distribution of payments to reflect FY 2006 claims data.

Fiscal Impact No fiscal impact.

ARC 5078B
Rule Summary Allows the DHS to grant deemed certification status to a provider of rehabilitative treatment services under certain conditions.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942) Kerri Johannsen (Ext. 14611) Sue Lerdal (Ext. 17794)

DEPARTMENT OF HUMAN SERVICES – SPECIAL REVIEW

SPECIAL
Rule Summary Establishes a new optional Medicaid coverage group to provide Medicaid to youth under age 21 who were in a foster care placement when they turned age 18 and left foster care on or after May 1, 2006, who do not otherwise qualify for an existing Medicaid program.

Fiscal Impact The Program will serve an estimated 413 youths at a State cost of \$1.1 million in FY 2007, and an estimated 826 youths at a State cost of \$2.2 million in FY 2008. House File 2734 (FY 2007 Health and Human Services Appropriations Bill) provided an estimated increase of \$800,000 in the Medicaid appropriation for this purpose in FY 2007.

SPECIAL
Rule Summary Implements HF 2319 (Medicaid Personal Needs Allowance Bill), which directs the Department of Human Services (DHS) to allow residents of nursing facilities participating in the Medicaid Program to retain a personal needs allowance of \$50 per month from their income, such as Social Security benefits.

Fiscal Impact House File 2734 appropriated an estimated increase of \$1.4 million in the Medicaid appropriation for this purpose in FY 2007.

SPECIAL
Rule Summary Medicaid State Plan Conformity – Information in progress at the DHS.

Fiscal Impact The fiscal impact cannot be determined as information has not yet been submitted.

SPECIAL
Rule Summary Implements the 3.0% increase for most Medicaid providers, effective July 1, 2006.

Fiscal Impact House File 2734 appropriated an estimated increase of \$17.7 million in the Medicaid appropriation for this purpose in FY 2007.

SPECIAL
Rule Summary Implements a 3.0% across-the-board rate increase to the rates in effect on June 30, 2006, for social services providers, or for the provider's actual and allowable cost for each service plus inflation, whichever is less. Also, clarifies the way in which

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emergency juvenile shelter providers are paid by the DHS and identifies the number of emergency shelter beds to be available through contracts in FY 2007.

Fiscal Impact House File 2734 appropriated an estimated increase of \$305,000 in the Child and Family Services appropriation for this purpose in FY 2007. The Bill also requires that the amount budgeted for shelter care from the Child and Family Services appropriation be based on the cost to fund 273 guaranteed beds and seven beds that are not guaranteed. The State share paid for shelter care is \$88.79 per day as specified in the Bill.

SPECIAL

Rule Summary Implements a cost-of-living increase for foster family daily reimbursement rates, as well as supervised apartment living and adoption subsidy maintenance rates, effective July 1, 2006.

Fiscal Impact House File 2734 appropriated a total estimated increase of \$576,000 for these purposes in FY 2007, including an increase of \$225,000 in the Child and Family Services appropriation, and an increase of \$351,000 in the Adoption Subsidy appropriation.

SPECIAL

Rule Summary Implements a 3.0% across-the-board rate increase for rehabilitative treatment and supportive services providers for rates in effect on June 30, 2006, effective July 1, 2006.

Fiscal Impact House File 2734 appropriated an estimated increase of \$2.0 million in the Child and Family Services appropriation for this purpose in FY 2007.

SPECIAL

Rule Summary Establishes rules for the new Preparation for Adult Living Services (PALS) Program. The Program will serve youth leaving State paid foster care on or after age 18 who were in foster care for six of the past 12 months by providing a monthly stipend up to their 21st birthday, as long as they are engaged in full-time employment, continuing education, or a training program.

Fiscal Impact The Program will serve an average monthly population of approximately 130 youths at a cost of \$1.1 million in both FY 2007 and FY 2008. House File 2734 provided an estimated increase of \$854,000 in the Child and Family Services appropriation for this purpose in FY 2007.

STAFF CONTACT: Lisa Burk (Ext. 17942) Kerri Johannsen (Ext. 14611) Sue Lerdal (Ext. 17794)

IOWA FINANCE AUTHORITY

ARC 5122B

Rule Summary The rule permits participating abstractors to issue title guaranty commitments and certificates. The period of time for which records must be searched is also shortened. The proposed amendments also prohibit participating attorneys from transferring serialized forms to other participants.

Fiscal Impact No fiscal impact. The proposed rules have been added to, without public comment, since the rules were first noticed. The change does not have a fiscal impact.

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ARC 5123B

Rule Summary Rescission of Chapter 15. The chapter pertains to the Housing Assistance Fund. The Fund resources were reallocated to the State Housing Trust Fund in HF 2797 (FY 2007 Standing Appropriations Bill).

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

LABOR SERVICES DIVISION – DEPARTMENT OF WORKFORCE DEVELOPMENT

ARC 5084B

Rule Summary The proposed amendments update the Division's procedural rules and adopt, by reference, changes to federal occupational safety and health regulations.

Fiscal Impact The fiscal impact cannot be determined. The U.S. Department of Labor was required to adopt a new hexavalent chromium standard due to significant health risks created by exposure. The Department prepared an extensive economic analysis of the new requirements for the nation as a whole; however, there is no reliable method of determining the number of Iowa businesses impacted by the hexavalent chromium standard. Therefore, the fiscal impact cannot be determined.

The change in the roll-over protective structures standard creates more testing options for businesses that manufacture and retrofit equipment. Therefore, it was determined by the U.S. Department of Labor that no additional costs would be imposed by the roll-over change. Any savings to businesses depends on whether businesses that manufacture and retrofit equipment opt to use the newly available testing options.

ARC 5083B

Rule Summary Updates Iowa's occupational safety and health rules by revoking a slip-resistance provision in the steel erection standard before it goes into effect.

Fiscal Impact No fiscal impact.

ARC 5092B

Rule Summary The rule sets forth procedures for the Labor Commissioner to use for wage claims under Chapter 91A, Code of Iowa.

Fiscal Impact No fiscal impact.

ARC 5102B

Rule Summary The proposed rule creates Elevator Safety Board procedures; rescinds a requirement for scavenger pumps in new elevators; extends the deadline for implementation of an existing requirement for safety bulkheads in older elevators; and adopts a new requirement for Phase I fire recall and shunt trip breakers when building owners and operators install fire sprinkler systems in the hoist-ways of certain older elevators. The Phase I fire recall and shunt trip breakers prevent riders from being trapped in elevators in the event the fire sprinkler in the elevator hoist-way activates.

Fiscal Impact The procedural rules will have no fiscal impact. Extending the deadline for enforcement of the safety bulkhead requirement will delay capital outlays in the range of \$30,000 to \$40,000 for certain building owners and operators. Rescinding the scavenger pump requirement will save about \$300 to \$500 per elevator during the installation of about 400 new elevators per year.

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Adopting the requirement for Phase I fire recall and shunt trip breakers when fire sprinkler systems are installed in certain older elevator hoist-ways and machine rooms will have a fiscal impact on building owners and operators. There is no reliable data available on the total cost for all entities, and there is no reliable way to estimate the number of building owners and operators that opt to renovate by adding fire sprinklers each year.

Further, the range in cost per elevator is dramatic. The charge by the elevator installation companies for the necessary work can range from almost nothing to more than \$50,000 depending on the type of elevator, the number of landings, and the age and condition of the elevator and elevator controller. Additional costs for related work such as electrical wiring by other contractors will be incurred in some buildings. When this work is needed, it can run about \$10,000.

ARC 5082B

Rule Summary The rule creates Boiler and Pressure Vessel Board procedures; updates rules by adopting the most recent codes by reference; reorganizes and edits the rules to make them easier to read; renumbers Chapters; adopts, amends, and rescinds definitions; adopts by reference the National Fire Protection Association's Fuel Gas Code, Liquefied Petroleum Code, and Boiler and Combustion System Hazards Code; allows special inspectors to provide their clients with copies of the inspection report up to 30 days after the inspection; amends the hydrostatic pressure test requirement; adopts a new requirement for clearances around objects; rescinds unnecessary rules; allows the removal of a safety appliance for the purpose of altering the object; changes requirements for pipes, valves, and fittings; and requires the use of customary U.S. units of measure.

Fiscal Impact The fiscal impact is estimated to be less than \$100,000 annually and less than \$500,000 over 5 years. Most of the changes proposed are procedural and editorial. The substantive requirements reflect current industry standards that are already in widespread use.

ARC 5085B

Rule Summary The rule renumbers current wrestling and boxing rules, and clarifies the rules for Boiler and Pressure Vessel Special Inspector Commissioners to provide for the orderly renewal and revocation of commissions.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

LATINO AFFAIRS DIVISION – DEPARTMENT OF HUMAN RIGHTS

ARC 5087B

Rule Summary Rescinds Chapter 2, "Interpreters in Legal Proceedings," and adopts new Chapter 2, "Qualification of Language Interpreters" of the Iowa Administrative Code (IAC).

The proposed amendment expands current responsibilities relating to Spanish language interpreters, including creating a qualification mechanism for Spanish language interpreters working for administrative agencies, health, social services, and the courts.

Fiscal Impact No fiscal impact to the State.

STAFF CONTACT: Sam Leto (Ext. 16764)

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MEDICAL EXAMINERS BOARD – DEPARTMENT OF PUBLIC HEALTH

ARC 5110B
Rule Summary Clarifies that a Board-ordered case dismissal is a public record.

Fiscal Impact No fiscal impact.

ARC 5111B
Rule Summary Establishes collaborative drug therapy management between Iowa-licensed physicians and pharmacists in community and hospital settings. After a physician and pharmacist execute a protocol and submit it to the Board of Pharmacy Examiners, the protocol can be used to guide collaborative practice with patients who provide written consent. A hospital and therapeutics (P and T) committee may authorize hospital pharmacists to perform drug therapy management for inpatients or patients in a hospital's clinics through a hospital practice protocol. The rule outlines requirements for community and hospital practice protocols.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

PROFESSIONAL LICENSURE DIVISION – DEPARTMENT OF PUBLIC HEALTH

ARC 5107B
Rule Summary Barber Examiners – Provides the Board with the ability to order an evaluation for mental, physical, or clinical competency or alcohol or drug screening, and retain licensure overpayments.

Fiscal Impact No fiscal impact.

ARC 5108B
Rule Summary Barber Examiners – Allows applicants to postmark required supporting data and documentation within 14 days prior to examinations. The change reduces the number of days required for the information to be postmarked.

Fiscal Impact No fiscal impact.

ARC 5071B
Rule Summary Chiropractic Examiners – Provides the Board with the ability to order an evaluation for mental, physical, or clinical competency or alcohol or drug screening, and retain licensure overpayments.

Fiscal Impact No fiscal impact.

ARC 5072B
Rule Summary Chiropractic Examiners – Clarifies and modifies the Utilization and Cost Control Review (UCCR) Committee process.

Fiscal Impact No fiscal impact.

ARC 5073B
Rule Summary Chiropractic Examiners – Provides the choice for chiropractors to obtain all continuing education hours by independent study.

Fiscal Impact No fiscal impact.

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ARC 5106B
Rule Summary Hearing Aid Dispensers – Provides the Board with the ability to order an evaluation for mental, physical, or clinical competency or alcohol or drug screening, and retain licensure overpayments.

Fiscal Impact No fiscal impact.

ARC 5074B
Rule Summary Optometry Examiners – Provides the Board with the ability to order an evaluation for mental, physical, or clinical competency or alcohol or drug screening, and retain licensure overpayments.

Fiscal Impact No fiscal impact.

ARC 5088B
Rule Summary Optometry Examiners – Amends continuing education requirements regarding implementation of the substitution of Council on Endorsed Licensure Mobility for Optometrists (CELMO) certification in lieu of proof of attendance at a continuing education program.

Fiscal Impact No fiscal impact.

ARC 5105B
Rule Summary Respiratory Care Examiners – Provides the Board with the ability to retain licensure overpayments of \$10.00 or less.

Fiscal Impact No fiscal impact.

ARC 5089B
Rule Summary Physicians Assistant Examiners – Provides the Board with the ability to order an examination for mental, physical, or clinical competency or alcohol or drug screening; adds the requirement for physician assistants to notify the Board to identify their supervising physician at the time of reactivation; and provides the Board with the ability to retain licensure overpayments.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

DEPARTMENT OF PUBLIC HEALTH

ARC 5113B
Rule Summary Emergency Medical Services (EMS) Providers – Removes reference to the Iowa Law Enforcement Academy as a training program; brings student registration process in line with web-based system; allows EMS students to perform clinical training without being cleared by the Bureau of EMS; and recognizes national Continuing Education Hour (CEH) approval and college coursework for provider renewal.

Fiscal Impact No fiscal impact.

ARC 5114B
Rule Summary EMS Disciplinary Appeals – Changes the timeframe for appealing a proposed action of the Department of Public Health from 30 to 20 days.

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Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

DEPARTMENT OF PUBLIC SAFETY

ARC 5120B

Rule Summary This rule proposes certification of automatic fire extinguishing system contractors.

Fiscal Impact The fiscal impact is estimated at \$30,000 per year for administration of the certification program, which includes 0.5 FTE position for clerical support. Existing administrative and professional staff in the Department of Public Safety (DPS), Division of Fire Protection will be absorbed for the remainder of the work. An estimated 60 contractors will be certified with each paying a \$500 certification fee annually. Section 100C.9, Code of Iowa, provides that the fees generated to support administration of the program are to be retained by the DPS. The first year's funding will be pro-rated since the fees are due April 1 and the rule does not go into effect until July 1.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

RACING AND GAMING COMMISSION

ARC 5075B

Rule Summary The rule changes include:

- Item 1 reestablishes a subrule that had been removed by mistake.
- Items 2 through 15 update existing rules to correspond with the national uniform rules of racing.
- Items 16 through 21 clarify intent, change requirements, or conform to technical compliance standards.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Douglas Wulf (Ext. 13250)

BOARD OF REGENTS

ARC 5116B

Rule Summary Adds a new fee of \$100 for students applying to the University of Iowa College of Pharmacy.

Fiscal Impact No fiscal impact to the State General Fund.

ARC 5115B

Rule Summary Makes various amendments intended to update references to the Code of Iowa, delete outdated rules, and make additions to comply with updated business practices. These changes amend rules related to the University of Iowa Hospitals and Clinics, purchasing practices, records management, and public records and fair information practices. These rule changes were previously noticed as **ARC 4928B** in the Iowa Administrative Bulletin (IAB) dated March 1, 2006.

Fiscal Impact No fiscal impact to the State General Fund.

STAFF CONTACT: Mary Shipman (Ext. 14617)

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DEPARTMENT OF REVENUE

ARC 5119B

Rule Summary The rules explain a number of changes in Iowa sales and use tax law, both State and locally imposed. The taxation of lodging and sales of certain types of construction equipment is moved from Chapters 423, 423B, and 423E, Code of Iowa, to separate chapters. The wording of the exemption “in favor of medical devices used by a consumer” is changed. The definition of “sales price” is amended slightly. The definition of the word “employee” is changed significantly. The exemption “in favor of services used in processing” is clarified.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Jess Benson (Ext. 14613)

SECRETARY OF STATE

ARC 5125B

Rule Summary Section 3 of HF 2050 (FY 2007 Fast Track Election Reform Act) grants county commissioners of elections the option to print the voter’s declaration of eligibility on each page of the election register and to have voters sign the register in lieu of a separate form. The newly adopted law requires the State Commissioner of Elections to prescribe, by rule, an alternate method for the affected precinct election officials to provide the information contained in the eligibility declaration to observers who are legally present at the polling place.

Fiscal Impact No fiscal impact.

ARC 5103B

Rule Summary The amendments provide additional security procedures to protect the integrity of the election process for counties using voting systems with memory cards. Additional amendments provide for the preparation, testing, and use procedures for Election Systems & Software’s AutoMARK Voter Assist Terminal (VAT), version 1.0. AutoMARK VAT is an electronic vote-marking device certified for use only with the Election Systems & Software Unity 2.5 voting system, including the M100 precinct count optical scanner and the Model 650 central count optical scanner.

Fiscal Impact No fiscal impact.

ARC 5109B

Rule Summary The Help America Vote Act of 2002 requires election officials to provide at least one voting device that is accessible to persons with disabilities, including persons with visual disabilities, at each polling place. To meet this requirement, all of Iowa’s counties have purchased voting equipment that presents the ballot through headphones in an audible format. This audio ballot equipment will be used for the first time in the June 6, 2006, primary election. Subrule 22.434(2) requires all audio ballots to be recorded using a single voice for the entire ballot, including instructions to the voter, as well as the office titles, candidate names, and public measures.

Some counties have reported that this requirement creates an unreasonable burden of labor and expense. Audio ballot instructions may be prerecorded to provide a uniform presentation for all voters. The portions of the ballot that differ from county to county may then be recorded separately and included with the previously recorded instructions and provided to each precinct. The requirement that the same voice be

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used for both recordings will increase the cost of audio ballot preparation significantly. Therefore, the Secretary of State has amended Subrule 22.434(2) to permit the use of a different voice for the recorded instructions to the voter.

Fiscal Impact The rule will result in some cost-savings to counties resulting from recording audio instructions for voters that need to have the ballot read to them.

STAFF CONTACT: Douglas Wulf (Ext. 13250)

DEPARTMENT OF TRANSPORTATION

ARC 5086B

Rule Summary The Code of Federal Regulations (CFR) was updated in October 2005, prompting the DOT to cite the current version within Chapter 529 of the Iowa Administrative Code (IAC).

Fiscal Impact No fiscal impact.

STAFF CONTACT: Mary Beth Mellick (Ext. 18223)

UTILITIES DIVISION – DEPARTMENT OF COMMERCE

ARC 5124B

Rule Summary The proposed amendment both rescinds outdated provisions and clarifies existing provisions of the Board's rules relating to restoration of agricultural land during and after construction of interstate natural gas pipelines.

Fiscal Impact No fiscal impact to the State.

STAFF CONTACT: Sam Leto (Ext. 16764)

VOTER REGISTRATION COMMISSION

ARC 5094B

Rule Summary This amendment rescinds Chapter 4, which is no longer applicable since Section 47.7(2)(b), Code of Iowa, prohibits a county from establishing its own voter registration system.

Fiscal Impact No fiscal impact.

ARC 5095B

Rule Summary This amendment rescinds Chapter 7, which is no longer applicable since Section 47.7, Code of Iowa, requires each county to participate in the single, uniform, official, centralized, interactive computerized voter registration file, which is defined, maintained, and administered at the State level.

Fiscal Impact No fiscal impact.

ARC 5093B

Rule Summary This amendment outlines the National Change of Address Program and the responsibilities of the State Registrar of Voters and county commissioners.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Douglas Wulf (Ext. 13250)
