



## Fiscal Services Division

### ADMINISTRATIVE RULES – FISCAL IMPACT SUMMARIES

**September 10, 2013**

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

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\*Agencies highlighted in yellow have one or more rules with a fiscal impact of \$100,000 per year or more.

#### Real Estate Commission – Emergency Rulemaking

**Rule Summary** Rescinds Chapter 22 “Operations of Grant Committee” and Chapter 23, “Grant Applications and Awards” that established the Real Estate Education Grant Committee and the process for awarding grants to Iowa colleges and universities. [SF 438 \(Real Estate License Fees Act\)](#) repealed Iowa Code section [543B.54](#) and eliminated the real estate college education credit program.

**Fiscal Impact** No fiscal impact due to the rulemaking. The Code change results in \$90,000 in fees being deposited annually into the General Fund.

STAFF CONTACT: Dwayne Ferguson (Ext. 16561)

#### Real Estate Commission

**ARC 0970C**

**Rule Summary** Adds questions to the seller disclosure form to improve buyer knowledge of the condition of property that is being sold. The items questioned are:

- The date a septic tank was last inspected.
- Identity of the person or entity that performed the radon tests.
- Significant structural changes or modifications.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Dwayne Ferguson (Ext. 16561)

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### Iowa Public Information Board – Emergency Rulemaking

**Rule Summary** Adds contact and physical address information to Chapter 1 “Organization And General Administration.” This information was absent when rules were filed in May.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Dwayne Ferguson (Ext. 16561)

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### College Student Aid Commission

**Rule Summary** Eliminates references to the Advisory Committee on Postsecondary Registration that was eliminated from statute, updates procedures and processes for Postsecondary Registration that have been instituted over the past several years, and includes a list of Iowa colleges and universities exempt from registration. **ARC 0946C**

**Fiscal Impact** No fiscal impact.

**Rule Summary** Eliminates the requirement that applicants for the Terry E. Branstad State Fair Scholarship submit recommendations with their applications. **ARC 0945C**

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270)

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### Department of Education

**Rule Summary** Modifies school calendar requirements to conform to legislation enacted in [HF 215 \(Education Reform Act\)](#). This provision allows school districts to implement a school calendar of 180 days or 1,080 hours. The provision applies to the school year beginning July 1, 2014. **ARC 0954C**

**Fiscal Impact** There is no fiscal impact to the State General Fund. School districts may be able reduce costs of operations due to the choice of calendar options.

**Rule Summary** Permits Iowa nonpublic schools to select independent accrediting agencies to perform their regulatory review. This is in response to HF 215 (Education Reform Act) passed during the 2013 Legislative Session. Direction for both schools and independent accrediting agencies on how to properly operate are outlined. Nonpublic schools can choose from a list of up to six independent accrediting agencies to perform the regulatory review. The State Board of Education approves the independent accrediting agencies and lists the approved agencies on its website. The rules will expire on July 1, 2020. **ARC 0958C**

**Fiscal Impact** No fiscal impact.

**Rule Summary** Defines competency-based instruction and clarifies the awarding of credit for students engaged in competency-based learning. Instead of being awarded credit based on the amount of time that a class meets, students in this instructional model receive credit when they demonstrate proficiency in the concept being taught. **ARC 0964C**

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**Fiscal Impact** No fiscal impact.

**ARC 0968C**

**Rule Summary** Outlines the process to select institutions in the Teach Iowa student teaching pilot project. During the 2013 Legislative Session the project was established in HF 215 (Education Reform Act). The project provides students in teacher preparation programs with a one-year student teaching experience. Two institutions, one from the Regents and one from an accredited private institution, must establish a full year student teaching preparation program pilot. The rule provides the structure regarding how the sites will be selected and how the pilot will be enacted at those sites for the duration of the project.

**Fiscal Impact** House File 604 (FY 2014 Education Appropriations Act) appropriates \$6.4 million for Education Reform provisions in HF 215. House File 215 allocates \$1.0 million of the \$6.4 million to be used to establish the Teach Iowa student teaching pilot project.

**ARC 0967C**

**Rule Summary** Modifies supplementary weighting rules for shared operational functions to conform to HF 472 (Shared Operational Functions Act). The Act extends, modifies, and expands the current shared operational function supplementary weighting provisions provided through the school aid formula for FY 2015 through FY 2020. To be eligible for the supplementary weighting provision, the district must have an FTE position total for the specific shared operational function area not greater than the FTE level the district had in FY 2013.

**Fiscal Impact** The fiscal note issued for HF 472 estimated a total funding level of \$12.5 million in FY 2015 (including \$10.9 million in State aid and \$1.6 million in local property taxes) and a minimum of \$15.8 million in FY 2016 (including \$13.8 million in State aid and \$2.0 million in local property taxes). The Act (HF 472) requires the Department of Education to determine qualifications of the supplementary weighting provisions through administrative rule.

The specific fiscal impact is unknown until implementation of rules by the Department of Education and data submission by school districts in October 2013. The LSA estimates that the lack of specific rules established by the Department of Education may result in a fiscal impact in excess of the fiscal impact noted in HF 472. The following table provides an estimated impact of various scenarios. These estimates look at districts that used at least one discrete shared operational function between FY 2009 and FY 2014 and assumes that each of these districts will implement the provision between FY 2015 and FY 2020. Under this scenario, if the 181 school districts implement one sharing provision, the weighting total is estimated at 2,621.79 and will generate \$16.7 million through the school aid formula (including \$14.7 million in State aid). Assuming two discrete sharing provisions for each of those districts, the weighting and funding levels double to 5,243.58 and \$33.4 million respectively. The estimates in the table identify the impact of up to 5 discrete sharing provisions for each of the 181 districts. Additionally, the fiscal impact will be larger if the number of districts participating is greater than the 181 used in this scenario.

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Shared Operational Function Supplementary Weighting Scenarios and Estimated Fiscal Impact (Dollar Amounts in Expressed in Millions)						
Number of Districts with Weighting	Number of Discrete Shared Operational Functions Per District	Weighting Total	Total Funding	State Aid Portion	Local Property Tax Portion	
181	1	2,621.79	\$ 16.7	\$ 14.7	\$ 2.0	
181	2	5,243.58	33.4	29.4	4.0	
181	3	7,865.37	50.1	44.1	6.0	
181	4	10,487.16	66.8	58.8	8.0	
181	5	13,108.95	83.5	73.5	10.0	

Funding amounts are based on the FY 2015 State cost per pupil amount of \$6,366.

STAFF CONTACT: John Parker (Ext. 52249) and Shawn Snyder (Ext. 17799)

## Economic Development Authority

**ARC 0944C**

**Rule Summary** Amends the Brownfield and Grayfield Redevelopment Tax Credit Program rules to prevent benefits being awarded twice for the same project, and indicates that such projects are not eligible to receive benefits a second time.

**Fiscal Impact** No fiscal impact.

**ARC 0940C**

**Rule Summary** Updates existing rules pursuant to [HF 615 - Innovation Fund Investment Tax Credit Act](#). Adds new eligibility criteria for certification of innovation funds, new requirements for the administration of the certification process and maintenance of fund certification, and a description of the circumstances where a fund's certification may be revoked. Increases the tax credit percentage that a taxpayer may claim from the current 20.0% of the equity investment to 25.0%. Changes the way the tax credit may be claimed, makes the tax credits transferable, and eliminates the requirement that taxpayers wait three years before redeeming the credits.

**Fiscal Impact** The estimated impact to General Fund revenue due to changes in the program is:

- FY 2015: \$8.0 million
- FY 2016: \$8.0 million
- FY 2017: \$5.3 million
- FY 2018: \$2.6 million
- FY 2019: \$0.0 million

**ARC 0947C**

**Rule Summary** Establishes the Reinvestment District Program pursuant to [HF 641 – Reinvestment Districts Act](#) that permits certain state Hotel and Motel Tax and Sales and Use Tax revenues to be reinvested into designated reinvestment districts.

**Fiscal Impact** The estimated fiscal impact HF 641 is unknown and will largely depend on the number, composition, and timing of reinvestment district projects. However, since the total amount of state tax revenue to be remitted to the Reinvestment District Fund is capped at \$100.0 million, the amount will not exceed \$100.0 million. Any fiscal impact is not anticipated to occur prior to FY 2015 and will likely be spread over a number of fiscal years.

STAFF CONTACT: Kenneth Ohms (Ext. 52200)

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### Historical Division

#### ARC 0896C, ARC 0897C

**Rule Summary** Amends the Historical Preservation and Cultural and Entertainment District Tax Credit Program rules pursuant to [SF 436 – Historic Property Tax Credits Act](#). Changes include the definitions of commercial and non-commercial property; the threshold for a commercial project has been reduced; the cap on a small project has been increased. Additionally, there is now a possibility of a 12 – month extension for a project that reaches 60 months and is not complete but has already expended at least 50.0% of its qualified rehabilitation expenses.

**Fiscal Impact** There is no fiscal impact assuming all tax credits will be awarded each year with or without this adjustment to the projects budget threshold.

STAFF CONTACT: Kenneth Ohms (Ext. 16736)

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### Homeland Security and Emergency Management Division

#### ARC 0956C

**Rule Summary** Creates new rules for the Flood Mitigation Program created in [SF 2217 \(FY 2013 Flood Mitigation Program Act\)](#) that is administered by the Department of Homeland Security.

**Background:** The Flood Mitigation Program provides two sources of funding for flood mitigation projects approved by the Flood Mitigation Board. Funding is from the Flood Mitigation Fund or the Sales Tax Increment Fund. The Flood Mitigation Fund consists of appropriations and other moneys deposited in the Fund and the Sales Tax Increment Fund receives deposits of increased sales tax revenues from areas with approved projects, as calculated by the Department of Revenue. The Flood Mitigation Board will determine the funding source for approved projects. The Program is administered by the Department of Homeland Security. The Department of Revenue is responsible for calculating sales tax increment funding for approved projects. The Department of Revenue will also remit moneys to governmental entities with approved projects.

Rule changes include:

- Beginning January 1, 2014, approved projects can receive funding from the Sales Tax Increment Fund.
- Adds definitions for the Flood Mitigation Program.
- Details the methods for calculating increased quarterly sales tax increment revenues and the amount that will be transferred to the Sales Tax Increment Fund.
- Specifies the reporting requirements for approved governmental entities that receive funding from the Sales Tax Increment Fund.
- Details the method for reducing Sales Tax Increment revenue to approved projects when the nonpublic investment requirements are not met.

**Fiscal Impact** The Department of Homeland Security and Emergency Management is the State agency filing administrative rules on behalf of the Flood Mitigation Board.

The maximum amount a governmental entity can receive is \$15.0 million per fiscal year and the total amount that can be awarded to all governmental entities is \$30.0 million per fiscal year. All projects will be approved by January 1, 2016. Funding for projects with money from the Sales Tax Increment Fund will decrease the General Fund by the amount awarded.

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Currently, no projects have been approved but the following cities have made inquiries to the Department of Revenue about the Program: Cedar Rapids, Dubuque, Waverly, Coralville, and Iowa City.

No money has been appropriated to the Flood Mitigation Fund and with no approved projects, there is no money in the Sales Tax Increment Fund. The Department of Revenue will incur additional expense related to the Sales Tax Increment Fund; however, the amount is unknown at this time.

STAFF CONTACT: Deb Kozel (Ext. 16767)

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### Department of Inspections and Appeals

- ARC 0903C**
- Rule Summary** Strikes the terms “mental retardation” and “mentally retarded” in Chapter 22, “Health Care Facility Audits,” Chapter 50, “Health Care Facilities Administration,” Chapter 54, “Governor’s Award for Quality Care,” Chapter 57, “Residential Care Facilities,” Chapter 58, “Nursing Facilities,” and Chapter 65, “Intermediate Care Facilities for Persons with Mental Illness (ICF/PMI)” and replaces them with the terms “intellectually disabled” and “intellectual disabilities” as appropriate. The Department also changed “qualified mental retardation professional” to “qualified intellectual disabilities professional” to match the federal job description. These rules are identical to those published on May 29, 2013, as ARC 0776C.
- Fiscal Impact** No fiscal impact.
- ARC 0922C**
- Rule Summary** Amends the process for informal conferences on a contested citation for a long-term care facility to remove the Department of Inspections and Appeals (DIA) from the review process and replaces the DIA with an independent reviewer. Specifies the process for an informal conference and the qualifications of an independent reviewer, including not having been employed by the DIA or represented a facility for the past eight years.
- Fiscal Impact** Informal conferences currently cost the DIA approximately \$16,000 annually. The informal conferences with an independent reviewer are projected to cost between \$46,000 and \$172,000 annually. The Department can assess the costs associated with the independent reviewer to the facilities seeking an informal conference.
- ARC 0907C**
- Rule Summary** Allows pharmacists to administer injectable medications to residents in long-term care facilities as permitted by Iowa law. Currently only physicians and qualified nurses are permitted to give injections to facility residents.
- Fiscal Impact** No fiscal impact.
- ARC 0923C**
- Rule Summary** Authorizes physician assistants that are not employed by a nursing facility to perform Skilled Nursing Facility-level of care certifications and recertifications. The changes conform to the federal law (Affordable Care Act) and make state rules consistent with federal regulations. Physician assistants can perform essentially the same services as those currently provided by nurse practitioners and clinical nurse specialists. A physician must conduct the initial comprehensive visit for a patient in a skilled nursing facility. Additional required visits at 30 – day intervals for the first 90 days after admission and at 60 – day intervals thereafter may be performed by an advanced

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registered nurse practitioner, clinical nurse specialist or physician assistant working in collaboration with a physician.

**Fiscal Impact** No fiscal impact.

### ARC 0906C

**Rule Summary** Rescinds the current Interpretive Guidelines in Chapter 64, “Intermediate Care Facilities for the Intellectually Disabled,” Iowa Administrative Code, and replaces them with new Interpretive Guidelines reflecting current federal guidelines. Iowa Code section [135C.2\(3\)\(d\)](#) requires the Department to publish the federal Interpretive Guidelines for Intermediate Care Facilities for the Intellectually Disabled in the Iowa Administrative Bulletin and the Iowa Administrative Code. The publication of the Guidelines is exempt from the rulemaking provisions of Iowa Code sections [17A.4](#) and [17A.5](#).

**Fiscal Impact** No fiscal impact. Affected facilities are already operating pursuant to these guidelines.

### ARC 0941C

**Rule Summary** Amends the process for informal conferences on a contested citation for assisted living programs to remove the Department of Inspections and Appeals (DIA) from the review process and replaces the DIA with an independent reviewer. Specifies the process for an informal conference and the qualifications of an independent reviewer, including not having been employed by the DIA or represented a facility for the past eight years.

**Fiscal Impact** Informal conferences currently cost the DIA approximately \$16,000 annually. The informal conferences with an independent reviewer are projected to cost between \$46,000 and \$172,000 annually. The Department can assess the costs associated with the independent reviewer to the facilities seeking an informal conference.

### ARC 0961C

**Rule Summary** Clarifies rules related to nurse responsibilities and delegation of tasks in elder group homes, assisted living programs, and adult day services. The rules provide for criminal background checks and child and dependent adult abuse checks for potential employees. Previously, the Board of Nursing rules provided the explanation of the provision of nursing services in these facilities.

Notice of Intended Action was published on June 26, 2013, as ARC 0809C.

Comments were received and the following changes were made:

- The definition of “nurse delegation” in rule 67.1 was amended to reinstate the explanation that licensed practical nurses may delegate within the scope of their license “with the supervision of a registered nurse.” The phrase had been eliminated by the initial amendment.
- Subrule 67.9(4) was amended to clarify that the program must have training records and staffing schedules on file, and documentation of training must include training of certified and noncertified staff on nurse delegated procedures.
- Subparagraph 67.9(5) “a” was amended to clarify that the program’s newly-hired registered nurse is the individual who has 60 days to review and document that staff is sufficiently trained and competent in all tasks assigned or delegated.
- Subparagraph 67.9(5) “b” was re-written to clarify that all program staff must receive training within 30 days of beginning employment.

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- Subparagraph 67.9(5) “d” added the words “for example” to clarify that the required curriculum list of wound care, pain management, rehabilitation needs and hospice care is not all inclusive.

**Fiscal Impact** No fiscal impact.

**Rule Summary** Amends the rules for elder group homes, assisted living programs, and adult day services programs to require criminal record checks and child abuse and dependent adult abuse record checks for prospective employees. This amendment implements the changes made to [Iowa Code section 135C.33](#) by [SF 347 \(Nursing Home Conditional Employment\)](#) that was enacted during the 2013 Legislative Session. Notice of Intended Action was published on June 26, 2013, as ARC 0808C. No changes have been made. **ARC 0963C**

**Fiscal Impact** No significant fiscal impact to the State.

STAFF CONTACT: Dwayne Ferguson (Ext. 16561)

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### Insurance Division

**Rule Summary** Amends rules for conformity with the National Association of Insurance Commissioners amended credit for reinsurance model rules. Adds procedural requirements that allow for the reduction of collateral required to be posted for certain reinsurers. **ARC 0960C**

**Fiscal Impact** No fiscal impact.

**Rule Summary** Incorporates the 2012 Individual Annuity Reserving (IAR) Mortality Table for determining the minimum standard valuation for annuity and pure endowment contracts, thereby updating the industry mortality tables to consider recent mortality improvement. The Iowa Insurance Division intends that companies writing or assuming annuities shall use the updated tables beginning January 1, 2014. **ARC 0959C**

**Fiscal Impact** No fiscal impact.

**Rule Summary** Provides additional regulatory guidance and clarification for navigators as required by [Iowa Code chapter 522D](#). Navigators are individuals or entities regulated by the Iowa Insurance Division that will provide assistance to Iowa consumers in health care coverage enrollment, outreach, and education through health care exchanges as provided under the federal Patient Protection and Affordable Care Act and related regulations. The proposed rule addresses licensing, training, application, and other minimum practice standards for entities and individuals appointed to be navigators. **ARC 0981C**

These rules were originally published on July 26, 2013, as ARC 0816C, and changes have been made to remove references to non-navigators and add a waiver provision for training.

**Fiscal Impact** Navigators are charged a \$20 fee for a three-year license or three-year license renewal. Approximately 100 individuals are expected to apply for licenses as navigators, yielding \$2,000 in fee revenue for the Insurance Division.

STAFF CONTACT: Dwayne Ferguson (Ext. 16561)

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### Iowa Finance Authority

**ARC 0929C**

**Rule Summary** Replaces by reference the current Qualified Allocation Plan (QAP) for the Low-Income Housing Tax Credit Program with the 2014 QAP. The QAP sets forth the purpose of the plan, administrative information required for participation in the program, threshold criteria, selection criteria, post reservation requirements, appeal process, and compliance monitoring component. The plan also establishes the fees for filing an application for low-income housing tax credits and for compliance monitoring. The FY 2014 QAP is available at (<http://www.iowafinanceauthority.gov/Public/Links/PC206>).

**Fiscal Impact** No fiscal impact.

**ARC 0827C**

**Rule Summary** Eliminates an option that allowed recipients of the Military Homeownership Assistance Program to receive assistance in conjunction with a conventional loan that was lower cost than the loan products offered by IFA. Makes technical corrections.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Kent Ohms (725-2200)

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### Department of Human Services

**ARC 0974C**

**Rule Summary** Defines the regional service system for the Mental Health and Disability Services system including the regional governance structure and agreements, functional assessment criteria, eligibility, and regional service system management plan.

**Fiscal Impact** No fiscal impact.

**ARC 0921C**

**Rule Summary** Makes the following changes:

- Incorporates the regional administrator system into the operation of the affected Department of Human Services (DHS) facilities for mental health and disability services and shifts a county's financial liability for payment for services from a person's county of legal settlement to the person's county of residence.
- Updates language to reflect current terms and usage, rewrites rules for clarification, and clarifies that the Clarinda gero-psychiatric treatment program provides services state wide.

**Fiscal Impact** No fiscal impact.

**ARC 0914C**

**Rule Summary** Clarifies program language and adds consistency for monthly reporting of time and attendance for participants within two programs that utilize the Temporary Assistance for Needy Families (TANF) federal block grant, specifically: the Family Investment Program (FIP) and the PROMISE JOBS Program.

**Fiscal Impact** This change will cost \$51,000 in FY 2014 and \$123,000 in FY 2015. The Department will fund this change from existing appropriations.

**ARC 0913C**

**Rule Summary** Updates language to match current practice. These amendments clarify:

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- Designating the Bureau of Refugee Services (BRS) as a distinct area, similar to that of an Iowa Workforce Development (IWD) area. This area designation will make Family Self-Sufficiency Grant (FSSG) payments more accessible for refugee clients served by the BRS. The BRS serves approximately 2.0% of the total population of PROMISE JOBS individuals.
- When overpayments for FSSG are allowable.
- Issuance of family self-sufficiency grant payments.
- Evaluation of family self-sufficiency grants.

**Fiscal Impact** No fiscal impact.

**Rule Summary** **ARC 0916C**  
Updates rules to reflect approval by the Food & Nutrition Service (FNS) of an extension of the demonstration project to allow for a standard medical expense deduction to Food Assistance households eligible to claim medical expenses as a deduction. To attain cost neutrality as necessary, the calculation of the standard utility allowances for both households with heating or air-conditioning expenses and households with only other utility expenses is amended. Originally, a \$4 decrease to each standard utility allowance (SUA) was necessary. With more households choosing the standard, Iowa must account for greater savings. Decreasing the SUAs by an additional dollar is a condition of approval of the extension.

**Fiscal Impact** No fiscal impact. Since Food Assistance benefits are 100.0% federally-funded, cost of benefits will have no fiscal impact to the State.

**Rule Summary** **ARC 0972C and 14-074 Iowa Health and Wellness Plan**  
Amends rules to comply with The Iowa Health and Wellness Plan that will provide Medicaid or private insurance to low income Iowans, ages 19 to 64, with countable income does not exceed 133.0% of the Federal Poverty Level (FPL) for their family size, are not eligible for any other full Medicaid group or Medicare, not pregnant, and whose dependent children are covered by minimum essential coverage. The amendments do not include the contributions or premiums required beginning in calendar year 2015 and described in statute. They also do not include the ability to waive these contributions or premiums. The Department is currently finalizing the details of these provisions with the Centers for Medicare and Medicaid Services (CMS). Once CMS approval is obtained, the administrative rules will be amended accordingly. These amendments do not address the specific delivery for dental services, medical home, or accountable care organizations. Once the CMS has approved these items and details are developed, they will be added to the rules.

**Fiscal Impact** This new program is estimated to cost \$4.9 million in FY 2014 and \$6.0 million in FY 2015. These costs are associated with the administrative costs of implementing the Program. The cost of services associated with this program will be 100.0% federally funded for the first three years. After that, federal participation will gradually be reduced to 90.0% (in federal fiscal year 2020) with the state paying the non-federal share.

**Rule Summary** **ARC 0971C and 14-075 Conditions of Eligibility**  
Makes the following changes:

- Allows the DHS staff to determine financial eligibility for Medicaid using the Modified Adjusted Gross Income (MAGI) methodology and other eligibility requirements of the Affordable Care Act (ACA) with applications received on or after October 1, 2013, and for assistance that will be effective January 1, 2014.
- Adds a new coverage group for former foster care children up to age 26.
- Revises social security and residency requirements under the ACA.

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- Removes eligibility for the dependent relative of a recipient of State Supplemental Assistance (SSA).

**Fiscal Impact** These changes are estimated to provide a net savings to the General Fund of \$7.6 million in FY 2014 and \$12.2 million in FY 2015. This includes a cost of \$550,000 in FY 2014 and \$4.1 million in FY 2015 to expand foster care eligibility and a savings of \$8.2 million in FY 2014 and \$16.3 million in FY 2015 to remove eligibility for dependent relatives of SSA recipients.

**Rule Summary** **ARC 0908C and 14-071 Medical Assistance, enrollment and reenrollment**  
Rescinds Chapter 76, "Application and Investigation," and adopts a new Chapter 76, "Enrollment and Reenrollment," in lieu thereof. Chapter 76 as written required a complete revision due to medical assistance changes required by the Affordable Care Act. The Affordable Care Act significantly changed policy regarding medical assistance application, and enrollment and re-enrollment requirements. These changes are effective October 1, 2013, for determining eligibility effective January 1, 2014. The new Eligibility Integrated Application Solution (ELIAS), that will be implemented at the same time the Affordable Care Act changes are implemented, also required modification of this chapter. The name and form number of the new application for medical assistance is not yet known and will be inserted upon adoption. The website for the Exchange is not yet known and will also be included upon adoption. This amendment is required by the Patient Protection and Affordable Care Act of 2010 (Public Law 111-148) and 42 CFR Part 435 as amended.

**Fiscal Impact** No fiscal impact.

**Rule Summary** **ARC 0911C**  
Deletes Childcare licensure from the list of provider qualifications for enrollment for providers of medical and remedial care under Medicaid.

**Fiscal Impact** This change is estimated to save \$104,000 in FY 2014 and \$214,000 in FY 2015.

**Rule Summary** **ARC 0920C**  
Allows direct separate payment for customized wheelchairs needed by Medicaid – eligible members who are residents of nursing facilities, with prior authorization.

**Fiscal Impact** Minimal fiscal impact. Administrative costs will be reduced by eliminating the need for exceptions to policy for customized wheelchairs in nursing facilities. To the extent customized wheelchairs are already being provided by nursing facilities or through exceptions to policy, this change in the payment mechanism should be cost neutral.

**Rule Summary** **ARC 0918C**  
Provides additional disproportionate share hospital (DSH) payments to qualifying hospitals. The rules at issue involve payment of additional DSH payments to rural prospective payment (PPS) hospitals that are not designated as critical access hospitals (CAHs) and that otherwise qualify to receive DSH payments. The source of the funds for the required non-federal share payments must be generated from tax levy collections of a city and/or county where the hospital is located and otherwise subject to applicable federal law and regulations regarding DSH payments. There were various delays that occurred related to receipt of assurances of local (i.e., city and county funding and CMS approval of a state plan amendment – SPA).

**Fiscal Impact** No fiscal impact. The non-federal funding share will be provided by the city and/or county where the qualifying hospital is located.

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<b>Rule Summary</b>	Rescinds the requirement that the DHS apply a “site-of-service differential” to payments for physician services rendered in facility settings. The Department understands that the intent was to eliminate the site-of-service differential applied to any physician services rendered in facility settings pursuant to current rules.	<b>ARC 0910C</b>
<b>Fiscal Impact</b>	This change is estimated to cost \$1.0 million in FY 2014 and FY 2015. This change was required by <a href="#">SF 446 (FY 2014 Health and Human Services Appropriations Act)</a> and funding was provided.	
<b>Rule Summary</b>	Rescinds the rule regarding additional payment for Medicare crossover claims that was originally promulgated in anticipation of being approved by the Centers for Medicare and Medicaid Services (CMS). It is being rescinded because the CMS did not approve the State Plan Amendment (SPA) and these provisions were not implemented. The rule is not applicable without federal SPA approval.	<b>ARC 0919C</b>
<b>Fiscal Impact</b>	No fiscal impact.	
<b>Rule Summary</b>	Clarifies the DHS policies relating to providers of medical and remedial care regarding sanctions and adds detailed descriptions of actions that will cause sanctions to be imposed. The rules also implement <a href="#">SF 357 (FY 2013 Medicaid Program Collections and Integrity Policy Act)</a> . The rules are intended to make more explicit that certain Medicaid debts are non-dischargeable in bankruptcy proceedings, in accordance with federal law.	<b>ARC 0912C</b>
<b>Fiscal Impact</b>	Minimal fiscal impact. This change will not increase costs. Clarifying when sanctions will be imposed and what those sanctions will be may reduce fraud, waste, and abuse. Clarifying that certain Medicaid debts are non-dischargeable in bankruptcy may increase the likelihood of collecting provider overpayments. These provisions may generate savings, but the level of savings is difficult to predict and is not expected to be significant.	
<b>Rule Summary</b>	Brings the Iowa Medicaid Enterprise (IME) into compliance with Section 6401 of the Patient Protection and Affordable Care Act (ACA) that requires State Medicaid agencies to collect application fees from enrolling and re-enrolling providers unless they are otherwise exempt.	<b>ARC 0917C</b>
<b>Fiscal Impact</b>	Minimal fiscal impact. It is estimated that 2,000 providers will be subject to having this fee collected by the state. The vast majority of providers won't require re-enrollment until 2018. These fees are used to offset the costs incurred by the IME for screening procedures required during enrollment and re-enrollment. These costs normally are covered with 75.0% federal funding.	
<b>Rule Summary</b>	Moves the rule for the Health Care Data Match Program to a more applicable rule chapter.	<b>ARC 0909C and 14-068 Health Data</b>
<b>Fiscal Impact</b>	No fiscal impact.	
<b>Rule Summary</b>	Establishes a new assessment process - a Differential Response System - that reports child abuse allegations. Requires a current determination of abuse to be founded if a previous incident of abuse was confirmed within the past five years.	<b>ARC 0915C</b>

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Changes provide for the removal of a person's name from the central abuse registry after five years if the report and disposition data determined the person committed physical abuse, failure to provide critical care, or the presence of an illegal drug in a child's body so long as the abuse did not result in the child's death or serious injury and there was no further confirmed abuse within that five – year time period. Defines and structures community care services and family-centered child welfare services as it relates to differential response.

**Fiscal Impact** No fiscal impact.

**Rule Summary** **ARC 0888C**  
Transitions the provision of service provided by individual providers of personal care under the consumer directed attendant care (CDAC) option to agency-provided personal care services and retains the consumer choice option for those individuals able and desiring to self-direct services.

**Fiscal Impact** This change is projected to save the General Fund \$1.1 million in FY 2014 and \$1.2 million in FY 2015. This change was required by SF 446.

**Rule Summary** **ARC 0887 and 14–046 Home and Community Based Service transportation payments**  
Requires Home and Community-Based Services (HCBS) transportation payments to be the same as negotiated by the Medicaid Non-emergency Transportation broker. For those providers without a contracted rate, the rate paid will be the average broker rate paid per trip or per mile for the member's DHS region.

**Fiscal Impact** This change is projected to save the General Fund \$500,000 in FY 2014 and \$528,000 in FY 2015. This change was required by SF 446.

**Rule Summary** **ARC 0886 and 14–040 Iowa Care**  
Reflects the change in the payment methodology for federally – qualified health centers (FQHC) from fee-for-service to an encounter payment and eliminates the FQHC funding pool for lab and radiology services. These services will now be included in the encounter payment. These changes will address a shortfall in the funding pool for lab and radiology services by making funding more flexible.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Jess Benson (Ext. 14611) and Estelle Montgomery (Ext. 16764)

### Department of Revenue

**Rule Summary** **ARC 0976C**  
Makes rule changes to reflect recent changes in the Iowa Code:

- Updates numerous citations and dates.
- Updates the list of bonds issued by the State or political subdivisions where the interest income is exempt for both federal and Iowa income tax.
- States that bonus depreciation does not apply for Iowa individual income tax, corporation income tax, and franchise tax for assets acquired in 2013.
- Provides that the increase in the expensing allowance for qualifying property authorized in section 179b of the Internal Revenue Code is allowed for Iowa individual income tax, corporation income tax, and Iowa franchise tax for the 2012 and 2013 tax years.
- Rescinds and reserves subrules 41.35 and 41.36 that are outdated.

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- Provides that the election to deduct state sales and use tax as an itemized deduction for individual income tax is available for the 2012 and 2013 tax years.
- Provides for changes in the criteria for partnerships, limited partnerships, and limited liability companies that are required to file Iowa partnership returns.

**Fiscal Impact**      The Iowa Code changes these amendments implement will result in an estimated reduction in General Fund revenues of \$35.5 million for FY 2014 and \$13.2 million for FY 2015.

**Rule Summary**      The rule implements seven tax law changes enacted during the 2013 General Assembly. **ARC 0975C**

Items 1 and 2 amend subrule 42.13(2) to reflect an increase in the Iowa earned income tax credit for individual income tax for tax years beginning on or after January 1, 2013. ([SF 295 - Property Tax and Income Tax Credit Act of 2013](#))

Items 3 and 14 provide for changes in the Innovation Fund Investment Tax Credit for tax years beginning on or after January 1, 2013. ([HF 615 - Innovation Fund Tax Credit Act of 2013](#))

Items 4, 5, 6, and 15 provide for the increase in the cap for the school tuition organization tax credit starting with the 2014 tax year and provide that partnerships, limited liability companies, S corporations, estates, and trusts are eligible to claim the school tuition organization tax credit for tax years beginning on or after January 1, 2013. ([HF 625 - Sales Tax and School Tuition Tax Credit Act of 2013](#))

Items 7, 8, 16, and 17 provide for an increase in the redevelopment tax credit for fiscal years beginning on or after July 1, 2012. ([HF 620 - Economic Development Annual Tax Credit Limit Act of 2013](#))

Items 9 and 18 reflect the increase in the aggregate tax credit limit for certain economic development programs for fiscal years beginning on or after July 1, 2012. ([HF 620 - Economic Development Annual Tax Credit Limit Act of 2013](#))

Item 10 provides for the new Iowa Taxpayers Trust Fund Tax Credit for individual income tax for tax years beginning on or after January 1, 2013. ([SF 295 - Property Tax and Income Tax Credit Act of 2013](#))

Items 11, 12, 13, and 19 provide that estates and trusts with sites in Iowa who are shareholders in S corporations that carry on business within and outside Iowa are entitled to take advantage of the apportionment provisions of S corporation income that is currently available to Iowa resident shareholders of S corporations. ([SF 452 - Standings Appropriation Act of 2013](#))

**Fiscal Impact**      The fiscal impact of the various tax law changes is detailed below.

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Fiscal Impact In Millions of Dollars					
Item	Act	FY 2014	FY 2015	FY 2016	FY 2017
Earned Income Tax Credit	SF 295	\$ -30.2	\$ -34.5	\$ -33.3	\$ -32.7
Innovation Fund Tax Credit	HF 615	0.0	-16.0	-8.0	-5.3
School Tuition Tax Credit	HF 625	0.0	-2.5	-3.1	-3.2
Redevelopment Tax Credit *	HF 620	0.0	0.0	0.0	0.0
Economic Development Tax Credit Limit	HF 620	-0.6	-2.8	-7.1	-13.3
Taxpayer Trust Fund	SF 295	-88.1	-67.5	0.0	0.0
S-Corp Apportionment	SF 452	-0.2	-0.2	-0.2	-0.2

\*Impact of the Redevelopment Tax Credit changes is included with the Economic Development Tax Credit Limit.

## ARC 0966C

**Rule Summary** Provides for receipt of comments and the request of a public hearing on ARC 0965C by September 10, 2013. The rules in ARC 0965C deal with a replacement tax imposed on rate-regulated water utilities.

**Fiscal Impact** No fiscal impact for the receipt of comments.

## ARC 0965C

**Rule Summary** Implements changes required by 2013 Iowa Acts, [Senate File 451 \(Water Utility Replacement Tax\)](#), that created a replacement tax imposed on rate-regulated water utilities. The rules provide for the filing of tax returns, data reporting, payment to the county treasurer, a three – year limitation for the Department of Revenue to identify filing errors with the option of extending the period by agreement of both the Department and the taxpayer, adjustments to returns, refunds, records retained by the taxpayer and auditing of the records, and related items. The public open records laws apply to filed information.

**Fiscal Impact** There is one rate-regulated water utility. Revenues for the State General Fund will increase by less than \$4,500.

## ARC 0955C

**Rule Summary** Creates new rules related to increased sales tax revenue calculations for the Flood Mitigation Program created in [SF 2217 \(FY 2013 Flood Mitigation Program Act\)](#) in the Department of Revenue.

**Background:** The Flood Mitigation Program provides two sources of funding for flood mitigation projects approved by the Flood Mitigation Board. Funding is from the Flood Mitigation Fund or the Sales Tax Increment Fund. The Flood Mitigation Fund consists of appropriations and other moneys deposited in the Fund and the Sales Tax Increment Fund receives deposits of increased sales tax revenues from areas with approved projects, as calculated by the Department of Revenue. The Flood Mitigation Board will determine the funding source for approved projects. The Program is administered by the Department of Homeland Security and the Department of Revenue is responsible for calculating sales tax increment funding for approved projects. The Department of Revenue will also remit moneys to governmental entities with approved projects.

Rule changes include:

- Beginning January 1, 2014, approved projects can receive funding from the Sales Tax Increment Fund.
- Adds definitions for the Flood Mitigation Program as it relates to the Department of Revenue.
- Details the methods for calculating increased quarterly sales tax increment revenues and the amount that will be transferred to the Sales Tax Increment Fund.
- Specifies the reporting requirements for approved governmental entities that receive funding from the Sales Tax Increment Fund.
- Details the method for reducing Sales Tax Increment revenue to approve projects when the nonpublic investment requirements are not met

## Fiscal Impact

The maximum amount a governmental entity can receive is \$15.0 million per fiscal year and the total amount that can be awarded to all governmental entities is \$30.0 million per fiscal year. All projects will be approved by January 1, 2016. Funding for projects with money from the Sales Tax Increment Fund will decrease the General Fund by the amount awarded.

Currently, no projects have been approved but the following cities have made inquiries to the Department of Revenue about the Program: Cedar Rapids, Dubuque, Waverly, Coralville, and Iowa City.

No money has been appropriated to the Flood Mitigation Fund and with no approved projects, there is no money in the Sales Tax Increment Fund. The Department of Revenue will incur additional expense related to the Sales Tax Increment Fund; however, the amount is unknown at this time.

STAFF CONTACT: Dwayne Ferguson (Ext. 16561)

## Division of Soil Conservation

**ARC 0979C**

### Rule Summary

Creates rules for the Water Quality Initiative as administered by the Department of Agriculture and Land Stewardship (DALs) and includes:

- Specifies the goal is to reduce nutrient losses by adopting water quality practices, demonstration projects, and conservation cost share practices. The Department will also provide education and outreach programs to landowners and other interested parties.
- Provides definitions related to the Water Quality Initiative.
- Specifies that matching funds from the DALs for projects or practices cannot exceed 50.0% of the total cost of the project or practice.
- Provides information on eligible practices, targeted watershed demonstration projects, and application requirements.
- Details the requirements for a contract.

### Fiscal Impact

No fiscal impact for the rules. The Water Quality Initiative was created in [SF 435 \(FY 2014 Agriculture and Natural Resources Appropriations Act\)](#) with a General Fund appropriation of \$2.4 million and an increase of 1.0 FTE position for a Program Coordinator. In addition, the Act appropriated \$1.5 million for a new Iowa Nutrient Center at Iowa State University (ISU). Additional funding was appropriated in [HF 648 \(FY 2014 Bond Repayment and Supplemental Appropriations Act\)](#). Following is a summary of the funding for the Water Quality Initiative:



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Water Quality Initiative Funding - General Fund			
Act	Fiscal Year	Description	Amount
HF 648	FY 2013*	Water Quality Projects	\$ 10.0
HF 648	FY 2013*	Soil Conservation Cost Share	\$ 7.0
HF 648	FY 2013*	WIRB Grants	\$ 3.0
SF 435	FY 2014	Water Quality Initiative Admin.	\$ 2.4
SF 435	FY 2015	Water Quality Initiative Admin.	\$ 4.4
SF 435	FY 2014	Iowa Nutrient Center at ISU	\$ 1.5
SF 435	FY 2015**	Iowa Nutrient Center at ISU	\$ 0.8

\*Supplemental appropriation from the General Fund

\*\*Appropriation for FY 2015 was 50.0% of FY 2014

### ARC 0927C

**Rule Summary** Updates administrative code to comply with Iowa Code chapter 466A.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Deb Kozel (Ext. 16767)

### Department of Transportation

### ARC 0894C

**Rule Summary** Complies with the requirements of 2013 Iowa Acts, HF 355 permitting the Department of Transportation (DOT) to excuse certain persons from vision screening or submission of a vision report to electronically renew a driver's license or nonoperator's identification card. Persons between the ages of 18 and 70 may renew a license or identification card electronically on an every-other-renewal basis. Adopted and filed emergency and simultaneously filed by Notice of Intended Action.

**Fiscal Impact** No fiscal impact.

### ARC 0895C

**Rule Summary** Updates several chapters to comply with the requirements of 2013 Iowa Acts, HF 355, permitting the DOT to excuse certain persons from vision screening or submission of a vision report to electronically renew a driver's license or nonoperator's identification card. Persons between the ages of 18 and 70 may renew a license or identification card electronically on an every-other-renewal basis.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: David Heuton (Ext. 50509)

### Iowa Department of Veterans Affairs

### ARC 0924C

**Rule Summary** Updates definitions and language to conform to law changes in HF 544 (FY 2014 Iowa Veteran Home Act).

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Jess Benson (Ext. 14611)

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### Board of Medicine

**ARC 0943C**  
**Rule Summary** Reduces or eliminates various licensing fees, criminal background check fees, and fees for public records and allows the Board to collect a monitoring fee that is more commensurate with actual costs of monitoring services.

**Fiscal Impact** No State General Fund impact. The Board estimates the adjustment in various fees will result in a \$50,000 to \$55,000 annual reduction in Board revenue.

**ARC 0977C**  
**Rule Summary** Defines participants, duties, and program content for the Iowa Physician Health Committee.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Estelle Montgomery (Ext. 16764)

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### Board of Nursing

**ARC 0948C**  
**Rule Summary** Updates roster purchasing language to align with the online process.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Estelle Montgomery (Ext. 16764)

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### Professional Licensure Division

**ARC 0942C**  
**Rule Summary** Adds the necessary rules and practices for the new professions of Orthotist, Prosthetist, and Pedorthist.

**Fiscal Impact** No fiscal impact.

**ARC 0899C**  
**Rule Summary** Updates requirements for optometry licensure and removes outdated language.

**Fiscal Impact** No fiscal impact.

**ARC 0939C**  
**Rule Summary** Clarifies temporary licensure practices for residencies being completed in Iowa.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Estelle Montgomery (Ext. 16764)

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### Department of Public Health

**ARC 0937C**  
**Rule Summary** Describes the conduct and minimum requirements that the Iowa Plumbing and Mechanical Systems Board expect from a licensed contractor, master, journey, or apprentice working in the plumbing, mechanical, HVAC-refrigeration, sheet metal, and hydronics disciplines.

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<b>Fiscal Impact</b>	No fiscal impact.	
		<b>ARC 0936C</b>
<b>Rule Summary</b>	Adds mechanical HVAC-refrigeration and sheet metal disciplines to definitions for license and licensee.	
<b>Fiscal Impact</b>	No fiscal impact.	
		<b>ARC 0935C</b>
<b>Rule Summary</b>	Identifies the fees associated with apprentice, journey, master, medical gas piping certificate, inactive license, contractor, and specialty licenses. The fees are applicable to initial licenses, reciprocal licenses, and renewal licenses. In addition, all licenses are issued for a period of three years and until June 29, 2017, those renewing for less than three years will be prorated using a one-sixth deduction for each six-month period.	
<b>Fiscal Impact</b>	No State General Fund impact. The Plumbing and Mechanical Systems Board estimates \$80,000 in new revenue will be retained by the Board for the three – year licensing cycle beginning in FY 2015 to cover FY 2015 through FY 2017 expenditures.	
		<b>ARC 0934C</b>
<b>Rule Summary</b>	Updates definitions, specifies circumstances when an application for licensure will be deemed incomplete, removes the nationally – recognized testing requirement, and changes test scoring scales per the direction of <a href="#">SF 427 (Plumbing and Mechanical Licensing Act)</a> that became effective upon enactment on April 26, 2013.	
<b>Fiscal Impact</b>	No fiscal impact.	
		<b>ARC 0933C</b>
<b>Rule Summary</b>	Increases the number of hours of continuing education a licensee may obtain through computer-based courses per the direction of <a href="#">SF 427 (Plumbing and Mechanical Licensing Act)</a> .	
<b>Fiscal Impact</b>	No fiscal impact.	
		<b>ARC 0932C</b>
<b>Rule Summary</b>	Clarifies grounds for licensee discipline, administration of civil penalties, the right to waive a hearing at any time and pay a penalty, provisions for contested cases, and the procedures for the Board to participate in the state offset program to attempt to collect delinquent civil penalties.	
<b>Fiscal Impact</b>	No fiscal impact.	
		<b>ARC 0931C</b>
<b>Rule Summary</b>	Ensures that licensees have an opportunity to raise any potential defense in a contested case disciplinary proceeding, regardless of whether a licensee timely files an answer.	
<b>Fiscal Impact</b>	No fiscal impact.	
		<b>ARC 0930C</b>
<b>Rule Summary</b>	Identifies three new disciplines to be recognized for the purpose of reciprocity. The disciplines include mechanical, HVAC-refrigeration, and sheet metal.	
<b>Fiscal Impact</b>	No fiscal impact.	

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### ARC 0926C

**Rule Summary** Increases certain fees related to vital records beginning January 1, 2014. Fees will revert to current levels beginning July 1, 2019. Increases the fee for vital record certified copies from \$15.00 to \$20.00 from January 1, 2014, thru June 30, 2019. Records include birth, death, and marriage certificates.

**Fiscal Impact** The temporary fee increase is expected to generate \$705,000 in the first year and \$1.5 million in the second year. The additional funds generated by this time-limited fee increase will support the development and implementation of the Iowa Vital Events System for the registration, issuance, and maintenance of all vital events registered in Iowa. The Vital Records System is funded by a portion of the fees collected for certified copies and federal contracts for the delivery of health data. The program receives no General Fund appropriation.

### ARC 0925C

**Rule Summary** Describes the process for establishing parentage on birth certificates for married lesbian couples when one of the parties of the marriage delivers a child.

**Fiscal Impact** No fiscal impact.

### ARC 0901C

**Rule Summary** Updates definitions and adds a reference to the Department's website for accessing documents.

**Fiscal Impact** No fiscal impact.

### ARC 0973C

**Rule Summary** Establishes community partnerships as part of a comprehensive tobacco use prevention and control initiative.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Estelle Montgomery (Ext. 16764)

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## Department of Administrative Services

### ARC 0952C

**Rule Summary** Reorganizes the Department of Administrative Services enterprises. The major changes include:

- Redefines the Design and Construction Resources Enterprise to administer and oversee the contracting for construction projects.
- Splits Fleet and Mail into two enterprises.
- Splits Service Delivery into (1) Service Delivery to manage the Capitol Complex, (2) Real Estate Services for leasing, space planning and management, and surplus property, and (3) Central Procurement Enterprise for procuring goods and services.

These rules are identical to those originally published on June 26, 2013, as ARC 0812C.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Dwayne Ferguson (Ext. 16561)

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### Department of Agriculture and Land Stewardship

#### ARC 0949C

**Rule Summary** Exempts Bengal and Savannah cats from the definition of dangerous wild animals as required by [SF 247 \(Bengal Cats Act\)](#). The Act was approved by the General Assembly on May 7, 2013, and signed by the Governor on May 15, 2013.

**Fiscal Impact** No fiscal impact.

#### ARC 0953C

**Rule Summary** Updates rules related to motor fuel with changes implemented in [HF 458 \(Agriculture Department Conservation Cost Share Act\)](#). Allows the stated price of gas to be reduced for a cash discount and restates provisions related to minimum octane requirements. House File 458 was approved by the General Assembly on March 12, 2013, and signed by the Governor on March 28, 2013.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Deb Kozel (Ext. 16767)

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### Architectural Examining Board

#### ARC 0978C

**Rule Summary** Allows for a 30-day grace period to renew certificates of registration for architects that do not renew by June 30th. Board policy was to allow this practice for many years. The rule change implements this practice and is consistent with renewal practices of other boards within the Professional Licensing Bureau.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Dwayne Ferguson (Ext. 16561)

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### Credit Union Division

#### ARC 0938C

**Rule Summary** Updates and consolidates voting procedures for specific types of credit union membership votes and responds to statutory changes that permit the use of multiple methods of voting by credit unions. The updates address conversion to a federal credit union, notice and voting procedures, mailed ballots, electronic voting, absentee ballots, in-person voting at a meeting, preservation of ballots, certification of the vote, and publication of the results, Limits on compensation of officials, nomination and election procedures for the board of directors, amending articles of incorporation and by-laws, votes to merge with another credit union, voluntary dissolution, votes to remove or reinstate a director, officer, or member of the auditing committee, votes on sale of assets, and submissions to the superintendent of credit unions are also addressed.

Notice of Intended Action was published on May 29, 2013, as ARC 0769C. After public comment, clarifications were made to the term “close of balloting” and certain references to the petition process for submitting nominations for director elections.

**Fiscal Impact** No new or additional costs are created.

STAFF CONTACT: Dwayne Ferguson (Ext. 16561)

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### Engineering and Land Surveying Examining Board

**ARC 0928C**

**Rule Summary** Clarifies rules pertaining to unethical and illegal conduct. A licensee on a multimember board with review authority may address a conflict of interest by disqualifying or recusing himself or herself when the engineering or land surveying services of the member licensee's organization are under review. In that circumstance, the solicitation or acceptance of a private engineering or land surveying contract by the licensee's organization will not be in violation of this rule.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Dwayne Ferguson (Ext. 16561)

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### Labor Services Division

**ARC 0898C**

**Rule Summary** Adopts by reference changes to federal Occupational Safety and Health Standards (OSHA) concerning cranes and derricks in construction and hazard communication in general industry.

**Fiscal Impact** No fiscal impact.

**ARC 0905C**

**Rule Summary** Adopts by reference changes to the federal OSHA standard for digger derricks used in construction.

**Fiscal Impact** No fiscal impact.

**ARC 0951C**

**Rule Summary** Amends the definition of a certified elevator inspector (CEI).

**Fiscal Impact** No fiscal impact.

**ARC 0950C**

**Rule Summary** Requires alarm bells for all elevators installed since 1975.

**Fiscal Impact** Minimal fiscal impact.

STAFF CONTACT: Kent Ohms (Ext. 52200)

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### Law Enforcement Academy

**ARC 0962C**

**Rule Summary** Amends rules to comply with [SF 2312](#), enacted during the 2012 Legislative Session, that requires mandatory in-service mental health training for all law enforcement officers. The proposed rule updates the language describing the current firearms training requirements to more accurately reflect the Iowa Law Enforcement Academy's firearms training program.

**Fiscal Impact** The mandatory in-service mental health training will require the additional expenditure of funds by the agencies affected, but the exact cost cannot be determined at this time. Some affected agencies may conduct the mandatory mental health training through an in-house training program, while others may contract with an outside agency for the training.

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The cost of individual training as well as travel expenses will vary from agency to agency so an accurate estimate is not possible at this time, but is anticipated to be minimal.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

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### Board of Pharmacy

**ARC 0893C**

**Rule Summary** Adds contact and physical address information to Chapter 1 “Organization And General Administration.” This information was absent when rules were filed in May.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Estelle Montgomery (Ext. 16764)

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