



## Fiscal Services Division

### ADMINISTRATIVE RULES — FISCAL IMPACT SUMMARIES

September 10, 2019

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/publications/fiscal/adminRulesFiscalImpact>.

With each rule summary, the rulemaking type is indicated in parentheses following the ARC number. The acronyms have the following meanings: Notice of Intended Action (**NOIA**), Amended Notice of Intended Action (**ANOIA**), Notice of Termination (**NOT**), Adopted and Filed Emergency (**AFE**), Filed Emergency After Notice (**FEAN**), and Adopted and Filed (**AF**).

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#### Department of Human Services

#### Rule Summary

Updates Medicaid form names, numbers, and terminology, and removes references to form names and numbers that are no longer in use.

**ARC 4600C (NOIA)**

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	<b>State or Federal Law Implemented:</b> Iowa Code section <u>249A.4</u> .
<b>Fiscal Impact</b>	<b>Agency Response:</b> No fiscal impact. <b>LSA Response:</b> The LSA concurs.
<b>Rule Summary</b>	<b>ARC 4601C (NOIA)</b> Clarifies the programs that are reviewed by the Department of Human Services Quality Control Bureau and updates forms that are required in that process. <b>State or Federal Law Implemented:</b> Iowa Code section <u>234.6</u> .
<b>Fiscal Impact</b>	<b>Agency Response:</b> No fiscal impact. <b>LSA Response:</b> The LSA concurs.
<b>Rule Summary</b>	<b>ARC 4602C (NOIA)</b> Updates the frequency of training for mandatory child abuse and dependent adult abuse reporters to conform to changes for mandatory reports in 2019 Iowa Acts, chapter <u>91</u> (Mandatory Child Abuse and Dependent Adult Abuse Reporter Training Requirements Act). Requires all child care providers to participate in minimum health and safety training as a preservice or orientation requirement. <b>State or Federal Law Implemented:</b> 2019 Iowa Acts, chapter <u>91</u> .
<b>Fiscal Impact</b>	<b>Agency Response:</b> No fiscal impact is anticipated, as the Department will continue to contract with agencies to provide the necessary provider training. Each child care provider will determine its own ongoing professional development needs while maintaining the minimum hour and content requirements identified in the rules. <b>LSA Response:</b> The LSA concurs.
<b>Rule Summary</b>	<b>ARC 4603C (NOIA)</b> Itemizes the expectations of a pre-inspection visit prior to permitting a new child care center to open. Clarifies the expectation involving receipt of the regulatory fee during application and when and where the fee is submitted. <b>State or Federal Law Implemented:</b> Iowa Code section <u>234.6</u> .
<b>Fiscal Impact</b>	<b>Agency Response:</b> No fiscal impact. <b>LSA Response:</b> The LSA concurs.
<b>Rule Summary</b>	<b>ARC 4610C (AF)</b> Takes the following rule-making actions: <ul style="list-style-type: none"><li>• Rescinds the chapter related to resolution of legal settlement disputes. When “legal settlement” was replaced by “county of residence,” the dispute resolution method changed. The authorizing State law was repealed, and the rule no longer conforms to Iowa Code.</li><li>• Rescinds the chapter related to the Mental Health and Disability Services Redesign Transition Fund. This was one-time funding and is no longer applicable.</li><li>• Rescinds rules requiring counties to establish or affiliate with a community mental health center or complete a waiver in order to receive community services funds. The authorizing State law was repealed, and the rule no longer conforms to Iowa Code.</li></ul> <b>State or Federal Law Implemented:</b> Iowa Code section <u>225C.6</u> .
<b>Fiscal Impact</b>	<b>Agency Response:</b> No fiscal impact.

**LSA Response:** The LSA concurs.

**ARC 4627C (NOIA)**

**Rule Summary** Adds language to reflect the Department’s implementation of a passive managed care enrollment process. Individuals eligible for Hawki will be passively enrolled with a managed care plan; however, the eligibility effective date will remain consistent with current practices. The proposed amendments also make the following changes:

- Add necessary definitions.
- Revise the time frame for a decision on eligibility.
- Clarify policy on when a waiting period does not apply.
- Revise premium payment language.
- Eliminate the lock-out period for premium nonpayment.
- Make technical edits.
- Remove outdated program language.

**State or Federal Law Implemented:** Iowa Code chapter 514I.

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

**LSA Response:** The LSA concurs.

**ARC 4628C (NOIA)**

**Rule Summary** Clarifies the Brain Injury (BI) Waiver provider qualifications to align with the services and supports that are being rendered by qualified brain injury professionals and accredited brain injury rehabilitation programs. Adopts the most current version of the Mayo Portland Adaptability Inventory Scale to fulfill the purposes of a valid and appropriate assessment of need, possible allocation of resources, and comprehensive community-based person-centered service planning for both the Home and Community-Based Services (HCBS) BI Waiver and the Community-Based Neurobehavioral Rehabilitation Service.

**State or Federal Law Implemented:** Iowa Code section 249A.3.

**Fiscal Impact** **Agency Response:** Adopting the Mayo Portland Adaptability Inventory Scale is estimated to cost the General Fund \$170,600 in FY 2020 and \$234,700 in FY 2021 and subsequent fiscal years. The FY 2020 estimate assumes an October 1, 2019, implementation date and a Federal Medical Assistance Percentage (FMAP) rate of 39.12% State. The FY 2021 FMAP rate is 38.01% State. The costs are related to the time it takes to provide 1,436 assessments, as the assessment tool is free. The fiscal impact for Family Training and Counseling and Behavior Programming providers cannot be determined at this time because the number of new providers that will enroll and the number of members that will access the service is not known.

**LSA Response:** The LSA concurs.

**ARC 4629C (NOIA)**

**Rule Summary** Amends the following chapters for general updates and alignment with changes required by the federal Family First Prevention Services Act and 2019 Iowa Acts, chapter 126 (Federal Family First Prevention Services Act):

- Juvenile Detention and Shelter Care Homes
- Licensing and Regulation of Child Foster Care Facilities
- Licensing and Regulation of All Group Living Foster Care Facilities for Children
- Licensing and Regulation of Comprehensive Residential Facilities for Children
- Licensing and Regulation of Residential Facilities for Children with an Intellectual Disability

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Fingerprint-based criminal history checks will be required for all employees of group care and emergency juvenile shelter care providers.

**State or Federal Law Implemented:** Iowa Code section 234.6 and Family First Prevention Services Act, Pub. L. No. 115-123.

**Fiscal Impact** **Agency Response:** DHS intends to pay the cost of the fingerprint checks, but at this point the Department does not have a clear idea of what the total cost may be. The estimation is that it may total anywhere from \$76,000 to \$96,000. An informal accounting of staff completed in 2018 yielded approximately 1,900 staff. It is estimated this will cost \$40 per fingerprint check performed. Estimating a 25% staff turnover equates to an additional 500 checks, for a total estimation of 2,400 checks in Year 1. The Department would then assume 500 checks per year on an ongoing basis.

### **FY 2020**

\$40 per check. Estimation of 1,900 current staff, also including 500 more staff for possible staff turnover. Equates to 2,400 staff at \$40 per check, which is \$96,000.

### **FY 2021**

\$40 per check. Estimation of 500 staff for possible turnover at \$40 per check, which is \$20,000.

**LSA Response:** The LSA concurs. Similar assumptions were used in the estimate for the Fiscal Note for 2019 Iowa Acts, chapter 126 (Federal Family First Prevention Services Act).

### **ARC 4430C (AF)**

**Rule Summary** Makes several changes to the Consumer Choices Option (CCO) Program available within the AIDS/HIV, Brain Injury, Elderly, Health and Disability, Intellectual Disability, and Physical Disability Medicaid waivers. The rulemaking:

- Consolidates the CCO service description rules into one administrative subrule.
- Changes the monthly budget billing methodology for a financial management services (FMS) provider from a prepay method to a postpay method.
- Clarifies who may self-direct services.
- Clarifies budget and employer authority responsibilities and defines how the monthly CCO budget may be used by a member self-directing services.
- Makes technical changes to remove the reference to the DHS service workers who are no longer involved in the CCO program.
- Adds new member and employee responsibilities to ensure proper payment for CCO services.

**State or Federal Law Implemented:** Iowa Code section 249A.4.

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

**LSA Response:** The LSA concurs.

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## Office of the Chief Information Officer

### **ARC 4606C (AF)**

**Rule Summary** Provides for the continued operation of broadband programs currently administered by the Office of the Chief Information Officer (OCIO) through 2025 and implements several policy changes and requirements related to these programs. Also clarifies aspects of

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the broadband programs where necessary and makes several clerical and ministerial updates throughout.

**State or Federal Law Implemented:** Iowa Code sections 8B.1, 8B.10, 8B.11, and 427.1(40) as amended by 2019 Iowa Acts, HF 772 (Broadband and Housing Incentives Act).

**Fiscal Impact**     **Agency Response:** No fiscal impact. The Office will use existing budget and resources to implement these rules, including specific appropriations made during the 2019 Legislative Session for such purposes.

**LSA Response:** The LSA concurs in part. 2019 Iowa Acts, HF 759 (FY 2020 Administration and Regulation Appropriations Act), included a \$5.0 million General Fund appropriation to the OCIO for broadband programs.

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### Department of Commerce/Credit Union Division

#### **ARC 4632C (AF)**

**Rule Summary**     Establishes Board of Directors meeting requirements with respect to frequency of meetings and quorum requirements. Modernizes the current requirements for filing branch applications and establishes a penalty for failure to comply with the applicable application requirements.

**State or Federal Law Implemented:** Iowa Code sections 533.113A, 533.205(3)(c), and 533.301(19).

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

**LSA Response:** The LSA concurs.

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### Department of Commerce/Insurance Division

#### **ARC 4622C (NOIA)**

**Rule Summary**     Implements the changes in 2019 Iowa Acts, Senate File 558 (Domestic Surplus Lines Insurers Act), which allows for domestic surplus lines insurers to be eligible surplus lines insurers.

**State or Federal Law Implemented:** Iowa Code chapters 515E and 515I and 2019 Iowa Acts, Senate File 558.

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

**LSA Response:** The LSA concurs.

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### Department of Commerce/Utilities Division

#### **ARC 4615C (AF)**

**Rule Summary**     Eliminates and updates rules regarding assessments that are outdated or inconsistent with statutes and other administrative rules.

**State or Federal Law Implemented:** Iowa Code chapter 477C and Iowa Code sections 476.10, 476.10A, and 476.95B.

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

**LSA Response:** The LSA concurs.

### **ARC 4616C (AF)**

**Rule Summary**     Updates and eliminates rules regarding annual reports that are outdated or inconsistent with statutes and other administrative rules.

**State or Federal Law Implemented:** Iowa Code sections 476.2, 476.9, and 476.10.

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

**LSA Response:** The LSA concurs.

### **ARC 4645C (AF)**

**Rule Summary**     Updates the Utilities Board's interconnection rules to be consistent with the new Institute for Electrical and Electronics Engineers standard, the Standard for Interconnection and Interoperability of Distributed Energy Resources and Associated Electric Power System Interfaces.

**State or Federal Law Implemented:** Iowa Code sections 476.1, 476.8, and 476.58.

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

**LSA Response:** The LSA concurs.

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## College Student Aid Commission

### **ARC 4588C (NOIA)**

**Rule Summary**     Implements amendments enacted in 2019 Iowa Acts, Senate File 246 (All Iowa Opportunity Scholarship Act), regarding the All Iowa Opportunity Scholarship. Strikes age thresholds that restrict eligibility for two student populations, ensuring that all applicants are held to similar general eligibility criteria.

**State or Federal Law Implemented:** 2019 Iowa Acts, Senate File 246.

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

**LSA Response:** The LSA concurs. The All Iowa Opportunity Scholarship is funded by an annual General Fund appropriation. Expenditures for the program are capped by the appropriation. Senate File 246 strictly makes policy changes at no cost.

### **ARC 4594C (NOIA)**

**Rule Summary**     Implements amendments enacted in 2019 Iowa Acts, Senate File 245 (Skilled Workforce Shortage Tuition Grant Act), to strike references to an Iowa Department of Workforce Development report that has been rescinded and to provide a grandfather clause for students enrolled in a program of study that is subsequently removed from the list of eligible programs.

**State or Federal Law Implemented:** Iowa Code chapter 261.

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

**LSA Response:** The LSA concurs.

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### **ARC 4595C (NOIA)**

**Rule Summary** Implements amendments enacted in 2019 Iowa Acts, House File 758 (FY 2020 Education Appropriations Act), sections 14, 15, and 16 to change the name of the National Guard Educational Assistance Program to the National Guard Service Scholarship Program and to allow students in STEM-related programs of study to receive up to 130 credit hours of funding. Makes a technical amendment to the definition of “state-defined payment period” to reflect a recent change from five to six payment reporting periods.

**State or Federal Law Implemented:** Iowa Code chapter 261.

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

**LSA Response:** The LSA concurs.

### **ARC 4596C (NOIA)**

**Rule Summary** Implements amendments enacted in 2019 Iowa Acts, Senate File 304 (Licenses, Student Loan Delinquency Act), section 3, to prohibit suspension or revocation of a license issued by the Board of Educational Examiners to a person who is in default or delinquent in repayment or service obligation related to federal or State student loans or private postsecondary tuition assistance.

**State or Federal Law Implemented:** Iowa Code chapter 261.

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

**LSA Response:** The LSA concurs.

### **ARC 4607C (AF)**

**Rule Summary** Implements the new Future Ready Iowa Skilled Workforce Last-Dollar Scholarship Program enacted in 2018 Iowa Acts, House File 2458 (Workforce Training and Education, Future Ready Iowa Act), section 12, with an effective date of July 1, 2019. House File 2458 made adoption of administrative rules contingent upon the appropriation of funds. The Iowa General Assembly approved an appropriation for the Future Ready Iowa Skilled Workforce Last-Dollar Scholarship Program in 2019 Iowa Acts, House File 758 (FY 2020 Education Appropriations Act), on April 24, 2019.

**State or Federal Law Implemented:** Iowa Code chapter 261 and 2018 Iowa Acts, House File 2458.

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

**LSA Response:** The LSA concurs in part. House File 758 appropriated \$148.0 million to the Future Ready Iowa Skilled Workforce Last-Dollar Scholarship Program. The Program’s expenditures cannot exceed the amount of the appropriation.

### **ARC 4608C (AF)**

**Rule Summary** Implements the new Future Ready Iowa Skilled Workforce Grant Program enacted in 2018 Iowa Acts, House File 2458 (Workforce Training and Education, Future Ready Iowa Act), section 13, with an effective date of July 1, 2019. House File 2458 made adoption of administrative rules contingent upon the appropriation of funds. The Iowa General Assembly approved an appropriation for the Future Ready Iowa Skilled Workforce Grant Program in 2019 Iowa Acts, Senate File 608 (FY 2020 Economic Development Appropriations Act), on April 24, 2019.

**State or Federal Law Implemented:** Iowa Code chapter 261 and 2018 Iowa Acts, HF 2458.

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

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**LSA Response:** The LSA concurs in part. House File 758 (FY 2020 Education Appropriations Act) appropriated \$130,000 to the Future Ready Iowa Skilled Workforce Grant Program. The Program's expenditures cannot exceed the amount of the appropriation.

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## Library Services Division

### **ARC 4605C (NOIA)**

**Rule Summary** Defines "public library" for the purposes of determining a public library's eligibility to receive funding and consulting services from the State Library and eligibility for participation in State Library programs.

**State or Federal Law Implemented:** Iowa Code section 256.50.

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

**LSA Response:** The LSA concurs.

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## Department of Inspections and Appeals

### **ARC 4589C (NOIA)**

**Rule Summary** Makes several changes, including but not limited to correcting the date reference to the Food and Drug Administration Food Code and reinstating several provisions related to double licenses. Adds a confidentiality provision related to complainants who file a complaint with the Department's Food and Consumer Safety Bureau. Implements changes resulting from the enactment of 2019 Iowa Acts, Senate File 265 (Golden Oyster Mushroom, Farmer's Market Sale Act), which requires the Department to adopt rules for the sale at a farmers market of culinary mushrooms commonly referred to as a variety of wild oyster. Adopts a definition of wild-harvested mushroom and amends the requirements related to the wild-harvested mushroom identification course required to obtain certification as a wild-harvested mushroom identification expert.

**State or Federal Law Implemented:** Iowa Code sections 137F.2 and 10A.104 and 2019 Iowa Acts, Senate File 265.

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

**LSA Response:** The LSA concurs.

### **ARC 4590C (NOIA)**

**Rule Summary** Implements changes resulting from 2018 Iowa Acts, Senate File 2333 (Amusement Concessions Act), which increased to \$950 the value of a prize that may be awarded for playing an amusement concession. Clarifies that rules made available electronically at each player's location must be accessible to the player before the player forfeits money to play the game.

**State or Federal Law Implemented:** Iowa Code chapter 99B and 2018 Iowa Acts, Senate File 2333.

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

**LSA Response:** The LSA concurs.

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### Environmental Protection Commission

#### **ARC 4609C (AF)**

**Rule Summary**      Renews the National Pollutant Discharge Elimination System (NPDES) General Permit No. 6 (GP6), which authorizes the discharge of wastewater associated with well construction activities. The permit requires the implementation of best management practices and requires visual monitoring of the wastewater effluent to determine compliance with the State's water quality standards. The renewed permit includes an authorization to discharge treated wastewater from drilling fluid and drilling mud if the discharge complies with Iowa's water quality criteria, and includes a new limitation on coverage for discharges to outstanding Iowa waters.

**State or Federal Law Implemented:** Iowa Code sections 455B.173(11), 455B.186, and 455B.198.

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

**LSA Response:** The LSA concurs.

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### Board of Nursing

#### **ARC 4598C (NOIA)**

**Rule Summary**      Removes outdated rules pursuant to implementing SF 304 (Licensing Sanctions Act), which prohibits the suspension or revocation of the license of a person who is in default or is delinquent on repayment or a service obligation under federal or State postsecondary educational loans or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency.

**State or Federal Law Implemented:** Iowa Code section 272C.4(10).

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

**LSA Response:** The LSA concurs.

#### **ARC 4597C (NOIA)**

**Rule Summary**      Implements SF 304 (Licensing Sanctions Act), which prohibits the Board from suspending or revoking a license of a person who is in default or is delinquent on repayment or a service obligation under federal or State postsecondary educational loans or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency.

**State or Federal Law Implemented:** Iowa Code section 272C.4(10).

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

**LSA Response:** The LSA concurs.

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### Board of Pharmacy

#### **ARC 4591C (NOIA)**

**Rule Summary**      Updates frequency of training for mandatory child abuse and dependent adult abuse reporters to conform to changes for mandatory reports in 2019 Iowa Acts, chapter 91 (Mandatory Child Abuse and Dependent Adult Abuse Reporter Training Requirements Act).

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**State or Federal Law Implemented:** 2019 Iowa Acts, chapter 91.

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

**LSA Response:** The LSA concurs.

**Rule Summary**      **ARC 4592C (NOIA)**  
Temporarily places five synthetic cannabinoids into Schedule I and two substances into Schedule IV of the Iowa Uniform Controlled Substances Act (Iowa Code chapter 124) in response to action taken by the federal Drug Enforcement Administration.

**State or Federal Law Implemented:** Iowa Code section 124.201 and 124.301.

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

**LSA Response:** The LSA concurs.

**Rule Summary**      **ARC 4593C (NOIA)**  
Allows the pharmacist in charge of a managing pharmacy to designate a different pharmacist as pharmacist in charge of a telepharmacy site, makes conforming changes, and includes qualifying requirements. Expands the training requirements of telepharmacy technicians to allow training to occur at another pharmacy that uses the same audiovisual technology system as the telepharmacy or at the telepharmacy site under direct supervision.

**State or Federal Law Implemented:** Iowa Code section 155A.13.

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

**LSA Response:** The LSA concurs.

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### Department of Public Safety

**Rule Summary**      **ARC 4641C (AF)**  
Removes contact references for the Fire Service Training Bureau that are subject to change. Amends the Certification Program to modernize references to the qualification standards of the Program, including the titles and certification standard cross references. Updates contact information and clarifies the process and organizational structure of the application.

**State or Federal Law Implemented:** Iowa Code chapter 100B and section 80.9.

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

**LSA Response:** The LSA concurs.

**Rule Summary**      **ARC 4642C (AF)**  
Updates existing Iowa Code requirements and incorporates new standards within the industry.

**State or Federal Law Implemented:** Iowa Code chapter 101.

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

**LSA Response:** The LSA concurs.

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## Department of Revenue

### ARC 4614C (AF)

**Rule Summary** Implements the temporary nonconformity of Iowa's tax laws to the federal repeal of gain or loss deferral from exchanges of like-kind personal property for tax years 2018 and 2019. The nonconformity was enacted in 2018 Iowa Acts, SF 2417 (Income and Sales Tax Modification Act), and 2019 Iowa Acts, HF 779 (2019 Tax Code Changes Act).

**State or Federal Law Implemented:** Iowa Code section 422.7 as amended by SF 2417 and HF 779.

**Fiscal Impact** **Agency Response:** This rulemaking has no fiscal impact to the State of Iowa beyond that of the legislation the rules are intended to implement. The Fiscal Note for SF 2417 did not provide a separate estimate for the cost of the like-kind exchange provision, only an aggregate impact of all income tax changes included in the Act. The Fiscal Note for HF 779 (2019 Tax Code Changes Act) estimated that the like-kind exchange provisions of that Act will reduce net General Fund revenue by a combined \$900,000 for FY 2019 and FY 2020.

Using information from electronic tax returns filed for tax year 2018, the Department estimates that the like-kind exchange provisions will reduce net General Fund revenue over two fiscal years by the following amounts:

- FY 2019 = \$9.3 million
- FY 2020 = \$13.0 million

**LSA Response:** The LSA concurs.

### ARC 4643C (AF)

**Rule Summary** Provides an explanation and examples of how taxable services should be sourced. Provides a cross-reference to this sourcing rule in the rule discussing the service of photography.

**State or Federal Law Implemented:** Iowa Code section 423.15.

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

**LSA Response:** The LSA concurs.

### ARC 4644C (AF)

**Rule Summary** Implements sales tax collection requirements imposed on marketplace facilitators and remote sellers pursuant to 2018 Iowa Acts, chapter 1161 (Income and Sales Tax Modification Act), and as modified by HF 779 (2019 Tax Code Changes Act), which removed the 200-sales threshold for establishing a sales tax nexus.

**State or Federal Law Implemented:** Iowa Code section 423.14A; 2018 Iowa Acts, chapter 1161; and 2019 Iowa Acts, chapter 152.

**Fiscal Impact** **Agency Response:** It is estimated that collection of taxes on sales by online sellers and online marketplaces would increase General Fund revenues by \$27.6 million in fiscal year (FY) 2019, \$66.4 million in FY 2020, \$69.3 million in FY 2021, \$71.7 million in FY 2022, \$74.2 million in FY 2023, and \$76.5 million in FY 2024. For additional information, please see the associated Fiscal Note.

**LSA Response:** The LSA concurs but also notes that including the removal of the 200-sales threshold from HF 779 would decrease these estimates by \$0.9 million in FY 2020 and \$1.0 million in FY 2021. For additional information, please see the associated Fiscal Note.

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## Iowa Telecommunications and Technology Commission

### ARC 4626C (NOIA)

**Rule Summary** Repeals Iowa Administrative Code chapters associated with the Education Telecommunications Council and the Regional Telecommunications Councils. These entities were eliminated by 2019 Iowa Acts, Senate File 367 (Education Telecommunications Council and Regional Councils, Elimination Act).

**State or Federal Law Implemented:** 2019 Iowa Acts, Senate File 367.

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

**LSA Response:** The LSA concurs.

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## Department of Transportation

### ARC 4623C (NOIA)

**Rule Summary** Corrects the name of the Driver and Identification Services Bureau and removes unnecessary language. Provides that the length of participation in the 24/7 sobriety program shall be at least 90 days, with a minimum 30-day period where the person must not have had missed or failed an alcohol or drug test under the 24/7 program immediately preceding discharge from the program. Requires that the law enforcement agency that administers the 24/7 program within a participating jurisdiction notify the Department when a participant completes the program.

**State or Federal Law Implemented:** Iowa Code sections 321J.20 and 901D.7 and 2019 Iowa Acts, Senate File 364 (Sobriety and Drug Monitoring Program Act).

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

**LSA Response:** The LSA concurs.

### ARC 4624C (NOIA)

**Rule Summary** Increases the driving distance that a student with a minor's school license may drive when the student attends an accredited nonpublic school (private school) from 25 miles to 50 miles.

**State or Federal Law Implemented:** Iowa Code section 321.194 and 2019 Iowa Acts, Senate File 140 (School Permits for Nonpublic Students Act).

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

**LSA Response:** The LSA concurs.

### ARC 4625C (NOIA)

**Rule Summary** Repeals an authorization for the DOT to suspend a driver's license or vehicle registration privileges for delinquent student loans. Prior to issuing suspensions the DOT was required to receive a certificate from the Iowa College Student Aid Commission prior to suspensions. The DOT reports that the Student Aid Commission has not pursued a suspension since 2012.

**State or Federal Law Implemented:** Iowa Code section 261.126, 2019 Iowa Acts, Senate File 304 (Licenses, Student Loan Delinquency Act).

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

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**LSA Response:** The LSA concurs.

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## Voter Registration Commission

### **ARC 4646C (AF)**

**Rule Summary** Provides county commissioners of elections with the option to utilize alternative voter registration forms produced by electronic pollbooks. Specifically, it will allow for voter registration forms to be completed on an electronic pollbook and then printed onto thermal receipt paper.

**State or Federal Law Implemented:** Iowa Code section 48A.11.

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

**LSA Response:** The LSA concurs.

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## Department of Workforce Development

### **ARC 4631C (NOIA)**

**Rule Summary** Updates and clarifies the unemployment insurance benefits claim verification process. Requires the applicant to provide approved documentation of identity, including at least one document containing a social security number. Specifies the claimant is not eligible for benefits for any week until approved documents are provided to verify the claimant's identity, and if the required documents are provided in any subsequent weeks following the due date for the documents, the claimant may be eligible for benefits as of the Sunday of the week the claimant's identity is verified.

**State or Federal Law Implemented:** Iowa Code section 24.3.

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

**LSA Response:** The LSA concurs.

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## School Budget Review Committee

### **ARC 4604C (NOIA)**

**Rule Summary** Amends the application and approval processes regarding requests for modified supplemental amounts for programs for at-risk students, secondary students who attend alternative programs and alternative schools, and returning dropouts and dropout prevention programs. The rulemaking also makes minor changes to terminology and to School Budget Review Committee procedures.

**State or Federal Law Implemented:** Iowa Code sections 257.30, 257.31, and 257.40.

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

**LSA Response:** The LSA concurs.

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### Department of Education

#### **ARC 4619C (FEAN)**

**Rule Summary** Updates the standards and program requirements that all traditional educator preparation programs must meet in order to be accredited to prepare educators in Iowa.

**State or Federal Law Implemented:** Iowa Code section 256.16 and 2019 Iowa Acts, SF 159 (Teacher Preparation Assessment Waivers, Praxis Reform Act).

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

**LSA Response:** The LSA concurs.

#### **ARC 4620C (FEAN)**

**Rule Summary** Changes assessment minimum passing scores, as established by the Director of the Department of Education, for educator preparation program completion. Establishes a one-year temporary teaching license that allows a waiver for candidates who did not attain the minimum required passing score.

**State or Federal Law Implemented:** Iowa Code section 256.16 and 2019 Iowa Acts, SF 159 (Teacher Preparation Assessment Waivers, Praxis Reform Act).

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

**LSA Response:** The LSA concurs.

#### **ARC 4636C (AF)**

**Rule Summary** Updates existing rules related to pupil transportation. Changes include:

- Updating and clarifying language, making technical corrections, and changing Department practices.
- Removing a restriction on load capacity and allowing increased student ride time subsequent to a public hearing.
- Allowing a private contractor to have a variance in fees when different means of transportation are necessary to meet student needs.
- Expanding semiannual inspection requirements to any vehicle used to transport students, including vehicles used for transport of students to activities.
- Eliminating “school bus driver and passenger safety education plan” as a component of the Department’s annual school transportation budget.
- Modifying local school board procedures regarding purchase of school buses and allowing the purchase of school buses from the general fund or other funds allowed by statute.
- Increasing semiannual bus inspection fees from \$40 to \$50, effective July 1, 2020.
- Granting a driver discretion to permit firearms or other weapons and ammunition to be transported in a school vehicle but not within the passenger compartment.

**State or Federal Law Implemented:** Iowa Code sections 285.8, 321.375, and 321.377.

**Fiscal Impact** **Agency Response:** No fiscal impact to the State of Iowa. However, the increase in the inspection fee is expected to have a minimal impact on local school transportation costs. Since vehicles are inspected semiannually, this will result in a \$20 increase per vehicle over one year. School transportation costs are used when determining distribution of transportation equity funding under Iowa Code section 257.16C; open enrollment transportation assistance under Iowa Code section 282.18, subsection 10, paragraph “c”; and nonpublic transportation reimbursement under Iowa Code section 285.1, subsection 12.

**LSA Response:** The LSA concurs in part. While there is no fiscal impact to the State as a result of this rulemaking, the increase in inspection fees and the expansion of the type of vehicles requiring inspection could increase the statewide cost to local school districts by an estimated \$200,000 annually. School districts could experience cost savings depending on approved changes in bus routes.

**ARC 4637C (AF)**

**Rule Summary** Updates the construction standards for school buses used in Iowa to reflect changes to these standards recommended by the National School Transportation Specification and Procedures Manual 2015. Expands semiannual inspection requirements to any vehicle used to transport students, including vehicles used for transport of students to activities. Requires three-point lap-shoulder belts to be installed in new buses.

**State or Federal Law Implemented:** Iowa Code sections 285.8 and 321.373.

**Fiscal Impact** **Agency Response:** No fiscal impact. However, certain specifications may result in an increased cost of school buses used in the State. This may impact local school transportation costs which are used when determining distribution of transportation equity funding under Iowa Code section 257.16C, open enrollment transportation assistance under Iowa Code section 282.18(10)(c), and nonpublic transportation reimbursement under Iowa Code section 285.1(12).

**LSA Response:** The LSA concurs in part. While there is no fiscal impact to the State as a result of this rulemaking, the requirement for lap-shoulder belts to be installed in new buses could increase the statewide cost to local school districts by an estimated \$3.1 million annually. This estimate includes a statewide average of 375 new buses purchased per year with an increased cost of \$8,364 per new bus. This rule change does not require old buses to be retrofitted and this estimate does not include retrofitting buses previously manufactured.

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**Board of Regents**

**ARC 4630C (NOIA)**

**Rule Summary** Implements amendments to merit rules that are necessary as a result of changes made to Iowa Code chapter 20 in February 2017. Makes technical changes to ensure the rules are up to date to accurately reflect the needs and practices of the institutions.

Additional changes include:

- Items 1, 2, 4, 5, 6, 12, 14, 23, 24, 26, 27, 31, 32 and 34 include nonsubstantive verbiage and/or definitional changes to reflect current terminology commonly used in human resources.
- Items 3, 25, 30, and 33 include updated reference to State or federal laws and/or Board of Regents or institutional policies.
- Items 15, 16, 19, and 20 rescind requirements related to certification of eligibility lists.
- Item 7 removes language concerning subsistence and maintenance allowances. Includes approval process for resident director in appointments based on exceptional qualifications. Removes language reporting salary adjustment of other merit employees to the merit system director. Removes merit increase language and replaces it with guidelines on the updated merit system salary increase procedures. Amends Pay on Demotion language to allow the Merit System Director to provide an extension for extraordinary circumstances. Adds language that allows rewards for exceptional performance not to exceed a certain percentage. Sets the minimum rates, increases and decreases for the pay for trainees and apprentices. Amends language to reflect that veterans pay is set by Federal Law. Adds a new section on discretionary pay increases for permanent employees.

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- Items 8, 10, 11, and 35 adopt new rules to implement Iowa Code. Item 9 includes language concerning recruitment announcements.
- Item 13 reduces the eligibility lists from three to two and changes the requirements for the duration of the eligibility lists to be removed in a time designated by the resident director.
- Items 17 and 18 revise language addressing appointments.
- Item 21 removes language addressing layoffs and dismissal during the probationary period.
- Item 22 rescinds language governing transfers.
- Item 28 clarifies appeals under 3.128(8A) are not arbitrable beyond step 3 of the grievance procedure.
- Item 29 extends the number of days for each step of the grievance procedure

**State or Federal Law Implemented:** Iowa Code sections 8A.413, 8A.413(9), 8A.413(14), 262.9, and 262.9(2).

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

**LSA Response:** The LSA concurs.

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## Department of Inspections and Appeals/Racing and Gaming Commission

### **ARC 4617C (NOIA) & ARC 4618C (AFE)**

**Rule Summary**      Implements 2019 Iowa Acts, Senate File 617 (Sports Wagering Act), which became effective May 13, 2019, and which authorizes sports wagering and Internet fantasy sports contests in Iowa. Provides a framework and guidance to all industry participants and to protect the public and to ensure the integrity of licensed facilities and participants. Reconciles existing rules with the new legislation and provides two new chapters of rules.

**State or Federal Law Implemented:** Iowa Code chapters 99D and 99F.

**Fiscal Impact**      **Agency Response:** The Commission will use existing budget and resources to implement these rules, including specific appropriations made during the 2019 Legislative Session for such purposes.

**LSA Response:** The LSA concurs in part. While the rulemaking itself does not have a fiscal impact, Senate File 617 does, as noted in the Fiscal Note for the Act. The Iowa Racing and Gaming Commission estimated that the Commission would need to hire 3.0 additional full-time equivalent (FTE) positions to manage the supervisory workload resulting from licensing entities to participate in sports wagering. During the 2019 Legislative Session, the General Assembly authorized the Commission to spend \$275,000 from the Gaming Regulatory Revolving Fund and add 3.0 additional FTE positions for sports wagering regulation upon enactment of the Administration and Regulation Appropriations Act (2019 Iowa Acts, House File 759).

Position	FTEs	Cost
Management Position	1.0	\$ 200,000
Auditor	1.0	107,000
Administrative Assistant	1.0	85,000
	<b>Subtotal</b>	<b>\$ 392,000</b>
<b>Existing Budget</b>		(117,000)
<b>Funds Appropriated Through HF 759</b>	<b>Total</b>	<b>\$ 275,000</b>



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Additionally, one aspect of the implementation of the rulemaking involves a suspension of the collection of offset debt through the garnishment of sports wagering and Internet fantasy sports contest winnings of \$1,200 or more due to a session delay approved by the Administrative Rules Review Committee on August 12, 2019. According to the Department of Administrative Services, it is not possible to estimate the fiscal impact of revenue collected from offset procedures as a result of authorizing sports wagering and Internet fantasy sports contests.

For more information on the fiscal impact and revenue estimates related to sports wagering and Internet fantasy sports contests, please review the [Fiscal Note for Senate File 617](#).

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### Department of Public Health

#### **ARC 4611C (AF)**

**Rule Summary** Adopts by reference the 2018 Edition of the Uniform Plumbing Code (UPC). Makes additional changes to incorporate other clarifications and amendments for the State plumbing code to the UPC.

**State or Federal Law Implemented:** Iowa Code section 105.4.

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

**LSA Response:** The LSA concurs.

#### **ARC 4613C (AF)**

**Rule Summary** Adopts by reference the 2018 Edition of the International Mechanical Code (IMC). Makes additional changes to incorporate other clarifications and amendments for the State mechanical code to the IMC.

**State or Federal Law Implemented:** Iowa Code chapter 105.

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

**LSA Response:** The LSA concurs.

#### **ARC 4612C (AF)**

**Rule Summary** Rebases fees for the regulatory programs administered by the Bureau of Radiological Health to meet forecasted budget needs pursuant to Iowa Code section 136C.10.

**State or Federal Law Implemented:** Iowa Code chapter 136C.

**Fiscal Impact** **Agency Response:** The overall increase in fee revenue collected by the Bureau of Radiological Health is estimated at \$930,000 annually. The estimated impact by licensure type is included in the rulemaking preamble.

**LSA Response:** The LSA concurs. The Department indicates that most radioactive material licensees pay their fees annually in July. The timing of the effective date of the rules will likely decrease impact for FY 2020 to approximately \$400,000.

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### Board of Educational Examiners

#### **ARC 4621C (FEAN)**

**Rule Summary** Creates a nonrenewable initial one-year license for applicants who have met all licensure requirements except for a passing score on the required assessments.

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**State or Federal Law Implemented:** Iowa Code section 272.2 and 2019 Iowa Acts, SF 159 (Teacher Preparation Assessment Waivers, Praxis Reform Act).

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

**LSA Response:** The LSA concurs.

**Rule Summary**     Eliminates the suspension or revocation of a license issued to a person who is in default or is delinquent on repayment or a service obligation under federal or state postsecondary educational loans or public or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency. **ARC 4633C (AF)**

**State or Federal Law Implemented:** Iowa Code section 272.2 and 2019 Iowa Acts, SF 304 (Licenses, Student Loan Delinquency Act).

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

**LSA Response:** The LSA concurs.

**Rule Summary**     Modifies the mandatory child abuse and dependent adult abuse identification and reporting training requirements. **ARC 4634C (AF)**

**State or Federal Law Implemented:** Iowa Code sections 232.69, 235B.16, and 272.2 and 2019 Iowa Acts, HF 731 (Mandatory Reporters, Department of Human Services Act).

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

**LSA Response:** The LSA concurs.

**Rule Summary**     Creates a new preservice substitute authorization to allow certain teacher preparation candidates to serve as substitute teachers. **ARC 4635C (AF)**

**State or Federal Law Implemented:** Iowa Code section 272.2.

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

**LSA Response:** The LSA concurs.

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### Board of Nursing

**Rule Summary**     Implements HF 288 (Military and Veterans Benefits Act) that requires agencies to establish procedures to expedite the licensing of a spouse of an active duty member of the military forces who is licensed in a similar profession or occupation in another state. **ARC 4599C (NOIA)**

**State or Federal Law Implemented:** Iowa Code section 272C.4(10).

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

**LSA Response:** The LSA concurs.

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## Labor Services Division

### ARC 4639C (AF)

**Rule Summary** Updates rules to reflect statutory changes, new phone numbers, a new office location, reorganization of the Labor Division, and revision of forms; rescinds unnecessary rules; and amends the existing requirement for advance notice of an asbestos abatement project to incorporate reference to the occupational health and safety standards in 29 C.F.R. 1910.1020.

**State or Federal Law Implemented:** Iowa Code chapters 17A, 73A, 88, 88B, 91A, 92, and 94A, and 29 C.F.R. 1910.1020.

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

**LSA Response:** The LSA concurs.

### ARC 4640C (AF)

**Rule Summary** Removes obsolete and unnecessary language, and adopts new language inadvertently left out when the new Occupational Safety and Health Administration (OSHA) civil penalty rules were adopted. Adopts by reference changes to the federal occupational safety and health standards. Changes include clarifying when an employer must record hearing loss; removing periodic chest X-ray requirements from the standards for inorganic arsenic, coke oven emissions, and acrylonitrile; giving employers more flexibility for how to store chest X-rays; updating the construction standard for medical services due to changes in 911 technology; removing 19 requirements for employers to store employees' social security numbers; eliminating obsolete and redundant language from numerous construction standards; changing the language in certain medical questionnaires; excluding certain residential construction projects from requirements for safe storage of building materials and equipment; and amending provisions concerning rollover protective structures for construction. Provides a new definition of "willfully volunteering" to clarify changes to the child labor law as set forth in SF 337 (Child Labor Laws Exceptions Act). Makes changes to the procedural rules for revocation of construction contractor registrations.

**State or Federal Law Implemented:** Iowa Code chapters 17A, 88, 91C, and 92.

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

**LSA Response:** The LSA concurs.

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## Department of Homeland Security and Emergency Management

### ARC 4638C (AF) & ARC 4499 (AFE)

**Rule Summary** Implements the Flood Recovery Fund established under SF 638 (FY 2020 Standing Appropriations Act), which will be administered by the Flood Mitigation Board. The Fund will provide financial support to political subdivisions of the State that have experienced or will experience expenses related to flood response, flood recovery, or flood mitigation. The rulemaking provides details on eligible applicants, eligible projects, and the application process, and was approved by the Flood Mitigation Board on May 20, 2019.

**State or Federal Law Implemented:** 2019 Iowa Acts, chapter 89.

**Fiscal Impact** **Agency Response:** Funds will be used to support eligible political subdivisions as they seek to recover and rebuild from the recent flood events. At this point, it is not possible to determine fiscal impact to individual political subdivisions until applications are processed.

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**LSA Response:** The LSA concurs and notes that although the rulemaking itself does not have a fiscal impact, the legislation associated with it, SF 638, does. Senate File 638 appropriated a total of \$15.0 million of General Fund moneys for initial implementation of the Flood Recovery Fund.

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