



Fiscal Services Division

ADMINISTRATIVE RULES – FISCAL IMPACT SUMMARIES

May 3, 2016

Iowa Code section 17A.4(4) 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://www.legis.iowa.gov/law/administrativeRules/arrc/fiscalImpact>

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Department of Human Services

ARC 2505C

Rule Summary Increases the statewide average cost of nursing facility services to a private pay person. The figure is being revised to reflect the increase in the cost of private pay rates for nursing facility care in Iowa. Updates the change is not related to rates paid by Medicaid for nursing facility care. Updates the average charges for nursing facilities, Psychiatric Medical Institutes (PMICs), and Mental Health Institute (MHIs), and the maximum Medicaid rate for Intermediate Care for Persons with Intellectual Disabilities (ICF/IDs), that are used to determine the disposition of the income of a medical assistance income trust (MAIT).

Agency Stated Authority: Iowa Code section 249A.4.

Fiscal Impact **Agency Response:** Minimal fiscal impact. The nursing facility budget for FY 2017 was based on the number of projected bed days that will occur at a projected rate per bed day. The number of bed days was projected based on trend experiences of actual bed days for FY 2015 and prior. The budgeted rate per bed day was established by the provider and rate setting audits performed annually. The July 1, 2015 average bed day rate was used, with inflationary factors applied.

LSA Response: The LSA concurs.

ARC 2504C

Rule Summary Requires deferred judgments for a background check for the performance of record check evaluations by the DHS.

Agency Stated Authority: Iowa Code section 234.6.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

ARC 2471C

Rule Summary Implements the changes in employment service definitions as provided by the Centers for Medicaid Services (CMS) in the September 16, 2011, Informational Bulletin and the CMS 2015 Technical Guide. This rule changes the provider qualifications, service scope, duration, limitation and reimbursement methodologies for the Home and Community Based Services (HCBS) Prevocational and Supported Employment services within the Habilitation services program and the Intellectual Disability (ID) and Brain Injury (BI) waivers.

Agency Stated Authority: Iowa Code section 249A.4.

Fiscal Impact **Agency Response:** Minimal fiscal impact. The expanded employment services and rates will increase Medicaid costs, but this will be offset by lower prevocational rates and a shift in some services to Iowa Vocational Rehabilitative Services (IVRS). The implementation model predicts budget neutrality in Year 1 FY 2016 and budget savings in future fiscal years.

LSA Response: The LSA concurs.

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Department of Agriculture and Land Stewardship

ARC 2486C

Rule Summary Adopts technical changes to the Women, Infants, and Children/Farmers' Market Nutrition Program and the Senior Farmers' Market Nutrition Program by replacing the certified vendor identification card with an electronic authorization letter and with the issuance of a email confirmation as an alternative to a department-vendor agreement.

Agency Stated Authority: Iowa Codes sections 159.5(10) and 175B.5.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

ARC 2495C

Rule Summary Eliminates rules related to the remediation of agrichemical sites. In 2009, the unobligated balance (\$10,000) in the Agriculture Remediation Fund was appropriated to the Department of Agriculture and Land Stewardship (DALs) and all statutory language was eliminated in 2011.

Agency Stated Authority: Iowa Code section 159.5(10).

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

ARC 2517C

Rule Summary Changes rules for animals that are affected with glanders, an infectious disease that occurs in the horse family. Allows the Department of Agriculture and Land Stewardship to determine how to dispose of a deceased animal rather than the immediate burning of the animal.

Agency Stated Authority: No fiscal impact.

Fiscal Impact Agency Response: No fiscal impact.

LSA Response: The LSA concurs.

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Economic Development Authority

ARC 2501C

Rule Summary Updates Entrepreneur Investment Awards Program definitions, creates a competitive application process, allows the Authority to negotiate the award amount with a recipient service provider, increases the \$200,000 aggregate Program cap on awards to \$1.0 million and establishes a fixed \$200,000 cap for individual awards, identifies the acceptable uses of award funds, and changes Program eligibility criteria and the competitive scoring criteria, to conform with SF 510 (FY 2016 Standing Appropriations Act).

Agency Stated Authority: Iowa Code section 15.106A.

Fiscal Impact Agency Response: No fiscal impact to the state. These amendments do not have any impact on the state beyond the amendments passed by the Legislature to increase the cap.

LSA Response: The LSA concurs. The rules and SF 510 do not change the total funds available for assistance under the Program.

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Department of Education

ARC 2509C

Rule Summary Outlines the standards and program requirements that all alternative licensure educator preparation programs must meet in order to be accredited to prepare educators in Iowa. Compliance with these standards is required and evaluated during each educator preparation programs accreditation review.

Agency Stated Authority: Iowa Code section 256.7(5).

Fiscal Impact Agency Response: There is no fiscal impact of this rule.

LSA Response: The LSA concurs.

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Libraries and Information Services Division

ARC 2510C

Rule Summary Updates information regarding the State Library, including address, units within the Library, the number of Commission of Libraries members, the advisory panel, and information delivery.

Agency Stated Authority: Iowa Code section 256.51.

Fiscal Impact Agency Response: Minimal fiscal impact.

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LSA Response: The LSA concurs. Reimbursable travel costs paid annually to the advisory panel members are approximately \$6,800.

ARC 2511C

Rule Summary Updates address of the Library for requests for access to records.

Agency Stated Authority: Iowa Code section 256.51.

Fiscal Impact **Agency Response:** No fiscal impact to the state.

LSA Response: The LSA concurs.

ARC 2515C

Rule Summary Rescinds IAC chapter 286.4. The Iowa Code does not reference Iowa Communications Network (ICN) classroom policy, so the rule is unnecessary.

Agency Stated Authority: Iowa Code section 256.51.

Fiscal Impact **Agency Response:** No fiscal impact to the state.

LSA Response: The LSA concurs.

ARC 2514C

Rule Summary Intends to bring the Libraries and Information Services Division in compliance with the Children's Internet Protection Act (CIPA). The amendments include preventing inappropriate internet usage such as hacking and accessing obscene material.

Agency Stated Authority: Iowa Code section 256.51.

Fiscal Impact **Agency Response:** No fiscal impact to the state. Savings on internet costs can be realized by the State Library if it becomes eligible for discounts.

LSA Response: The LSA concurs. The State Library may receive discounted telecommunications, Internet access, and internal connections by the federal E-rate program for being in compliance with the CIPA. Annual savings are estimated at \$5,500 annually.

ARC 2513C

Rule Summary Rescinds IAC chapters 286.8 and 286.9 because the chapters implement repealed Iowa Code sections 256.60 and 256.61. The Iowa Code sections were repealed by HF 645 (FY 2012 Education Appropriations Act).

Agency Stated Authority: Iowa Code section 256.51.

Fiscal Impact **Agency Response:** No fiscal impact to the state.

LSA Response: The LSA concurs.

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Iowa Finance Authority

ARC 2506C

Rule Summary Strikes and replaces the Title Guaranty Division IAC chapter to clarify the rules, align the language with statutory authority and current practice, and streamline the process for obtaining a title plant (a compilation of all instruments of record which may impact title to real property) waiver as specified in Iowa Code section 16.91(5)(b). Besides clarifying changes, the rules were modified since first noticed to provide for giving considerable weight, in the granting of a title plant waiver, if the applicant has experience abstracting under the supervision of a participating attorney or participating abstractor in certain circumstances or if the participating attorney or participating abstractor has supervised the applicant's abstracting for a period of two years and attests to the Board regarding the applicant's ability to abstract.

Agency Stated Authority: Iowa Code chapter 16.

Fiscal Impact **Agency Response:** The Title Guarantee Program does not use appropriated funds, and the changes are not expected to affect the revenues generated by the Program.

LSA Response: The LSA concurs.

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Labor Services Division

ARC 2516C

Rule Summary Adopts by reference changes to the federal Occupational Safety and Health Administration (OSHA) requirements pertaining to general industry and construction standards concerning respirable crystalline silica, eye and face protection, and work performed near electrical equipment. The changes pertaining to respirable crystalline silica will be phased in over a five-year period.

Agency Stated Authority: Iowa Code section 88.5.

Fiscal Impact **Agency Response:** Fiscal Impact cannot be determined. Employers will incur costs to comply with the respirable crystalline silica standards. The federal analysis projects the benefits will be greater than the costs. The federal economic impact study found annual costs of about \$1,524 for the average workplace and an average annual cost of about \$560 for business with fewer than 20 employees. Federal OSHA completed a detailed economic analysis. However, the data is broken down by industry and not by state.

LSA Response: The LSA concurs.

ARC 2488C

Rule Summary Rescinds and updates obsolete rules. Duties pertaining to the hazardous chemical inventory were transferred from the Division of Labor to the Department of Natural Resources making three rules obsolete. The Division of Labor rules governing hearing procedures were transferred from one chapter to another, making amendments to two rules necessary.

Agency Stated Authority: Iowa Code section 91.6.

Fiscal Impact **Agency Response:** No fiscal impact to the state.

LSA Response: The LSA concurs.

ARC 2489C

Rule Summary Aligns the rules with statutory authority, updates obsolete rules, and makes editorial changes, related to employer requirements relating to non-English speaking employees. The rules have been clarified since they were first noticed.

Agency Stated Authority: Iowa Code section 91E.5.

Fiscal Impact **Agency Response:** No fiscal impact to the state.

LSA Response: The LSA concurs.

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Pharmacy Board

ARC 2498C

Rule Summary Deletes sentence prohibiting an electronically transmitted original prescription from being printed and retained.

Agency Stated Authority: Iowa Code sections 124.301 and 147.76.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

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Professional Licensure Division

ARC 2503C

Rule Summary Amends the Board of Massage Therapy Licensure and Continuing Education chapters to do the following:

- Reduces biennial continuing education requirements from 24 hours to 16 hours.
- Requires that at least half of the hours must be hands-on training.
- Caps independent study at eight hours.
- Eliminates categories for continuing education courses.
- Expands the options for obtaining continuing education credits.
- Eliminates the requirement for CPR and First Aid as a condition of initial licensure or renewal.

Agency Stated Authority: Iowa Code section 152C.3.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

ARC 2481C

Rule Summary Establishes qualifying disabilities and outlines the requirements to request special accommodations for applicants taking the national exam required for licensure of physical therapists and physical therapist assistants.

Agency Stated Authority: Iowa Code section 147.76.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

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Department of Public Safety

ARC 2494C

Rule Summary Adopts rules consistent with the 2015 International Fire Code (IFC). These proposed rules reflect the most current industry standards, promote consistency of governing codes, and eases the burden of planning, constructing, and maintaining buildings while also meeting the expectations and needs of the public who use these buildings.

The most recent editions of the codes used in the construction industry reflect the current industry standards and promote consistency in the regulations affecting the construction industry. Several changes were made in response to the public comments received from firefighters and building code officials, and the changes made promote public safety.

Agency Stated Authority: Iowa Code section 100.1.

Fiscal Impact **Agency Response:** The fiscal impact is expected to be minimal.

LSA Response: The LSA concurs.

ARC 2492C

Rule Summary Adopts 2015 International Building Code (IBC) provisions in place of previous versions of the IBC. However, the proposed amendments do not, at this time, include the 2015 IBC Energy Code.

After feedback from public comments and other stakeholder comments, revisions were made. The proposed deletion of language regarding dimensional lumber in flooring systems was not adopted, and an exception was added so that there is not a requirement for fire protection of the flooring systems for exterior decks, balconies and porches. There were also other technical changes made to the rule.

Agency Stated Authority: Iowa Code sections 103A.7, 103A.11, and 103A.14.

Fiscal Impact **Agency Response:** There is little or no fiscal impact from this rule. No concerns have been identified by either the public or the stakeholders regarding increased costs as a result of this rule.

LSA Response: The LSA concurs.

ARC 2493C

Rule Summary Adopts the provisions of the 2015 International Building Code (IBC) as it relates to historic buildings. These proposed rules would adopt standards consistent with the 2015 IBC. There were no public comments submitted.

Agency Stated Authority: Iowa Code sections 103A.7, 103A.11, and 103A.14.

Fiscal Impact **Agency Response:** There would be minimal fiscal impact.

LSA Response: The LSA concurs.

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Department of Revenue

ARC 2507C

Rule Summary

Updates the Homestead Property Tax Credit rule to revise the types of veterans that are eligible for the Disabled Veteran Tax Credit on their homestead. The rules implement changes to the Disabled Veterans Tax Credit enacted during the 2014 and 2015 General Assemblies.

Senate File 2352 (FY 2015 Disabled Veterans Property Tax Credit Act) expanded the number of potential veteran beneficiaries of this existing property tax credit by adding additional forms of disability to the definition. The change was first effective for property taxes paid in the fall of 2015 (FY 2016).

House File 166 (FY 2016 Disabled Veterans Property Tax Credit Amendment Act) amended and expanded the changes made one year earlier in SF 2352. Applications made on or after that date and on or before July 1, 2014, would benefit from the new changes in FY 2016. Those applications made after July 1, 2014, would benefit beginning FY 2017.

House File 616 (FY 2016 Miscellaneous Tax Changes Act) amended HF 166 and allowed applications filed through July 1, 2015, to qualify for the credit starting FY 2016 instead of FY 2017.

Senate File 510 (FY 2016 Standings Appropriation Act of 2015) transferred money from the lowAccess Revolving Fund to pay for all FY 2016 Disabled Veterans Property Tax Credit claims that were allowed to benefit from the credit under the provisions of HF 616.

Background: Iowa provides a Homestead Tax Credit for qualified property. The Credit is equal to the property tax owed on \$4,850 of taxed value. The state also provides a Disabled Veterans Property Tax Credit equal to 100.0% of the property tax owed on a qualified veteran's homestead. Both of these Credits are financed through a standing unlimited appropriation from the State General Fund. As long as the appropriation is fully funded, the property owners receive the full benefit of the tax credit and local governments receive revenue equal to the full taxes owed on the property. Under normal circumstances, applications received by July 1 of an assessment year result in a taxpayer benefit beginning in the fall one year after the July 1 application deadline. Taxpayers do not have to reapply the next year.

Agency Stated Authority: Iowa Code section 425.15.

Fiscal Impact

Agency Response: See the Fiscal Note published by the LSA during the 2014 Legislative Session.

LSA Response: The first three Acts listed above have a combined fiscal impact on the Homestead Tax Credit General Fund Appropriation, beginning FY 2016. The estimated annual impact will increase General Fund expenditures by \$4.7 million.

Senate File 510 impacts the lowAccess Revolving Fund by transferring money from that Fund to the Homestead Appropriation. The transfer is to cover all applications for the Disabled Veterans Tax Credit that received FY 2016 funding through HF 616. The impact of the transfer was a one-year reduction in the amount of General Fund money needed to finance the Disabled Veterans Tax Credit. At the time of passage, the lowAccess transfer was estimated to be \$950,000 to \$1.5 million. The state did not collect information from the counties as to which applications received FY 2016 benefits as a result of the application deadline change contained in HF 616.

Therefore, the state does not have sufficient data to properly calculate the impact of HF 616 and subsequently the needed transfer from the lowAccess Revolving Fund. The Department of Revenue has transferred \$600,000 from the lowAccess Revolving Fund to the Homestead Appropriation to comply with the transfer provision of SF 510.

ARC 2508C

Rule Summary

Amends Chapter 80 of the Iowa Administrative Code (IAC) to reflect updated laws resulting from recent legislative enactments, court decisions, and administrative efficiencies. Amendments include:

- Redefining the term “parcel” as “account” in reference to properties that fall under dual classification for property tax purposes.
- Updating application dates.
- Creating certain burden of proof presumptions in regards to property ownership change.
- Eliminating the State Board of Tax Review, transferring appeals directly to the Director of Revenue.
- Adding provisions to applications for property tax credits where an application for a portion of a property unit constitutes an application for the credit on the entire unit.
- Requiring the Department to work with the Department of Management in initially determining tax credit rates based on estimated consolidated levy rates, updating the credit once actual rates become available from the county auditor.

Agency Stated Authority: Iowa Code chapter 426C.

Fiscal Impact

Agency Response: No fiscal impact. These amendments merely implement legislative and judicial changes to the rules that affect the administration of the credit. They do not affect the substance of the credit.

LSA Response: The LSA concurs.

ARC 2512C

Rule Summary

Updates cross-references to reflect the recent reorganization of Iowa Code chapter 99B, “Games of Skill or Chance, and Raffles”, resulting from the enactment of SF 482 (FY 2016 Social and Charitable Gambling Act). The rule on withholding income tax was updated to include bingo in the list of gambling activities that income tax must be withheld on prizes over a certain amount in order to reflect the new Code language.

Agency Stated Authority: Iowa Code section 421.4.

Fiscal Impact

Agency Response: No fiscal impact.

LSA Response: The LSA concurs.

ARC 2519C

Rule Summary

Revises the Department’s current rules to conform to the 2015 Iowa Acts chapter 109 which eliminated the State Board of Tax Review upon the final disposition of all pending cases. The Act required the Director of the Department of Revenue will now hear all tax appeals previously heard by the Board. The Act also assigned some of the Director’s duties to the Department, particularly in relation to property tax matters, such as credits and equalization, so as not to create a conflict of interest when the Director hears appeals on those matters.

Agency Stated Authority: Iowa Code section 421.6.

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Fiscal Impact **Agency Response:** The Department estimates a small fiscal impact in the elimination of the State Board of Tax Review, as there will be no need to fund the Board. No fiscal impact has been found for the other portions of the amendments.

LSA Response: The LSA concurs.

Rule Summary Updates current rules for date changes for the time for filing protests of appeal with the local board of review for property tax assessments, extending the time a taxpayer has to bring appeals before the board. It also updates rules to comply with a change in the statute regarding the notice required to be given by the auditor for equalization orders. **ARC 2520C**

Agency Stated Authority: Iowa Code section 421.14.

Fiscal Impact **Agency Response:** Minimal to no fiscal impact. Extending the time period that taxpayers may bring appeals before a local board to review, causing the board to meet for a longer period of time, may increase operation costs slightly.

LSA Response: The LSA concurs.

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Secretary of State

Rule Summary Allows the state to demonstrate compliance with the federal National Voting Rights Act (NVRA) of 1993. Most notably, it requires state agencies covered under NVRA and its enacting statute 48A, to track and report data to the Secretary of State's Office (SOS) on voter registration information. It also exempts NVRA-designated agencies from offering voter registration to minors they know to be under 17 1/2 years of age, while maintaining a requirement that information on voter registration still be handed out. **ARC 2490C**

Agency Stated Authority: Iowa Code sections 48A.19 and 17A.4.

Fiscal Impact **Agency Response:** No fiscal impact as the infrastructure for compliance with the NVRA already exists.

LSA Response: The LSA concurs.

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Iowa Telecommunications and Technology Commission

Rule Summary Adds an exception to the open records statute for records related to security procedures or emergency preparedness consistent with Iowa Code section 22.7(50). **ARC 2497C**

Agency Stated Authority: Iowa Code section 8D.3(3)(b).

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

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Department of Transportation

ARC 2487C

Rule Summary Requires sponsors to comply with applicable laws prohibiting discrimination to remain eligible for the Adopt-A-Highway Program.

Agency Stated Authority: Iowa Code sections 307.12 and 307A.2.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

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Utilities Division

ARC 2499C

Rule Summary Updates the Board's current natural gas and electric safety standards in order to comply with federal and national standards.

Agency Stated Authority: Iowa Code sections 17A.4, 476.1, 476.1A, 476.1B, 476.2, 476.8, 476A.12, 478.19, 478.20, 479.4, and 479.17.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

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Insurance Division

ARC 2518C

Rule Summary Amends current rules to clarify duties of pharmacy benefits managers that will allow the commissioner to administer Iowa Code chapter 510B, pursuant to the enactment of HF 395 (FY 2016 Regulation of Pharmacy Benefits Manager Act).

Agency Stated Authority: Iowa Code section 510B.3.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

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Environmental Protection Commission

ARC 2482C

Rule Summary Updates several wastewater rules for the National Pollutant Discharge Elimination System (NPDES) Program in the Department of Natural Resources (DNR). Changes include:

- Updates all chapters that reference Title 40 of the Federal Code Reference, Part 5 122 related to NPDES permits.
- Chapter 60 – adds new definition for “new discharger” and changes definition for “point source” to be consistent with the Clean Water Act. Also updates forms and removes obsolete language.
- Chapter 62 – corrects several pretreatment standard names and references them to the Federal Effluent and Pretreatment Standards.

- Chapter 63 – changes include:
 - Updates federal references for wastewater testing procedures.
 - Changes bypass notifications from 12 to 24 hours and the timeline for submitting a bypass report to the Department.
 - Removes specific operational monitoring requirements for permit holders and updates language.
- Chapter 64 – changes include:
 - Removes public notice requirements for permittees and clarifies language for permit requirements and for reissuance of permits.
 - Adds a new sub-rule to allow the DNR to issue fee refunds without variances. The rule will state reasons when a refund is allowed.
 - Add agricultural storm water discharge to list of activities that do not require a stormwater operation permit.

Agency Stated Authority: Iowa Code section 455B.173.

Fiscal Impact

Agency Response: There will be a minimal increase to revenues to the state from removing the requirement for specific operational monitoring permits.

LSA Response: The LSA concurs. There were no changes made to the rules after three public hearings.

Rule Summary

Implements legislative changes related to animal agriculture. The changes include:

- Senate File 2172 (2012): Exempts swine farrowing and gestating operations as a “qualified confinement feeding operation.”
- House File 2292 (2012): Allows fish production facilities to operate as confinement feeding operations regulated by wastewater rules.
- House File 512 (2013): Allows confinement feeding operations to discontinue the use of buildings, without dismantling the livestock production components of the buildings, in order to meet the definition of a Small Animal Feeding Operation.
- House File 583 (2015): Allows animal truck wash facilities to meet animal feeding operation regulations for design, construction, and operation. Also incorporates the reference to the applicable federal National Pollutant Discharge Elimination System (NPDES) permit requirements for open feedlot operations.

ARC 2496C

Agency Stated Authority: Iowa Code section 459.103.

Fiscal Impact

Agency Response: No fiscal impact.

LSA Response: The LSA concurs.

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Department of Management

Rule Summary

Rescinds IAC related to Contract Compliance and moves the Chapter from the purview of the Department of Management (DOM) to the Department of Administrative Services (DAS) resulting from the enactment of SF 510 (FY 2016 Standings Appropriations Act).

ARC 2500C

Agency Stated Authority: Iowa Code section 8.6.

Fiscal Impact

Agency Response: No fiscal impact.

LSA Response: The LSA concurs.

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Nursing Board

ARC 2502C

Rule Summary Implements SF 462 (FY 2016 Maintenance and Administration of Epinephrine in Schools and Certain Other Facilities Act), to allow Advanced Registered Nurse Practitioners to write prescriptions for authorized facilities to stock an epinephrine auto-injector supply.

Agency Stated Authority: Iowa Code sections 17A.3 and 147.76.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

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Veterans Affairs, Iowa Department of

ARC 2491C

Rule Summary Increases the maximum amount that any individual veterans' organization may receive in a calendar year from \$500 to \$1,000 for Honor Guard reimbursement. The amount for individual funerals remains unchanged.

Agency Stated Authority: Iowa Code section 35A.13.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: Minimal fiscal impact.

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