



Fiscal Services Division

ADMINISTRATIVE RULES – FISCAL IMPACT SUMMARIES

June 14, 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 <https://www.legis.iowa.gov/law/administrativeRules/arrc/fiscalImpact>

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Department of Human Services (DHS)

ARC 2438C

Rule Summary Establishes standards for mental health advocates who provide services under Iowa Code chapter 229, Hospitalization of Persons with Mental Illness. These amendments include standards for definitions, appointment and qualifications, assignment, advocate and county responsibilities, data collection requirements, and performance improvement for mental health advocate services.

Prior to July 1, 2015, advocates were appointed by the judicial branch and paid by the counties. Recent legislation amended Code to make mental health advocates county employees, effective July 1, 2015. Prior to July 1, 2015 procedures varied from judicial region to judicial region and from county to county. The amendments will provide consistency in requirements for hiring the advocate and performance standards.

Agency Stated Authority: Iowa Code section 225C.6.

Fiscal Impact **Agency Response:** These amendments do not create additional cost for the state, counties, or regions since the advocate costs are already paid by the counties and Mental Health and Disability Services (MHDS) regions.

LSA Response: The LSA concurs.

ARC 2550C

Rule Summary Establishes the process to approve licensing applications to the Department of Inspections and Appeals (DIA) for subacute mental health care facilities and subacute care facilities. These rules establish the process to determine the geographical disbursement of 75 beds to the most qualified providers. The DIA has established the licensing rules for subacute care facilities.

Agency Stated Authority: Iowa Code section 225C.6.

Fiscal Impact	Agency Response: No fiscal impact. LSA Response: The LSA concurs.
Rule Summary	<p style="text-align: right;"><u>ARC 2554C</u></p> <p>Amends the current Iowa Administrative Code (IAC) chapter on child care centers to conform to federal Child Care and Development Block Grant Act (CCDBG) changes, provides a general update, and makes technical corrections.</p> <p>The following changes are proposed to implement federal requirements:</p> <ul style="list-style-type: none">• Orientation training in health and safety content areas for all staff within three months of employment.• Enhanced emergency planning requirements.• Safe sleep standards as recommended by the American Academy of Pediatrics. <p>The following changes are proposed to enhance current regulations:</p> <ul style="list-style-type: none">• Requires a regulatory fee to be paid at the time of application. This is current practice but not stated in rule.• Limits the need for separate group and self-study training, allowing training to be completed throughout the registration period.• Adds an approved training organization.• Requires centers to protect child confidentiality.• Requires the same number of training hours for all staff. <p>The following changes are proposed to implement technical updates:</p> <ul style="list-style-type: none">• Removes form numbers.• Removes unnecessary external agency rule citations.• Removes references to years no longer applicable.• Removes requirements to “fully” comply with all standards to be downgraded to “provisional.” Allows for being “imperfect.” Current practice does not require “provisional” if not 100.0% compliant.• Updates education table to include post-bachelor education.• Clarifies expectations for sole providers in a center.• Amends child care definition to be in line with Iowa Code chapter <u>237A</u>. <p>Agency Stated Authority: Iowa Code section <u>237A.12</u>.</p>
Fiscal Impact	Agency Response: No fiscal impact. LSA Response: The LSA concurs.
Rule Summary	<p style="text-align: right;"><u>ARC 2553C</u></p> <p>Rescinds and re-adopts IAC requirements for child development home to conform to federal requirements from the reauthorization of the CCDBG, enhances the safety of children in care, and makes technical corrections.</p> <p>The following changes are proposed to implement federal requirements:</p> <ul style="list-style-type: none">• Compliance checks for health, safety, and fire standards will be required prior to registration. Annual unannounced visits will be conducted.• Medication cannot be administered without completion of training.• Enhanced emergency planning requirements.• Safe sleep standards as recommended by the American Academy of Pediatrics.• Documentation that minimum health and safety training has been completed. <p>The following changes are proposed to enhance the safety of children in care:</p>

- Prohibition on the use of illegal drugs, alcohol, or prescriptions that could impair the ability to provide safe supervision.
- Requirement of driver's license, insurance, and appropriate use of child restraint devices for child transportation.
- Requires drinking water accessibility throughout the day.
- Permits midmorning or afternoon snacks, instead of requiring both.
- Limit the needs for separate group and self-study training. Allows training to be completed throughout registration period.
- Adds an approved training organization.

The following changes are proposed to implement technical changes:

- References to private sewer system requirements.
- Mirrors language of fencing requirements with pools for both above ground and in-ground pools.
- Modifies requirements of file contents for child care provider's own children.
- Clarifies medical consent authorization treatment covers both medical and dental treatment.
- Immunization certificate must be from Iowa, aligning with Iowa Department of Public Health (IDPH) rules.

Agency Stated Authority: Iowa Code section 237A.12.

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

LSA Response: The LSA concurs.

Rule Summary **ARC 2552C**
Adopts a new IAC chapter on child care homes for providers that want to receive reimbursement through CCDBG funds that were previously not required to be registered with the state. Requirements outline registration, provider agreements, minimum standards for health, safety, fire, sleeping, and record keeping, professional development, and record checks. Annual inspections are required.

Agency Stated Authority: Iowa Code section 237A.12.

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

LSA Response: The LSA concurs.

Rule Summary **ARC 2551C**
Amends the IAC chapter regarding child care services chapter to update the in-home provider language to conform to federal CCDBG changes. Removes references to nonregistered providers (that will be established in IAC Chapter 120 with ARC 2552C).

Agency Stated Authority: Iowa Code section 234.6.

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

LSA Response: The LSA concurs.

Office of the Chief Information Officer

ARC 2542C

- Rule Summary** Adopts new IAC chapters to describe the Office's internal organizational structure and to establish how the Office will interact with the public.
- Chapter 1 describes the Office's mission and internal organizational structure.
 - Chapter 2 describes the information and records collected by the Office and the procedures for individuals that may interact with the Office in order to access and alter such records.
 - Chapter 3 sets forth the nature and requirements related to petitioning the Office to adopt new rules.
 - Chapter 4 sets forth the nature and requirements related to declaratory orders.
 - Chapter 5 describes the procedures related to the Office's adoption of rules and regulations.
 - Chapter 6 sets forth the rules and procedures that shall govern contested case proceedings conducted by the Office.

Agency Stated Authority: Iowa Code sections 8B.4, 17A.3, and 22.11.

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

LSA Response: The LSA concurs.

STAFF CONTACT: Jennifer Acton (515-281-7846) jennifer.acton@legis.iowa.gov

Department on Aging

ARC 2522C

- Rule Summary** Adopts the following changes:
- Updates the notice requirements for area plan hearings.
 - Provides a current address for the Department's official website.
 - Corrects references to the name of Office of the State Long-Term Care Ombudsman Program.
 - Adds the service of options counseling to the current list of services that can be provided directly by an Area Agency on Aging, without seeking prior approval from the Department.
 - Merges public hearing provisions in rules.

Agency Stated Authority: Iowa Code section 231.23.

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

LSA Response: The LSA concurs.

STAFF CONTACT: Jess Benson (515-281-4611) jess.benson@legis.iowa.gov

Department of Homeland Security and Emergency Management

ARC 2534C

- Rule Summary** Addresses two topics dealing with training requirements for local emergency management coordinators. The proposed change shortens the time frame for training completion from five years to two years. Removes the listing of 10 specific baseline courses and allows the Department of Homeland Security and Emergency Management (HSEMD) to develop additional required courses while maintaining a course list on the Department's website.

Agency Stated Authority: Iowa Code section 17A.3.

Fiscal Impact **Agency Response:** The changes only impact the training requirements for local emergency management coordinators. Nearly all of these required courses are offered at no cost. The HSEMD states there would be no fiscal impact to the state.

LSA Response: The LSA concurs.

STAFF CONTACT: Alice Wisner (515-281-6764) alice.wisner@legis.iowa.gov

Board of Regents

ARC 2540C

Rule Summary Permits the President of Iowa State University (ISU) to delegate authority to sign contracts and agreements on behalf of ISU through University policy.

Agency Stated Authority: Iowa Code section 262.9(3).

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

LSA Response: The LSA concurs.

STAFF CONTACT: Robin Madison (515-281-5270) robin.madison@legis.iowa.gov

Secretary of State

ARC 2538C

Rule Summary Implements the administration of the “Safe At Home Address Confidentiality Program” in accordance with Iowa Code chapter 9E. The rules include the manner and process for program participant certification renewal and recertification, cancellation of program certification, the manner and process for changing program participant voter registration information, and the manner and process for cancellation of program participant absentee ballot voting through the “Safe At Home Program.”

Agency Stated Authority: Iowa Code sections 9E.3 and 17A.3.

Fiscal Impact **Agency Response:** As the infrastructure and funding are already in place for this Program, no fiscal impact is expected.

LSA Response: The LSA concurs.

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Voter Registration Commission

ARC 2521C

Rule Summary Updates the definition of “political purpose” as defined under Iowa Code section 48A.39. Political purpose means research, advocacy, or education relating to the election, administration, or governance of public policies or officials.

Agency Stated Authority: Iowa Code sections 17A.4 and 48A.39.

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

LSA Response: The LSA concurs.

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Department of Transportation

ARC 2543C

Rule Summary Amends current requirements, including application prerequisites, for intermediate driver's licenses. Clarifies the passenger restriction for an intermediate license. Outlines how a parent or guardian may waive the restriction. Requires intermediate licensees to remain accident free for 12 months prior to applying for a full license.

Agency Stated Authority: Iowa Code sections 307.12, 307A.2, and 321.180B.

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

LSA Response: The LSA concurs.

ARC 2525C

Rule Summary Adopts amendments intending to comply with Federal Motor Carrier Safety Regulations (FMCSR) and Hazardous Material Regulation (HMR). The amendments reference federal rules related to technical changes and corrections, regulation during emergency events, extending a mandatory compliance date, and permits and regulations for commercial motor vehicles (CMV). The rulemaking maintains alignment with international standards. Adopts an FMCSR rule to require certified medical examiners performing physical examinations of CMV drivers to use a newly developed Medical Examination report form.

Agency Stated Authority: Iowa Code sections 307.12, 307A.2, 321.449 and 321.450.

Fiscal Impact **Agency Response:** The federal regulations to be adopted by this rulemaking were subject to fiscal impact review for state governments. It was determined there would be no fiscal impact and the Iowa DOT agreed with this analysis.

LSA Response: The LSA concurs.

ARC 2544C

Rule Summary Eases restrictions and clarifies requirements for outdoor advertising along primary highways. Adopts multiple amendments related to individual business signs.

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

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

LSA Response: The LSA concurs.

ARC 2530C

Rule Summary Permits third party Commercial Driver's License (CDL) testing performed by Iowa based motor carriers. Increases the period of time that a CDL licensee may renew before expiration, increases the period of validity for CDLs, and amends the definition of good driving record as it pertains to CDLs. Allows an individual that supplies agricultural chemicals, fertilizer, seed or animal feed to operate for up to 180 days without further CDL testing. Eliminates outdated rule references and adopts corrective language. Adopts federal regulations pertaining to certified medical examiners.

Agency Stated Authority: Iowa Code sections 307.12, 307A.2, and 321.187.

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

LSA Response: The LSA concurs.

STAFF CONTACT: Adam Broich (515-281-8223) adam.broich@legis.iowa.gov

Department of Revenue

Rule Summary **ARC 2537C**
Updates current Iowa fiduciary income tax rules to comply with the enactment of Iowa Code section 422.7, subsection 57, that allows taxpayers to deduct administrative expenses for Iowa fiduciary income tax that are not allowed as deductions on the federal fiduciary income tax return.

Agency Stated Authority: Iowa Code section 421.14.

Fiscal Impact **Agency Response:** Fiscal impact cannot be determined at this time. This rule change is expected to lower revenues collected from fiduciary income tax returns as a result of the allowance of a greater tax reduction. It is unclear, however, how many taxpayers will be affected and how great the additional administrative expenses now allowed as a deduction will be for each taxpayer.

LSA Response: The LSA concurs.

Rule Summary **ARC 2545C**
Implements the Property Assessment Appeal Board's (PAAB) new electronic filing system. Also updates current rules regarding certain case hearings in order to comply with recent changes made to Iowa Rules of Civil Procedure.

Agency Stated Authority: Iowa Code sections 17A.4 and 421.1A(4)“e”.

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

LSA Response: The LSA concurs.

Rule Summary **ARC 2546C**
Updates the term “lineal descendants” to include descendants by adoption, and to add lineal descendants of step-children to the list of people exempt from inheritance tax for estates of decedents dying on or after July 1, 2016. This change is intended to implement HF 661 (Probate and Trust Law Amendments, 2015 Iowa Acts). References that exclude lineal descendants of stepchildren from the exemption are amended. Where appropriate, explanations are added to define ascendants and descendants that qualify for the exemption under the new language of the statute. Additionally, rule language is amended to maintain consistency with the new language of the Code.

Agency Stated Authority: Iowa Code section 421.14.

Fiscal Impact **Agency Response:** Exempting the lineal descendants of stepchildren from the state inheritance tax will reduce net General Fund revenue by an estimated \$0.5 million in FY 2016, \$1.2 million in FY 2017, and \$1.5 million in FY 2018 and subsequent years.

LSA Response: The LSA concurs. For additional information, please see the corresponding Fiscal Note.

ARC 2547C

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Rule Summary Amends and updates the current rules on tax credits for investments in qualifying businesses and community-based seed capital funds, also known as the “Angel Investor Tax Credit Program.” Additional amendments are proposed to add subheadings and numbered subparagraphs to the rules to provide clarity.

Agency Stated Authority: Iowa Code section 422.68.

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

LSA Response: The LSA concurs.

Rule Summary Implements the property tax exemption for the actual value added from the installation of broadband infrastructure resulting from the enactment of HF 655 (Wireless Cell Tower Siting Act, 2015 Iowa Acts). **ARC 2549C**

Agency Stated Authority: Iowa Code section 427.1(40).

Fiscal Impact **Agency Response:** No fiscal impact. The exemption is for newly installed broadband infrastructure and will not affect current property tax assessments.

LSA Response: The LSA concurs.

Rule Summary Amends and updates current rules to reflect non-substantive code changes. **ARC 2574C**

Agency Stated Authority: Iowa Code section 421.14.

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

LSA Response: The LSA concurs.

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Professional Licensure Division

Rule Summary Amends ARC 2417C to: **ARC 2531C**

- Add definitions for remote site and supervision.
- Update the face-to-face meetings requirement that only one of a physician assistant's (PAs) supervising physicians is required to meet face-to-face at least twice a year.
- Removes the requirement for supervising physicians to complete annual reviews for PAs they supervise.
- Removes the requirement for quarterly chart reviews.

Agency Stated Authority: Iowa Code section 148C.3.

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

LSA Response: The LSA concurs.

STAFF CONTACT: Kenneth Ohms (515-725-2200) kenneth.ohms@legis.iowa.gov

Board of Medicine**ARC 2532C**

- Rule Summary** Adopts the requirements for physician assistant supervision by physicians to include the following:
- Adds definitions for remote site and supervision.
 - Updates the face-to-face meetings requirement that only one of a physician assistant's (PAs) supervising physicians is required to meet face to face at least twice a year.
 - Removes the requirement for supervising physicians to complete annual reviews for the PAs they supervise.
 - Removes the requirement for quarterly chart reviews.

Agency Stated Authority: Iowa Code section 147.76.

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

LSA Response: The LSA concurs.

ARC 2524C

Rule Summary Provides general updates to the IAC chapter regarding "Permanent Physician Licensure."

Agency Stated Authority: Iowa Code section 147.76.

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

LSA Response: The LSA concurs.

ARC 2523C

Rule Summary Establishes requirements for licensure and continuing education for physicians who seek an administrative medicine license. This rulemaking implements 2015 Iowa Acts, Chapter 41 (Administration of Medical Licenses Act).

Agency Stated Authority: Iowa Code section 147.76.

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

LSA Response: The LSA concurs.

ARC 2535C

Rule Summary Updates the recommended resources for physicians who treat chronic pain.

Agency Stated Authority: Iowa Code section 147.76.

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

LSA Response: The LSA concurs.

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Natural Resource Commission**ARC 2526C**

Rule Summary Adjusts the season dates for waterfowl and coot hunting to comply with anticipated 2016-2017 federal regulations based upon meetings with the United States Fish and

Wildlife Service (USFWS). Every five years, the USFWS allows states to make changes to their waterfowl hunting zone boundaries. Iowa's changes must be submitted no later than May 1, 2016, and will be implemented in the fall 2017 season and last through the spring of 2021. The proposed amendments expand the existing Missouri River zone south along Interstate 29 to the Missouri border. Except for this southern expansion, the North and South zones otherwise remain the same.

Agency Stated Authority: Iowa Code section 455A.5(6).

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

LSA Response: The LSA concurs.

Rule Summary Adjusts current rules for resident deer hunting. The rulemaking maintains the current antlerless deer quotas for the 2016 season, as deer numbers have stabilized at levels agreed to in 2009 by the Deer Study Advisory Group (DSAG). **ARC 2533C**

Agency Stated Authority: Iowa Code section 455A.5.

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

LSA Response: The LSA concurs.

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Environmental Protection Commission

Rule Summary Allows yard waste to be disposed in a sanitary landfill in the following circumstances: **ARC 2539C**

- Yard waste is collected as a result of a severe storm or the yard waste originates in an area declared to be a disaster area.
- Yard waste is collected for disposal to control, eradicate, or prevent the spread of insect pests, tree and plant diseases, or invasive plant species.
- Yard waste is disposed of in a sanitary landfill that operates a methane collection system that produces energy.
- Removes the requirement for municipalities that provide for the collection of solid waste to also provide for separate collection of yard waste.

Agency Stated Authority: Iowa Code section 455D.9.

Fiscal Impact **Agency Response:** There are four sanitary landfills in Iowa eligible to dispose of yard waste. It is estimated that approximately 28,475 tons of yard waste could be landfilled each year at an average tonnage fee of \$2.24. The increased tonnage could raise tonnage fee revenue up to \$64,000. These funds are deposited into the Groundwater Protection Fund. Some sanitary landfills may choose to continue diverting yard waste from the landfill by offering composting programs, which would reduce the amount remitted to the state.

LSA Response: The LSA concurs.

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Department of Public Health

Emergency Rulemaking

Rule Summary Updates an omitted reference in the Iowa Plumbing Code to the 2015 edition of the Uniform Plumbing Code.

Agency Stated Authority: Iowa Code section 105.4.

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

LSA Response: The LSA concurs.

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Workers Compensation Division

Emergency Rulemaking

Rule Summary Updates references to payroll tax withholdings for purposes of determining weekly Workers' Compensation payments.

Agency Stated Authority: Iowa Code section 86.8.

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

LSA Response: The LSA concurs.

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Economic Development Authority

ARC 2541C

Rule Summary Increases the amount of tax credits awarded per investment under the Tax Credits for Investments in Qualifying Businesses and Community-Based Seed Capital Funds Program from 20.0% to 25.0% of the taxpayer's equity investment in a qualifying business. Also allows refunds for certain tax credits, establishes a \$100,000 cap on individual credit awards and introduces a \$500,000 cap on the amount of awards that can be issued to the investors of a given qualifying business. Updates the eligibility requirements for a business to be certified as a qualifying business, identifies information that will be treated as confidential, and revises application deadlines to conform to SF 510 (FY 2016 Standing Appropriations Act). Revises the rules to strike the proposed deadline of June 30, 2016 and insert August 17, 2016; and strikes training requirements and inserts business experience requirements.

Agency Stated Authority: Iowa Code section 15.106A.

Fiscal Impact **Agency Response:** No fiscal impact to the state. These amendments do not have a fiscal impact on the state beyond the changes mandated by the Legislature.

LSA Response: The fiscal impact is a result of making the tax credits refundable for individual taxpayers. However, the total amount of tax credits that may be awarded in a year does not change. Tax credit redemptions are assumed to increase from the current level of 81.5% of awarded credits to 95.0%. Refundable tax credits are redeemed more quickly, and at a much higher rate than nonrefundable tax credits. This change in the redemption pattern reduces net General Fund revenue. It is estimated that this change will reduce General Fund revenue by \$200,000 per year in FY 2018 through FY 2020, and by \$300,000 in FY 2021.

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Board of Educational Examiners**ARC 2527C**

- Rule Summary** Revises the early childhood endorsements by:
- Updates the requirements for endorsement 100 (Birth-Grade 3 Inclusive) to reflect national standards for both regular education and special education students in early childhood inclusive settings.
 - Updates the requirements for endorsement 103 (Pre-K-Kindergarten) to reflect national standards in early childhood education at a minimum of 18 semester hours.
 - Requires that candidates for endorsement 103 must also have the Kindergarten-Grade 6 elementary teacher endorsement 102 or 262 (endorsement 103 cannot be offered stand-alone).
 - Eliminates endorsement 106, a redundancy with the preceding revision. Institutions of Higher Education (IHE) programs that still offer endorsement 106 can instead offer the updated endorsement 103 with endorsement 102, or offer endorsement 100.

Agency Stated Authority: Iowa Code section 272.2(1)(a).

Fiscal Impact **Agency Response:** The amendments will not require any additional expenditures or affect board revenue.

LSA Response: The LSA concurs.

ARC 2528C

Rule Summary Allows the Board to issue substitute authorization on the para-educator certificate, removing the requirement for a separate renewal. Lengthens the substitute authorization from three to five years to conform to other license types.

Agency Stated Authority: Iowa Code section 272.2(1)(a).

Fiscal Impact **Agency Response:** The amendment will not require additional expenditures and will not significantly affect board revenue.

LSA Response: The LSA concurs.

ARC 2529C

Rule Summary Revises the Early Childhood Para-educator area of concentration by changing the list of competencies required.

Agency Stated Authority: Iowa Code section 272.2(1)(a).

Fiscal Impact **Agency Response:** The amendment will not require any additional board expenditures, and will not affect board revenue.

LSA Response: The LSA concurs.

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Iowa Public Information Board

ARC 2536C

Rule Summary Amends current conflict of interest disclosure procedures of the Iowa Public Information Board (IPIB) to reflect current practices.

Agency Stated Authority: Iowa Code section 23.6.

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

LSA Response: The LSA occurs.

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