



## Fiscal Services Division

### ADMINISTRATIVE RULES — FISCAL IMPACT SUMMARIES

February 7, 2020

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).

#### Table of Contents

Agency	Page
State Public Defender	1
Department of Transportation	1
Department of Veterans Affairs	2

#### State Public Defender

#### **ARC 4872C (AF)**

**Rule Summary** Conforms to statutory changes enacted during the 2019 Legislative Session and adds efficiencies to the claims review process for indigent defense services. Clarifies that all probation revocation proceedings involving a single client constitute a single case and clarifies the definition of “date of service” to conform to existing practice. Converts the attorney fee case limits from dollar to hour limits. Requires online submission of miscellaneous claims, effective March 1, 2020. Makes other technical and corrective changes to the rules governing the submission of claims relating to the provision of services to indigent persons.

**State or Federal Law Implemented:** 2019 Iowa Acts, chapters 51 and 163.

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

**LSA Response:** The LSA concurs in part. Although the rulemaking has no fiscal impact, the legislation requiring the rulemaking does. The rulemaking implements Senate File 615 (FY 2020 Justice System Appropriations Act), which increased the rates of compensation for contract attorneys reimbursed by the Indigent Defense Fund by \$3 across the board. The SF 615 Notes on Bills and Amendments estimates an increased cost of approximately \$1.6 million to the Indigent Defense Fund beginning in FY 2020.

This rulemaking also implements Senate File 590 (Indigent Defense Fund, Privately Retained Attorneys), which established a process for the repayment of State funds to a privately retained attorney for the costs incurred in the legal representation of a person who is later determined to be indigent. The SF 590 Fiscal Note estimates a savings to the Indigent Defense Fund of approximately \$150,000 per year.

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#### Department of Transportation

#### **ARC 4884C (NOIA)**

**Rule Summary** Allows first-time offenders convicted of unlawfully passing a school bus to be eligible for the driver improvement program in lieu of a driver’s license suspension. Currently, first-time offenders’ driver’s licenses are suspended.

## Administrative Rules — Fiscal Impact Summaries

February 6, 2020

2

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**State or Federal Law Implemented:** Iowa Code sections 321.210 and 321.372(3).

**Fiscal Impact**

**Agency Response:** In FY 2019, the Department issued 492 driver's license suspensions for a first offense of unlawfully passing a school bus. These individuals were assessed a \$200 civil penalty (Iowa Code section 321.218A) and were to pay a \$20 reinstatement fee (321.191) before the department would reissue the driver's license. With this rulemaking, 492 individuals may now avoid a driver's license suspension. This change will reduce revenue to the Juvenile Detention Home Fund by \$98,400 and reduce revenue to the Statutory Allocations Fund by \$9,840.

**LSA Response:** The LSA concurs.

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### Department of Veterans Affairs

**ARC 4864C (NOIA)**

**Rule Summary** Increases the Veterans Trust Fund (VTF) award maximum for dental care from \$2,500 in a 12-month period to \$10,000.

**State or Federal Law Implemented:** Iowa Code section 35A.13.

**Fiscal Impact**

**Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs in part. Awards data presented in the VTF Annual Report indicates an average award of \$1,900 per award per year for dental assistance over the past five calendar years, or 75.0% of the cap. The past five years had an average of 50 awards per year. Increasing the expenditure cap could increase expenditures for dental assistance by as much as \$300,000 per year from the VTF if the trend in dental awards stayed at 75.0% of the cap. However, total VTF expenditures would still be limited to the amount of funds available through the \$500,000 of lottery receipts transferred and interest earned.

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