



Fiscal Services Division

ADMINISTRATIVE RULES – FISCAL IMPACT SUMMARIES

March 12, 2012

Section 17A.4(4) Iowa Code requires the Legislative Services Agency (LSA) to analyze the fiscal impact of all administrative rules with an impact of \$100,000 or more and provide a summary of the impact to the Administrative Rules Review Committee (ARRC). Fiscal Impact Statements filed by State agencies can be found on our website at http://staffweb.legis.state.ia.us/lfb/docs/Admin_Rules/arfiscal_notes.htm

Economic Development Authority

ARC 0008C

Rule Summary Updates the rules to reflect a statutory increase in the amount of tax credits available under the Endow Iowa Tax Credits Program and adds new language specifying the amount and method for calculating the maximum amount of tax credits available to individual taxpayers. Senate File 302, 2011 Iowa Acts, increased the amount of credits available from \$2.7 million to \$3.5 million. Additional funds for the tax credit are available from the Adjusted Gross Wagering Tax Receipts.

Fiscal Impact Reduces General Fund revenues by a maximum of \$800,000 beginning in FY 2012. However, based on historical data, only 80.0% of the credit amount is typically claimed by the end of the five-year carryforward period. The following estimated amounts are delineated in the Fiscal Note for SF 302:

- FY 2012 – a reduction of \$291,000
- FY 2013 – a reduction of \$527,000
- FY 2014 – a reduction of \$562,000

ARC 0007C

Rule Summary Incorporates changes to Iowa Code provisions that establish the Brownfield and Grayfield Redevelopment Tax Credit Program.

Fiscal Impact The tax credits are established under the Economic Development Authority's (IEDA) \$120.0 million tax credit cap available under Iowa Code section 15.119. Assuming the Authority will fully allocate these credits with or without these program credits, there is no General Fund impact.

ARC 0009C

Rule Summary Incorporates new incentive tax credits under the IEDA's Tax Credit Cap that were added in 2011 Iowa Acts, SF 517 (Economic Development Appropriations Act).

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Fiscal Impact The tax credits are established under the IEDA's \$120.0 million in tax credits available under Iowa Code section 15.119. Assuming the Authority will fully allocate these credits with or without these program credits, there is no General Fund impact.

STAFF CONTACT: Kenneth Ohms (Ext. 52200)

Iowa Finance Authority

ARC 0003C and 0004C

Rule Summary Clarifies that home buyer assistance under the HOME Program for the initial purchase price for newly constructed units or the after rehabilitation value for rehabilitated units cannot exceed the single family mortgage limits under Section 203b of the National Housing Act.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Kenneth Ohms (Ext. 52200)

Environmental Protection Commission

ARC 9998B

Rule Summary Revises Iowa Administrative Code chapter 61 to be consistent with the Army Corps of Engineers' 2012 Nationwide Permits (NWP), the most-recently certified NWPs are listed in Chapter 61 and were issued in 2007. NWPs are designed to regulate certain minimal impact activities with little or no delay and paperwork. Prior to issuing or renewing NWPs, Section 401 Water Quality certification is required from the Department of Natural Resources (DNR). The NWPs automatically expire if they are not modified or reissued within five years of their effective date. Two new NWPs will be issued and one will be allowed to expire on March 19, 2012.

Because NWPs are used nationwide, state-specific regional conditions may be created. Iowa is altering and eliminating a regional condition. Iowa is adjusting requirements for the width of a buffer established along a new stream channel. The former regional condition required 35 foot-wide buffer strips along both sides of a newly constructed channel, regardless of stream type. The new regional condition requires 25 foot-wide buffer strips along ephemeral streams, and 50 foot-wide buffer strips along intermittent and perennial streams.

Removes a regional condition from Iowa's general condition list. Historically, Iowa has required NWPs to meet one-tenth-acre mitigation threshold. The Corps now requires NWPs to meet one-tenth-acre mitigation threshold for all projects. The requirement is now standard and therefore not needed on the general condition list.

Fiscal Impact No fiscal impact.

ARC 9994B

Rule Summary Repeals sections of the Iowa Administrative Code (IAC) pertaining to the definition, registry, location and management of hazardous waste and hazardous waste management facilities. The repealed sections include IAC chapters 567-140, 567-141, 567-148, 567-150, and 567-151.

These sections of the IAC were in place to implement Iowa's hazardous waste facility regulations. These regulations have been suspended since 1987, and are overseen by the United State Environmental Protection Agency. The rescinded rules were intended to implement sections of the Iowa Code repealed by Senate File 299, signed into law March 30, 2011. Therefore, these chapters are unnecessary.

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Fiscal Impact No fiscal impact to the State

STAFF CONTACT: Adam Broich (Ext. 18223)

Department of Public Health

Rule Summary **ARC 9995B**
Rescinds Iowa Administrative Code chapter 37, “Breast and Cervical Cancer Early Detection Program,” and adopts new chapter 8, “Care for Yourself (CFY) Program.” The rules combine the Breast and Cervical Cancer Early Detection Program, that provides screening for breast and cervical cancer, and the Well-Integrated Screening and Evaluation for Women Across the Nation Program, that provides preventative screening for cardiovascular disease, under the CFY program. The rules include definitions, program components, client eligibility criteria, participant application procedures, expenditure priorities, appeals process, and Medicaid verification.

Fiscal Impact No fiscal impact.

Rule Summary **ARC 9997B**
Adopts new Iowa Administrative Code chapter 10, “Iowa Get Screened: Colorectal Cancer Program.” The rules articulate the purpose of the program, definitions, program components, the role of the Medical Advisory Board, participant eligibility criteria, participant application procedures, priority program expenditures, appeals process, and clarifications regarding colorectal cancer treatment.

Fiscal Impact No impact to the General Fund. This program is funded through a \$1.7 million federal grant.

Rule Summary **ARC 0002C**
Adopts by reference the Emergency Medical Services Provider Scope of Practice recommended by the Emergency Medical Services Advisory Council in July 2011 in Iowa Administrative Code chapter 131, “Emergency Medical Services Provider Education/Training/Certification.”

Fiscal Impact No fiscal impact.

Rule Summary **ARC 0001C**
Adopts the Emergency Medical Services Provider Scope of Practice approved by the Emergency Medical Services Advisory Council in July 2011 by reference, adds new emergency medical service certification levels, and allows Critical Care Paramedic skills to be used pre-hospital in Iowa Administrative Code chapter 132, “Emergency Medical Service—Service Program Authorization.”

Fiscal Impact No fiscal impact.

STAFF CONTACT: Aaron Todd (Ext. 16764)

Racing and Gaming Commission

Rule Summary **ARC 9987B**
Provides the following:

- Reestablishes rules that had been removed in error pertaining to the payment of a fine and the appeal of the fine, and the suspension of an animal or the holder of an occupational license.
- Establishes rules for Advance Deposit Wagering to allow an individual to establish an account, deposit money in the account, and use the account balance to pay for pari-mutuel wagering.

- Removes an outdated rule pertaining to a temporary horse owner’s license for claiming purposes.
- Changes the definition for Claiming Race.
- Changes the workout requirement for quarter horses from 30 days to 60 days.
- Establishes Waived Claiming Rules.
- Modifies the definition of Implement of Gambling.
- Eliminates three authorized table games.
- Establishes controls for Tournament Chips.
- Clarifies information to be posted at table games and what fees are subject to the Wagering Tax at table games.
- Clarifies wagering and shooting procedures for Craps.
- Removes a rule pertaining to Big Six-Roulette.
- Clarifies the poker games that should have Rules of Game on hand and how the jackpot fund can be seeded. Prevents an administrative fee from being charged for jackpot awards.
- Modifies a rule pertaining to Impress Dealer Gaming Chip Banks.
- Establishes fundamental wagering rules for Baccarat.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

Secretary of State

ARC 9989B and 9990B

Rule Summary Provides uniformity for conducting primary elections and establishes procedures where needed for election administration and voter registration file maintenance issues. Provides specifically for the following:

- Expands the ability to return voted ballots electronically to all active members of the military serving outside the United States and its territories.
- Adopts a provisional voter statement.
- Adopts procedures for making photocopied ballots on election day.
- Establishes the ballot provisional voters at satellite voting stations should receive.
- Establishes a procedure for voters whose registration status is changed to inactive between the times the absentee ballot is requested and absentee ballots are mailed.
- Establishes a procedure for absentee voters to cure defects in absentee ballots caused by re-registration in another county or precinct after the absentee ballot has been submitted to the Commissioner.
- Establishes a method for determining the number of signatures required for the primary election where the method of electing county supervisors has changed to Plan III.
- Establishes a procedure for reporting election night results electronically to the State Commissioner for primary and general elections.
- Provides a technical correction for a subrule that has been rescinded.
- Updates the cross state match voter file procedures to make them compliant with the National Voter Registration Act of 1993.

Fiscal Impact No State fiscal impact. County commissioners of elections may see a cost increase for sending residence confirmations to voters that appear to be registered to vote in another state.

ARC 9999B

Rule Summary Rescinds Chapter 31, “Registration of Postsecondary Schools.” Senate File 270, 2009 Iowa Acts (Registration of Postsecondary Schools), transferred the authority to

register postsecondary schools from the Secretary of State to the College Student Aid Commission.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

Department of Education

ARC 0016C

Rule Summary Sets accreditation standards for all Iowa school districts and accredited nonpublic schools. A brief description of the five items and the rationale for the rule-making in each item are as follows:

- Strikes a reference to Iowa Code section 272.33 that has been repealed.
- Clarifies that one individual may not simultaneously serve as superintendent, secondary principal, and elementary principal. This proposal conforms to Iowa Code section 280.14(2). The clarification is already in subrule 12.4(4) and is added in subrule 12.4(6) as a convenience for the reader.
- Rescinds the rule requiring a certification of fitness because this is not an accreditation requirement. School bus drivers are still subject to a physical examination requirement.
- Implements Senate File 453 (High School Graduation Requirements) by adding terms and conditions that schools and school districts may award secondary credit to non-secondary students.
- Defines the components of twenty-first century learning skills to comply with Iowa Code section 256.7(26)(a).

Fiscal Impact No fiscal impact.

ARC 0015C

Rule Summary Conforms the rules regarding full-time teaching load and the strategic planning process at the community colleges to Senate File 470, enacted in 2011, that eliminated the requirement for a five-year strategic plan. The Act also specified that an instructor could carry a maximum of 22 credit hours per semester upon mutual agreement of the instructor and college administration.

Amends rules to reflect the new accreditation process of the Higher Learning Commission, including phasing out of accreditation by the Program to Evaluate Academic Quality.

Fiscal Impact No fiscal impact.

ARC 0020C

Rule Summary Establishes rules to implement the Pathways for Academic Career Employment Program (PACE) and for the Gap Tuition Assistance Program. Both programs were enacted in the 2011 Legislative Session in HF 645 (Education Appropriations Act).

Fiscal Impact No fiscal impact. Community colleges may use moneys in the Workforce Training and Economic Development Funds for these programs.

ARC 0019C

Rule Summary Aligns the review of instructional programs in juvenile homes more closely with the existing accreditation process for Area Education Agencies (AEAs) and the programs for which AEAs are responsible. By using review processes that already exist, the proposed amendments remove duplicative administrative and data burdens. The proposed amendments also align the funding of these programs to the funding of instructional programs offered to children who reside in state institutions or mental

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health institutions. Instructional programs provided for children residing in juvenile homes is the responsibility of the AEA where the juvenile home is located.

Fiscal Impact No fiscal impact.

ARC 0014C

Rule Summary Implements HF 645 (Education Appropriations Act) allowing a regional academy to serve students in grades seven and eight in addition to grades 9 - 12. A new provision of statute requires school districts that participate in a regional academy to agree on how the funding generated under supplementary weighting provided in Iowa Coded section 257.11(2) must be used, and to submit the agreement to the Department for approval.

Fiscal Impact No fiscal impact, any additional supplementary weighting generated to districts will be offset by the savings realized by those districts from sharing instructors.

ARC 0012C

Rule Summary Conforms rules to legislation enacted in HF 645 (Education Appropriations Act). Specifies appropriate uses of school aid funding generated for the Home School Assistance Program that was modified in HF 645. Also, modifies allowable uses of the Physical Plant and Equipment Levy (PPEL) to include transactions involving equipment and technology. The rule modifying PPEL expenditure transactions corresponds to a declaratory order issued by the Department in April 2011.

Fiscal Impact No fiscal impact.

ARC 0013C

Rule Summary Compiles the most common filing deadlines of reports required from AEAs and school districts to be filed with the Department and lists consequences for late filings without good cause.

Fiscal Impact No fiscal impact.

ARC 0018C

Rule Summary Rescinds Iowa Administrative Code section 281.120, "Early ACCESS Integrated System of Early Intervention Services," and adopts a new Chapter 120 with the same title. The sequence and format of the proposed new Chapter parallels the pertinent federal regulations under Part C of the Individuals with Disabilities Education Act. Federal statutory and regulatory changes require most of the substantive revisions in proposed Chapter 120, including state monitoring and general supervision, timelines for referrals for evaluation and assessment, and the conduct and content of evaluations and assessments. The changes are necessary to allow Iowa to continue to draw down federal Part C dollars, and streamline the process for a family may to access services under the Chapter for a child under the age of three years.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Shawn Snyder (Ext. 17799), Robin Madison (Ext. 15270), and John Parker (Ext. 52249)

Department of Human Services

ARC 9981B

Rule Summary Removes the remaining exclusions from Medicaid coverage for drugs to promote cessation of smoking. This change is required by the federal Patient Protection and Affordable Care Act.

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Fiscal Impact This change is estimated to cost \$24,000 in FY 2012 and \$36,000 in FY 2013.

ARC 9996B

Rule Summary Makes the following changes:

- Modifies the rule for calculation of the maximum Medicaid disproportionate share hospital (DSH) payment to Broadlawns Medical Center.
- Reflects the creation of a funding pool to allow Broadlawns to be reimbursed up to \$4,000,000 for outpatient prescription drugs and podiatry services provided to IowaCare members.

Fiscal Impact Estimated to cost the IowaCare Account \$4.0 million in FY 2012 and FY 2013. House File 649 (FY 2012 Health and Human Services Appropriations Act) increases the Polk County transfer to the state by \$4.0 million to pay for this change and appropriates the necessary funding from the IowaCare account to implement the new Broadlawns funding pool for pharmacy and podiatry claims.

ARC 9982B

Rule Summary Streamlines procedural requirements for determining eligibility under the IowaCare program.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Jess Benson (Ext. 14611)

Professional Licensure Division - DPH

ARC 0022C

Rule Summary Clarifies that conviction of a crime includes when the judgment of conviction or sentence was deferred for the Board of Dietetics.

Fiscal Impact No fiscal impact.

ARC 0024C

Rule Summary Removes the requirement for the Board of Nursing Home Administrators to send a renewal notice through the mail to the licensee to make licensure requirements consistent with Iowa Code and clarifies that conviction of a crime includes when the judgment of conviction or sentence was deferred.

Fiscal Impact Minimal fiscal impact.

STAFF CONTACT: Aaron Todd (Ext. 16764)

Agricultural Development Authority

ARC 0021C

Rule Summary Increases the maximum net worth for a qualifying beginning farmer. This qualifying amount will be indexed annually to reflect inflation.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Adam Broich (Ext. 18223)

Ethics and Campaign Disclosure Board, Iowa

ARC 9986B

Rule Summary Makes the General Assembly rather than the Iowa Ethics and Campaign Finance Board the repository for Executive Branch lobbyist registration statements and Executive Branch lobbyist client reports to be consistent with HF 126, 2011 Iowa Acts.

Fiscal Impact No fiscal impact.

ARC 9985B

Rule Summary Requires Executive Branch lobbyist registration statements to be filed electronically with the Chief Clerk of the House of Representatives or the Secretary of the Senate on or before the lobbying activity begins to be consistent with HF 126, 2011 Iowa Acts.

Fiscal Impact No fiscal impact.

ARC 9984B

Rule Summary Changes lobbyist filing requirements so that reports are filed with the General Assembly instead of the Iowa Ethics and Campaign Finance Board to be consistent HF 126, 2011 Iowa Acts.

Fiscal Impact No fiscal impact.

ARC 9983B

Rule Summary Changes the length of time an Executive Branch lobbyist client report is retained on the Iowa Ethics and Campaign Finance Board's website from at least three years to as long as the General Assembly posts the Executive Branch lobbyist client reports on the General Assembly's website. House File 126 amended lobbyist registration requirements so that the information is filed with the Chief Clerk of the House and the Secretary of the Senate and posted on the General Assembly's website.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Dwayne Ferguson (Ext. 16561)

Homeland Security and Emergency Management Division

ARC 0023C

Rule Summary Implements the changes enacted during the 2011 Legislation Session in SF 315 relating to emergency management planning.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

Iowa Public Employees' Retirement System

ARC 0017C

Rule Summary Proposes the following rule changes to the Iowa Public Employees' Retirement System (IPERS):

- Updates a superseded citation to former Iowa Code chapter 19A.
- Implements new contribution rates for regular and special service members effective July 1, 2012.
- Adopts a vesting provision required by the Internal Revenue Service in IPERS' most recent determination letter ruling, adopts a vesting interpretation

necessitated by the description of pre-July 1, 2012, vesting contained in 2010 Iowa Acts, HF 2518, section 21.

- Adopts a new lump sum paper warrant processing fee of \$1 effective April 1, 2012.
- Modifies the method for determining the lump sum present value for preretirement death benefits for members with both regular and special service credits; clarifies a death benefit provision relating to members who retire, are reemployed, and die without re-retiring; and amends multiple sections to conform the rules to requirements of HF 2518, section 21, including changes to vesting, early retirement reduction, and average salary.

Fiscal Impact

In FY 2011, IPERS issued approximately 14,000 payments that would have paid the \$1 processing fee. The fiscal impact assumes approximately 700 (5.0%) will continue receiving a paper copy for a \$1 fee, resulting in an estimated \$700.

Based on the expected covered payrolls for FY 2012 and FY 2013, changes in contribution rates will result in the following changes in total contribution rate amounts. Because the amount of payroll paid through a fiscal year is not known until the end of that fiscal year, the precise fiscal impact cannot be determined with these rate changes. In addition, the number of employees in each job class is not fully known.

Regular Membership**FY 2012 Estimated Contributions:**

Expected Covered Payroll - \$6.4 billion

Current Contribution Rate – 13.45%

Total Contributions - \$866.2 million

FY 2013 Projected Contributions Based On Amended Rate:

Expected Covered Payroll - \$6.7 billion (assumes 4.0% payroll growth)

Amended Contribution Rate – 14.45%

Total Contributions - \$967.8 million

The increase in contribution rates is 1.0% or \$101.6 million. The member increase is estimated to be \$40.6 million and the employer contribution rate increase is estimated to be \$61.0 million.

Sheriffs and Deputies (Split 50/50 among employers and employees)**FY 2012 Estimated Contributions:**

Expected Covered Payroll - \$94.2 million

Current Contribution Rate – 19.66%

Total Contributions - \$18.5 million

FY 2013 Projected Contributions Based On Amended Rate:

Expected Covered Payroll - \$98.0 million (assumes 4.0% payroll growth)

Amended Contribution Rate – 19.80%

Total Contributions - \$19.4 million

The increase in contribution rates is 0.14% or \$878,000. The member increase is estimated to be \$439,000 and the employer contribution rate increase is estimated to be \$439,000.

Protection Occupation (Split 60/40 among employers and employees)**FY 2012 Estimated Contributions:**

Expected Covered Payroll - \$310.7 million

Current Contribution Rate – 16.62%

Total Contributions - \$51.6 million

FY 2013 Projected Contributions Based On Amended Rate:

Expected Covered Payroll - \$323.2 million (assumes 4.0% payroll growth)

Amended Contribution Rate – 17.11%

Total Contributions - \$55.3 million

The increase in contribution rates is 0.49% or \$3.6 million. The member increase is estimated to be \$1.5 million and the employer contribution rate increase is estimated to be \$2.2 million.

Although specific cost savings for the remaining changes to the rules cannot be specifically identified (particularly for the vesting changes, the early retirement reduction changes, and the average salary changes), the changes will help reduce the present value of future benefits, help reduce the normal cost rate, and help reduce the unfunded actuarial liability (UAL).

The fiscal note for HF 2518 included an overall estimate for all the changes together as one package. The reduction in the present value of future benefits was estimated to be up to \$1.2 billion. The reduction in the normal cost rate was estimated to be up to 90 basis points or 0.9%. (The normal cost rate funds the increase in the present value of benefits that have accrued for service during a year.) The reduction in the unfunded actuarial liability (UAL) was estimated to be \$750.0 million. (The UAL is the difference between the actuarial liability, that portion of the present value of future benefits that will not be paid by future normal costs, and the actuarial value of assets at the same date.)

STAFF CONTACT: Jennifer Acton (Ext. 17846)

Labor Services Division - IWD

ARC 0011C

Rule Summary Adopts by reference the most recent American Society of Mechanical Engineers conveyance codes with the exception of one rule pertaining to telephone lines. Adopts requirements for the remote manipulation of conveyances. Mandates the use of an acceptance inspection check list for installation of new conveyances. Makes numerous technical and editorial changes to the board's procedural rules.

Fiscal Impact Minimal fiscal impact.

STAFF CONTACT: Kenneth Ohms (Ext. 52200)

Professional Licensure Division - DPH

ARC 0006C

Rule Summary Adds a chiropractic state association to the list of organizations that can provide a chiropractic assistant training program under the Board of Chiropractic Examiners.

Fiscal Impact No fiscal impact.

ARC 0010C

Rule Summary Provides the conditions that online instruction may qualify for "live" continuing education credits under the Board of Chiropractic Examiners.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Aaron Todd (Ext. 16764)

Department of Public Safety

ARC 9988B

Rule Summary Adopts a new chapter setting out procedures and requirements for the issuance of identification cards and annual firearms qualification certification cards to qualified former peace officers of the Iowa Department of Public Safety.

Fiscal Impact Minimal fiscal impact. There is no charge to the former officer unless the card is a duplicate or replacement card. There will be a \$5 charge for replacing a lost or damaged card to reimburse the Department for the materials. There is no charge for the annual firearms qualification card.

ARC 9993B

Rule Summary Revises requirements for accessibility to persons with disabilities for buildings and facilities available to the public to reference new federal guidelines adopted in 2010. The changes are effective under federal law on March 15, 2012. Under both federal and Iowa law, places of worship are exempt from having to comply with requirements for accessibility.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

Department of Revenue

ARC 0005C

Rule Summary Clarifies the existing rules related to the Iowa capital gains exclusion and makes changes related to the exclusion of certain capital gains income from Iowa individual income tax. Removes obsolete provisions, clarifies existing provisions, and adds additional provisions related to the capital gains that are eligible for the exclusion.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Dwayne Ferguson (Ext. 16561)

Department of Transportation

ARC 9991B

Rule Summary Provides administrative flexibility for the Department of Transportation concerning the decision-making process regarding the issuance of driver's licenses, provides clarification for testing and vehicle equipment to meet current standards for vehicle operations and public safety, and expands driver's licensing fee payment options.

Fiscal Impact No Fiscal Impact

STAFF CONTACT: Estelle Montgomery (Ext. 52261)
