



Fiscal Services Division

ADMINISTRATIVE RULES – FISCAL IMPACT SUMMARIES

October 13, 2009

Section 17A.4(3) Iowa Code Supplement 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

Insurance Division – Department of Commerce

ARC 8144B

Rule Summary Sets the requirements, procedures, and fees relating to how a person convicted of a felony involving dishonesty or breach of trust or an offense under the federal 18 U.S.C. Section 1033 (relating to crimes and criminal procedures) may obtain the required consent to conduct insurance business in Iowa from the Iowa Insurance Commissioner.

Fiscal Impact No fiscal impact.

ARC 8132B

Rule Summary Establishes, in conjunction with the Department of Human Services, a long-term care partnership program in Iowa to provide for financing of long-term care through a combination of private insurance and medical assistance. Requires inclusion of training of the long-term care partnership program for insurance producers that wish to sell long-term care policies. Changes the term “agent” to “producer” where appropriate for consistency. Prohibits the issuance of insurance policies under the Iowa long-term care asset preservation program on or after January 1, 2010.

Fiscal Impact No fiscal impact.

Table of Contents			
Agency	Page	Agency	Page
Insurance Division – Department of Commerce	1	Department of Administrative Services	14
Iowa Finance Authority	2	Agriculture Development Authority	15
Department of Economic Development	3	Dept. of Agriculture and Land Stewardship	15
Department of Public Health	4	Board of Educational Examiners	15
Environmental Protection Commission	5	Office of Energy Independence	17
Natural Resource Commission	7	Homeland Security and Emergency Management Div. – Dept of Pub. Defense	18
Department of Human Services	8	Department of Inspections and Appeals	18
Professional Licensure Div. – Dept of Public Health	11	Labor Services Division	19
Commission on Volunteer Service	12	Board of Pharmacy	19
Department of Public Safety	12	State Public Defender	20
Accountancy Examining Board	14	Status of Women Division	20
		Board of Veterinary Medicine	21

Administrative Rules – Fiscal Impact Summaries

October 13, 2009

2

ARC 8140B

Rule Summary Updates provisions relating to third-party administrators, based on a model regulation of the National Association of Insurance Commissioners.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Joseph Brandstatter (Ext. 52062)

Iowa Finance Authority

ARC 8108B and 8103B

Rule Summary Clarifies in the Iowa JOBS Program that previous recipients of awards from the Local Infrastructure Competitive Grant Program are not eligible for additional assistance under the Program unless the assistance is for a significant expansion of the project. Clarifies that final Leadership in Energy and Environmental Design (LEED) certification, or compliance with the energy building code, and Energy Star standards, are not required to meet scoring criteria if the project is being designed to achieve certification or compliance.

Fiscal Impact No fiscal impact.

ARC 8181B

Rule Summary Creates a tax credit equal to 75.00% of the qualifying investment in low-income 2008 disaster recovery housing.

Fiscal Impact The current estimate is the same as the estimate provided during the 2009 Legislative Session. The projected reduction in net General Fund revenue due to redemption of the new tax credits is \$13.8 million over six fiscal years. A total of \$1.2 million is assumed to remain unredeemed due to insufficient tax liability of some taxpayers. The new tax credit impacts revenue for the local option income surtax by \$483,000 over six fiscal years.

	State General Fund Revenue Reduction	Local Option Income Surtax Reduction
FY 2011	\$ 1,500,000	\$ 52,500
FY 2012	2,760,000	96,600
FY 2013	2,760,000	96,600
FY 2014	2,760,000	96,600
FY 2015	2,760,000	96,600
FY 2016	1,260,000	44,100
	<u>\$ 13,800,000</u>	<u>\$ 483,000</u>

The Iowa Finance Authority will charge a nonrefundable application fee of 1.00% of the total five-year credit amount, equal to approximately \$30,000 annually for five-years.

STAFF CONTACT: Ron Robinson (Ext. 16256)

Department of Economic Development

ARC 8145B

Rule Summary Simplifies the Grow Iowa Values Fund (GIVF) and other State financial assistance programs administered by Department of Economic Development (DED). The rules have been modified since first being noticed to clarify the composition of the Iowa Economic Development Board as required by SF 449 (Substantive Code Editor’s Act).

Fiscal Impact No fiscal impact.

ARC 8149B

Rule Summary Extends the Housing Fund Program timeframe for waiver of a local match requirement through September 30, 2010. Increases the allowable interest rate on participating mortgages by 2.00% to a total of 4.00% above the federal prime interest rate at the time of loan closing. Clarifies the maximum dollar amounts allowable under the Program for various activities, while retaining the same overall allowable maximum cost per unit.

Fiscal Impact No fiscal impact.

ARC 8148B

Rule Summary Permits the DED to limit the amount of Enterprise Zone State Housing Investment Tax Credit awards to projects also utilizing Federal Low Income Housing Tax Credits to 30.00% of the total amount of housing tax credits allocated or awarded to housing by the DED during the fiscal year.

Fiscal Impact No fiscal impact.

ARC 8147B

Rule Summary Rescinds temporary rules that existed for the timeframe of May 21, 2009, through June 30, 2009. Extends the deadline for creating Targeted Jobs Withholding Tax Credit Agreements from June 30, 2010, to June 30, 2013. Provides financial and other limitations on agreements and requires DED approval of new agreements. Rescinds the rules that were impacted by a 70-day Administrative Rules Review Committee (ARRC) delay effective on May 21, 2009, and complies with the required effective date of July 1, 2009 in SF 304 (Pilot Project Withholding Tax Credit Extension Act). The rules have been modified since first being noticed to clarify in-kind and local match requirements.

Fiscal Impact The current estimate is the same as the estimate provided during the 2009 Legislative Session. Extending the Program for three years to June 30, 2013, will increase withholding receipt revenue of the five pilot project cities and decrease net State General Fund receipts by \$23.3 million over 12 fiscal years. The amount by fiscal year is provided in the first column of the following table.

General Fund Revenue Reduction in Millions of Dollars

	Fiscal Impact	Fiscal Year of Agreement		
	Total	FY 2011	FY 2012	FY 2013
FY 2011	\$ 0.78	\$ 0.78	\$ 0.00	\$ 0.00
FY 2012	1.55	0.78	0.78	0.00
FY 2013	2.33	0.78	0.78	0.78
FY 2014	2.33	0.78	0.78	0.78
FY 2015	2.33	0.78	0.78	0.78
FY 2016	2.33	0.78	0.78	0.78
FY 2017	2.33	0.78	0.78	0.78
FY 2018	2.33	0.78	0.78	0.78
FY 2019	2.33	0.78	0.78	0.78
FY 2020	2.33	0.78	0.78	0.78
FY 2021	1.55	0.00	0.78	0.78
FY 2022	0.78	0.00	0.00	0.78
	<u>\$ 23.25</u>	<u>\$ 7.75</u>	<u>\$ 7.75</u>	<u>\$ 7.75</u>

ARC 8146B

Rule Summary Describes the \$185.0 million tax credit cap, the programs subject to the cap, the procedures for allocating the cap, and the reporting requirements. These tax credits include: high quality job creation; enterprise zones; film, television, and video promotion; and assistive devices.

Fiscal Impact The cap will reduce tax credit redemptions in future years, as long as demand for the three major programs under the cap exceeds \$185.0 million per year. It is not possible to predict the future demand for the tax credits.

ARC 8033B and ARC 8034B (Held over)

Rule Summary Requires the Community Attraction and Tourism (CAT) Review Committee to review CAT applications and the Vision Iowa Review Committee to evaluate and rank River Enhancement Community Attraction and Tourism (RECAT) applications. Establishes a process for the Vision Iowa Board to review requests to waive any required local or private matching moneys under the CAT and RECAT Programs.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

Department of Public Health

ARC 8173B

Rule Summary Plumbing and Mechanical Systems Board: Establishes guidelines for individuals requesting a waiver from rules developed by the Board.

Fiscal Impact No fiscal impact.

Administrative Rules – Fiscal Impact Summaries

October 13, 2009

5

ARC 8161B

Rule Summary Clarifies the direct supervision for fluoroscopic procedures to be consistent with respective rules within the Iowa Board of Nursing.

Fiscal Impact No fiscal impact.

ARC 8162B

Rule Summary Permits a county medical examiner investigator to file for a waiver with the State Medical Examiner to continue working if the investigator cannot meet the Board of Public Health's eligibility requirements for number of deaths investigated within the specified timeline. Investigators working in smaller counties with lower numbers of deaths will still be considered Board-eligible as long as their skills and expertise are relevant.

Fiscal Impact No fiscal impact.

ARC 7966B (Special Review)

Rule Summary Identifies diseases, poisonings and conditions, and incidents that must be reported to the Department of Public Health. Clarifies the person that is to report, and how and when to report specified conditions. Reduces the number of reportable poisonings and conditions by six and clarifies the reporting process for the end user. Makes technical changes to group similar types of information about similar topics.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

Environmental Protection Commission

ARC 8123B

Rule Summary Changes Chapter 62—Effluent and Pretreatment Standards and Chapter 63—Monitoring Analytical and Reporting Requirements.

Chapter 62 is being changed to indicate that the daily sample maximum criteria for E.coli set forth in Part E of the "Supporting Document for Iowa Water Quality Management Plans" is not to be used as an end-of-pipe permit limitation. This change addresses new technical data received from the federal Environmental Protection Agency indicating that the methodology in the Department of Natural Resources's (DNR's) "Supporting Document for Iowa Water Quality Management Plans," Chapter IV, July 1976, as revised on June 16, 2004, for establishing E.coli effluent limits is not supported by the technical data that the methodology is intended to be based on.

Chapter 63 is being changed by adjusting Table II (Minimum Self-Monitoring in Permits for Organic Waste Dischargers Continuous Discharge Wastewater Treatment Plants) for continuously discharging waste water treatment plants (WWTPs), including municipal and semi-public WWTPs. The change removes Total Nitrogen, Total Phosphorous, and Total Kjeldahl Nitrogen monitoring for facilities with a Population Equivalent (PE) of 1,000 – 3,000.

Fiscal Impact No fiscal impact to the State. The changes reduce monitoring costs for smaller towns and cities. The changes prevent future permit appeals, noncompliance issues, and future enforcement matters.

ARC 8120B

Rule Summary Changes definitions and requirements to be consistent with State and federal law related to animal feeding operations and the National Pollutant Discharge Elimination System (NPDES) Permit Program. Changes definitions, land application practices, and nutrient management plan requirements associated with the implementation of the phosphorus index.

Changes made since the Notice of Intended Action include:

In Items 3 and 6, the “equivalent or better” demonstration is modified to refer to the federal 100-foot setback rather than Iowa’s 200-foot or 800-foot setbacks.

In Item 4, the last sentence regarding penalty preclusion is retained and an additional sentence is added indicating that the preclusion does not apply to a confinement feeding operation owner subject to the NPDES Permit Program.

These amendments would take effect October 14, 2009.

Fiscal Impact No fiscal impact.

ARC 8122B

Rule Summary Changes the reference for the valuation of fish that must be replaced due to a fish kill to the American Fisheries Society (AFS) Special Publication 30--“Investigation and Valuation of Fish Kills Monetary Values of Fish and Freshwater Mussel Kills.”

Specifies fish are valued at \$15.00 each unless determined to have a higher value by the AFS. Specifies that a fish that is classified as a threatened or endangered species has a value of \$1,000.00 each.

Fiscal Impact No fiscal impact.

ARC 8124B

Rule Summary Adds rules concerning underground storage tank (UST) operator training, changes the conflict of interest for conducting compliance inspections, and requires a soil and groundwater investigation to be conducted by a groundwater professional certified by the Department of Natural Resources when USTs are permanently closed.

Operator training identifies three types of operators.

- A Class A operator is responsible for managing resources and personnel to achieve and maintain compliance.
- A Class B operator is responsible for implementing day-to-day aspects of operating, maintaining and recordkeeping for one or more facilities.
- A Class C operator is the on-site employee controlling or monitoring dispensing of fuel and the first line of response to emergency conditions.
- A person can be more than one class of operator.
- The new rules provide responsibilities for each class of operator and criteria for training.

The conflict of interest change for third party compliance inspections requires the certified compliance inspection to be conducted by a certified compliance inspector that is not the owner or operator of the UST system being inspected, an employee of the owner or operator of the UST system being inspected, or a person having daily on-site responsibility for the operation and maintenance of the UST system.

Administrative Rules – Fiscal Impact Summaries

October 13, 2009

7

The phased-in installation of piping leak detection systems that automatically shut off the submersible pump at unstaffed facilities rule was tabled by the Environmental Protection Commission at the August 18, 2009, meeting.

Fiscal Impact The cost to the State is estimated to be less than \$100,000.00 per year. There will be additional costs to the UST owners for formal training of their operators. The Petroleum Marketers and Convenience Stores of Iowa (PMCI) cost estimate for their program (expected to be available to non-members) is approximately \$500.00 per company.

STAFF CONTACT: Debra Kozel (Ext. 16767)

Natural Resource Commission

Rule Summary Increases the administrative fee charged to customers for most privileges sold through the Electronic Licensing System of Iowa (ELSI). **ARC 8104B**

Fiscal Impact The ELSI administrative fee will increase from \$0.50 to \$1.50 and this will cover most of the administrative costs currently paid for by the Department of Natural Resources (DNR) from the Fish and Wildlife Trust Fund. The ELSI boat registration or transfer fee of \$3.65 is the same amount the DNR pays for this transaction. The annual estimated savings to the Fish and Wildlife Trust Fund is between \$300,000 and \$500,000.

Rule Summary Upgrades the bald eagle and peregrine falcon from an endangered species to a special concern status/listing. **ARC 8105B**

Fiscal Impact No fiscal impact.

Rule Summary Changes regulations for hunting waterfowl and coot that include season dates, bag limits, possession limits, shooting hours, and areas open to hunting. Season dates are adjusted annually to comply with federal regulations and to ensure the seasons open on weekends. **ARC 8106B**

The duck and goose seasons in the north and south zones will be the same. The boundary dividing the State in north and south zones for goose hunting is being revised so that it is the same as the boundary that divides the State in north and south duck hunting zones.

The boundaries for the Canada goose closed area in Worth and Winnebago Counties are redefined. Landowners with permits to hunt in the Canada goose closed hunting zones will be allowed to hunt until October 31 instead of October 15.

Fiscal Impact No fiscal impact.

Administrative Rules – Fiscal Impact Summaries

October 13, 2009

8

ARC 8107B

Rule Summary Changes the reference for the valuation of fish that must be replaced due to a fish kill to the American Fisheries Society (AFS) Special Publication 30--“Investigation and Valuation of Fish Kills Monetary Values of Fish and Freshwater Mussel Kills.”

Specifies fish are valued at \$15.00 each unless determined to have a higher value by the AFS. Specifies that a fish that is classified as threatened or endangered species has a value of \$1,000.00 each.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

Department of Human Services

ARC 8094B

Rule Summary Makes technical changes regarding structure, terminology, and form numbers at the State Mental Health Institutes and the State Resource Centers.

Fiscal Impact No fiscal impact.

ARC 8095B

Rule Summary Removes two of the requirements for an infant to be deemed Medicaid-eligible for 12 months because of “newborn” status, a mandatory coverage group under the Medicaid Program. This change was required by the federal Children’s Health Insurance Program Reauthorization Act (CHIPRA) of 2009.

Fiscal Impact This change is estimated to cost the General Fund \$2.9 million for FY 2010 and \$3.1 million for FY 2011. No funding was specifically provided for this change, but it is estimated that there is sufficient funding available to cover the cost within the FY 2010 Medicaid Program appropriation.

ARC 8096B

Rule Summary Provides Medicaid coverage to all eligible children that federal funding is available for, including lawful permanent residents.

Fiscal Impact This change is estimated to cost the General Fund \$84,000 in FY 2010 and \$239,000 in FY 2011. Funding was provided in HF 820 (FY 2010 Federal Funds Appropriations Act) for FY 2010.

ARC 8093B

Rule Summary Eliminates several of the eligibility requirements from the Transitional Medicaid coverage group to provide continuous eligibility for 12 months.

Fiscal Impact This rule has been terminated. There is no fiscal impact as a result.

Administrative Rules – Fiscal Impact Summaries

October 13, 2009

9

	ARC 8113B
Rule Summary	Limits the Medicaid expenses subject to recovery from a Medicaid member's estate.
Fiscal Impact	This change is estimated to cost the General Fund \$107,000 in FY 2010 and \$250,000 in FY 2011. This change is required by the federal Medicare Improvements for Patients and Providers Act of 2008. No funding was specifically provided for this change, but it is estimated that there is sufficient funding available to cover the cost within the FY 2010 Medicaid Program appropriation.
	ARC 8097B
Rule Summary	Removes omeprazole magnesium delayed-release 20 mg tablets (base equivalent) from the covered nonprescription drug list. Updates the covered nonprescription drug list by removing products that are no longer available and by adding covered products that are preferred on the preferred drug list.
Fiscal Impact	This change to the preferred drug list is estimated to save the General Fund \$40,000 in FY 2010 and \$70,000 in FY 2011.
	ARC 8112B
Rule Summary	Clarifies that there are separate health and dental plans participating with the Healthy and Well Kids in Iowa (hawk-i) Program. Implements a new program to provide dental coverage to children that would be eligible for hawk-i benefits except that they have health insurance.
Fiscal Impact	This change is estimated to cost the General Fund \$340,000 in FY 2010 and \$1.3 million in FY 2011. Funding for this change was provided for FY 2010 in HF 820 (FY 2010 Federal Funds Appropriations Act).
	ARC 8128B and 8127B
Rule Summary	Implements a one-month delay in benefits when health insurance has ended during the month of application for hawk-i or Medicaid benefits or during the five preceding months.
Fiscal Impact	Minimal fiscal impact. It is expected that very few children will be affected by this provision.
	ARC 8110B
Rule Summary	Requires that, as a condition of eligibility for hawk-i, applicants and enrollees attest to and provide acceptable proof of their citizenship status and identity along with a social security number.
Fiscal Impact	This change will have a minimal fiscal impact due to the cost of system changes.

Administrative Rules – Fiscal Impact Summaries

October 13, 2009

10

	ARC 8109B
Rule Summary	Permits children in lawful permanent resident status to receive hawk-i coverage if otherwise eligible, regardless of their date of entry into the United States. This change was made in SF 389 (FY 2010 Health Care Omnibus II Act).
Fiscal Impact	This change is estimated to cost the General Fund \$11,000 in FY 2010 and \$29,000 in FY 2011. Funding was provided in HF 820 (FY 2010 Federal Funds Appropriations Act) for FY 2010.
	ARC 8118B
Rule Summary	Makes changes to child care regulatory fees and clarifies existing rules related to biting. The following is proposed: <ul style="list-style-type: none">• Implements regulatory fees beginning January 1, 2010, for issuing child care center licenses. Fees will be tiered and based on center capacity.• Sets fees of \$25.00 to \$35.00 for the Department of Human Services (DHS) to process criminal and child abuse record checks. Currently this is a cost incurred by the Department. The DHS anticipates that centers will take advantage of the less costly SING system through the Department of Public Safety for \$12.00 - \$15.00 per check. The term SING is commonly used for the State's Single Contact Repository that ties together multiple databases.• Requires national Federal Bureau of Investigation (FBI) criminal records checks based on fingerprints for all persons subject to record checks due to involvement in child care at a licensed center. A national record check will cost a center \$30.25 per check. This is not currently required of centers.• Requires centers to have a protocol to handle incidents of biting,• Requires that center volunteers be at least 16 years old.• Clarifies a policy on interim permission for a new facility to open without a license and for training requirements for center directors.
Fiscal Impact	Provisions of SF 478 (FY 2010 Standing Appropriations Act) permit the DHS to retain the savings from no longer having to pay for State background checks. The money will be transferred to the Child Care Facility Fund to be used for the inspection of child development homes and licensing activities. The fees for licensure and re-licensure of centers will also be deposited in the Fund. Current estimates anticipate revenue of \$62,950 to the Fund for FY 2010 and cumulative revenue of \$243,350 for FY 2011 as a result of these proposed changes. It is noted that SF 478 included the regulation and inspections of child care development homes. The DHS is working on administrative rules related to this requirement. The Child Care Facility Fund will be impacted by required expenditures related to these activities.
	ARC 8098B
Rule Summary	Requires child care providers to conduct a visual inspection for lead hazards and complete interim controls as defined by the Department of Public Health if chipping or peeling paint is found. Requires needed changes to be made before a provider can initially register with the Department of Human Services or upon registration renewal. After receipt of public comments received regarding the Noticed Rule, an effective date of June 30, 2010, was added for providers that have a valid registration on November 1, 2009, to complete the phase-in of these requirements.
Fiscal Impact	Minimal fiscal impact related to training of existing staff.

Administrative Rules – Fiscal Impact Summaries

October 13, 2009

11

ARC 8099B

Rule Summary Adds a new category of “sexual exploitation of a dependent adult by a caretaker” to the definition of “dependent adult abuse.” Extends the retention period for unfounded dependent adult abuse information from one year to five years and requires the Department to keep records of dependent adult abuse reports that are rejected for evaluation or assessment for three years from the rejection date.

Fiscal Impact No fiscal impact.

ARC 8183B

Rule Summary Rescinds provisions related to the five-year federal demonstration waiver project for guardianship subsidy and replaces them with provisions for a permanent program. The federal Fostering Connections to Success and Increasing Adoptions Act of 2008 provided federal funding to be made available for an ongoing Guardianship Subsidy Program. Removes the federal waiver requirements to have an experimental and control group of children and instead permits all qualifying children to receive this benefit. Guardianship subsidies awarded under the demonstration waiver will continue. Makes other minor changes to the eligibility of children and the foster parent for the guardian subsidy.

Fiscal Impact No fiscal impact. Federal funding is expected to offset increases in eligibility for these children.

STAFF CONTACT: Jess Benson (Ext. 14611) Deborah Helsen (Ext. 16764)

Professional Licensure Division – Department of Public Health

ARC 8152B

Rule Summary Board of Behavioral Science: Sets the fee for a temporary license for marital and family therapists and mental health counselors at \$120.00 and defines the requirements for temporary licensure. Clarifies the requirements for supervised work experience.

Fiscal Impact No fiscal impact to the State.

ARC 8100B

Rule Summary Board of Respiratory Care: Makes technical changes and updates the name of the accrediting organization for respiratory care to the Committee on Accreditation for Respiratory Care (CoARC) where applicable.

Fiscal Impact No fiscal impact.

ARC 8101B

Rule Summary Board of Social Work: Reduces the composition of the Board from seven members to five. Adds a definition for diagnosis. Changes the name of the Board from the Board of Social Work Examiners to the Board of Social Work in response to Senate File 74 (2007 Health and Licensing Boards Name Changes).

Fiscal Impact No fiscal impact. The Board of Social Work retains fees charged for licensing to fund their activities.

Administrative Rules – Fiscal Impact Summaries

October 13, 2009

12

ARC 8111B

Rule Summary Board of Sign Language Interpreters and Transliterators: Makes technical changes to replace the word “felony” with the word “crime” where applicable. Licensees will have misdemeanors and felonies reviewed by the Board.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

Commission on Volunteer Service

ARC 8159B and 8158B

Rule Summary Establishes the Summer Youth Corps and Green Corps Programs.

Fiscal Impact The Iowa Commission on Volunteer Service anticipates receiving and expending approximately \$423,000 during each year, FY 2010 and FY 2011, with \$150,000 from the Iowa Power Fund (three-year allocation of \$150,000 per year) and an allocation of \$273,000 from federal AmeriCorps funding for the Green Corps Program. The Commission has applied for and anticipates receiving and expending approximately \$550,000 from federal programs during FY 2010 for the Summer Youth Corp Program. The fiscal impact does not include possible contributions from programs outside of the Commission.

STAFF CONTACT: Ron Robinson (Ext. 16256)

Department of Public Safety

ARC 8154B

Rule Summary Updates regulations for commercial explosive licensees. Terminates a prior notice.

Fiscal Impact No significant fiscal impact. Revenues are deposited in the State General Fund. The amount is not anticipated to be significantly greater than current law.

ARC 8155B

Rule Summary Updates requirements for commercial explosive licenses. Requires licensure of individual blasters, as well as firms involved in explosive operations, and assessment of inspections fees.

Fiscal Impact No significant fiscal impact. Fees are expected to generate \$10,000 to \$15,000 annually. Revenues are deposited in the State General Fund.

ARC 8156B

Rule Summary Adopts new editions of the International Fire Code and selected chapters of the International Building Code. Transfers administrative provisions to a different chapter and specifies fees for various Fire Marshal costs.

Fiscal Impact No significant fiscal impact from fee changes. Revenues are deposited in the State General Fund. The amount is not anticipated to be significantly greater than current law.

	ARC 8150B
Rule Summary	Delays the effective date for the use of dual sensor smoke detectors in residences from October 1, 2009, until April 1, 2010. Excludes commercial buildings and residential buildings that have had commercial grade smoke detection systems installed from the requirement. Changes the reference to National Electrical Code standards from the 2005 edition to the 2008 edition. Adopts a requirement for location of smoke detectors from the International Fire Code.
Fiscal Impact	No fiscal impact.
	ARC 8151B
Rule Summary	Delays the effective for the use of dual sensor smoke detectors in residences from October 1, 2009, until April 1, 2010. Changes the reference to National Electrical Code standards from the 2005 edition to the 2008 edition.
Fiscal Impact	No fiscal impact.
	ARC 8114B
Rule Summary	Removes a requirement that dispensers for biodiesel blends between B-6 and B-20 be submitted to an independent testing laboratory. The submission is not possible, since no independent testing laboratory is known to have developed an applicable testing protocol.
Fiscal Impact	No fiscal impact.
	ARC 8178B
Rule Summary	Updates referenced national standards for certification requirements of fire fighters and other members of the fire service.
Fiscal Impact	No fiscal impact.
	ARC 8153B
Rule Summary	Implements a new licensing program for fire protection installers and maintenance workers.
Fiscal Impact	License fees are expected to generate \$75,000 per year based on an estimated 300 persons that would be licensed. It is anticipated the fees will generate receipts to offset the costs of administering the program. The fees are retained by the Department of Public Safety.
	ARC 8179B
Rule Summary	Updates editions of nationally-recognized codes adopted by reference in the State Building Code. Delays the requirement to have sprinklers installed in all residential buildings until January 1, 2013.
Fiscal Impact	No fiscal impact.

Administrative Rules – Fiscal Impact Summaries

October 13, 2009

14

ARC 8180B

Rule Summary Updates the State Historical Building Code of the International Existing Building Code from the 2006 edition to the 2009 edition.

Fiscal Impact No fiscal impact.

ARC 8160B

Rule Summary Updates various provisions related to electrician and electrical contractor licensing and electrical inspections.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Beth Lenstra (Ext. 16301) Jennifer Acton (Ext. Ext. 17846)

Accountancy Examining Board

ARC 8089B

Rule Summary Increases the initial and annual firm permit fee for Certified Public Accountant (CPA) and Licensed Public Accountant (LPA) firms from \$50.00 to \$100.00.

Fiscal Impact There are currently 577 active CPA and LPA firms. The \$50.00 fee increase will result in an increase in revenue of \$28,850 per year. The Board share (85.0%) of the revenue will result in an increase of \$24,523. The General Fund share (15.0%) of the revenue will result in an increase of \$4,327.

STAFF CONTACT: Joseph Brandstatter (Ext. 52062)

Department of Administrative Services

ARC 8115B

Rule Summary Removes outdated definitions no longer needed and conforms rules to the federal Family and Medical Leave Act (FMLA). Creates new family leave provisions for family members of certain military personnel as required by the National Defense Authorization Act for FY 2008. Deletes outdated information regarding employee benefits, and clarifies reimbursement for educational expenses. Adds leave of absence rules for the statutorily created Bone Marrow and Organ Donation Incentive Program.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Joseph Brandstatter (Ext. 52062)

Agriculture Development Authority

ARC 8157B

Rule Summary Changes certain underwriting criteria for the Iowa Agricultural Development Authority Loan Participation Program. The Loan Participation Program is intended to assist lenders and low-income and beginning farmers with the purchase of agricultural property. Increases the maximum participation amount of the Program from \$100,000 to \$150,000, or 30.0% of the purchase price (what ever is less), in order to reflect current prices for real estate. New loans will have a fixed rate of interest that will be reviewed by the Board of the Agriculture Development Authority on a quarterly basis. Loans with variable interest rates will no longer be made through the Program. Payments on real estate loans will be equally amortized for the term of the participation but will not exceed 20 years with a ten-year balloon payment. If the Loan Participation Program is utilized in conjunction with federal programs the amortization loans may be amortized up to 30 years and will be consistent with federal rules.

Fiscal Impact No fiscal impact to the State. This Program is self-funded through loan closing fees.

STAFF CONTACT: David Reynolds (Ext. 16934)

Department of Agriculture and Land Stewardship

ARC 8092B

Rule Summary Updates Weights and Measures Bureau rules to include the newest edition (July 16, 2009) of the handbooks issued by the National Institute of Standards and Technology.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

Board of Educational Examiners

ARC 8135B

Rule Summary Provides for the denial of a teaching license to individuals that the Department of Revenue has certified as owing a debt to local or State government.

Fiscal Impact No fiscal impact.

ARC 8143B

Rule Summary Eliminates a requirement to notify the respondent of a complaint when it is filed. Under the change, the respondent would be notified only after the Board of Educational Examiners has found probable cause.

Fiscal Impact No fiscal impact.

ARC 8139B

Rule Summary Eliminates obsolete language regarding teacher exchange licenses.

Fiscal Impact No fiscal impact.

Administrative Rules – Fiscal Impact Summaries

October 13, 2009

16

ARC 8134B

Rule Summary Eliminates the option of issuing a teaching license before the applicant has been awarded a college degree.

Fiscal Impact No fiscal impact.

ARC 8133B

Rule Summary Establishes a uniform expiration date for all Class B licenses to eliminate confusion and assist school districts in making personnel decisions. Existing two-year licenses may expire in less than two years as a result of this change.

Fiscal Impact No fiscal impact.

ARC 8138B

Rule Summary Reduces the teacher exchange license from two years to one year and specifies that completion of a regionally accredited teacher preparation program will qualify an applicant.

Fiscal Impact No fiscal impact.

ARC 8125B

Rule Summary Specifies methods for licensure applicants from non-Iowa institutions to verify that they meet the requirements of a highly-qualified teacher.

Fiscal Impact No fiscal impact.

ARC 8121B

Rule Summary Specifies methods for licensure applicants from non-Iowa institutions to verify that they meet the requirements of a highly-qualified teacher.

Fiscal Impact No fiscal impact.

ARC 8126B

Rule Summary Provides methods for elementary teachers to show they are highly qualified.

Fiscal Impact No fiscal impact.

ARC 8129B

Rule Summary Updates the requirements for the agriculture endorsement to reflect the current status of agriculture.

Fiscal Impact No fiscal impact.

ARC 8130B

Rule Summary Updates the requirements for the agriculture endorsement to reflect the current status of agriculture science and agribusiness.

Fiscal Impact No fiscal impact.

Administrative Rules – Fiscal Impact Summaries

October 13, 2009

17

ARC 8142B
Rule Summary Eliminates obsolete language regarding administrator exchange licenses.

Fiscal Impact No fiscal impact.

ARC 8141B
Rule Summary Reduces the administrator exchange license from two years to one year and specifies that completion of a regionally accredited administrator preparation program will qualify an applicant.

Fiscal Impact No fiscal impact.

ARC 8131B
Rule Summary Specifies that a behind-the-wheel instructor authorization is only valid as long as the instructor continues to meet the qualifications.

Fiscal Impact No fiscal impact.

ARC 8117B
Rule Summary Adds an optional area of concentration to the paraeducator certificate for those working with speech language pathologists.

Fiscal Impact No fiscal impact.

ARC 8137B
Rule Summary Clarifies the definition of “fraud” by eliminating one of two conflicting definitions within the Code of Professional Conduct.

Fiscal Impact No fiscal impact.

ARC 8136B
Rule Summary Adds language to the Code of Ethics addressing the statutory requirement that licensees be in compliance with State law governing payment of debts to State or local governments.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270)

Office of Energy Independence

ARC 8102B
Rule Summary Creates the Iowa Power Fund Community Grants Program relating to energy efficiency. Specifies definitions for the Program and the planned geographic distribution of funding. Requires the Office of Energy Independence to issue Requests for Proposals twice a year. Requires monthly reporting to the Iowa Power Fund Board. The rules have been modified since first being noticed to expand the definition of “Eligible Applicant” to include a city, county, and nonprofit organization, and the criteria for review was changed from “energy efficiency” to the “promotion of energy efficiency or renewable generation.”

Administrative Rules – Fiscal Impact Summaries

October 13, 2009

18

Fiscal Impact The Program is funded by a 4.00% allocation from the appropriation for the Iowa Power Fund. For FY 2010, the 4.00% allocation equals \$960,000. The Office anticipates using \$50,000 of the allocation for administration.

STAFF CONTACT: Ron Robinson (Ext. 16256)

Homeland Security and Emergency Management Division – Department of Public Defense

Rule Summary Updates the continuing education requirements for local emergency management coordinators. The Federal Emergency Management Agency (FEMA) courses used in this listing will periodically have a name change or a course number change. **ARC 8116B**

Fiscal Impact No fiscal impact.

Rule Summary Updates mailing address information and "recurring cost" definition for the E911 Service Board. Clarifies voting eligibility for members. **ARC 8184B**

Fiscal Impact No fiscal impact.

Rule Summary Provides changes to the fee schedule for the repair, calibration, and maintenance of radiological monitoring, detection, and survey equipment resulting from an increase in the cost to provide the service. **ARC 8119B**

Fiscal Impact The Homeland Security and Emergency Management Division currently retains approximately \$15,000 annually for providing these services. It is anticipated the revised fee schedule would generate an additional \$7,000 in revenue for a total of \$22,000 annually.

STAFF CONTACT: Beth Lenstra (Ext. 16301) Jennifer Acton (Ext. 17846)

Department of Inspections and Appeals

Rule Summary Regulates elder group homes, assisted living programs, and adult services. Senate File 601 (FY 2008 Standing Appropriations Act) enacted during the 2007 Legislative Session transferred the regulatory authority of these entities from the Department of Elder Affairs (now the Department of Aging) to the Department of Inspections and Appeals. **ARC 8174B**

Fiscal Impact No fiscal impact. Budgetary adjustments were made in FY 2008.

Rule Summary Creates rules regulating elder group homes. Senate File 601 transferred regulatory authority of elder group homes, assisted living programs, and adult services from the Department of Elder Affairs (now the Department of Aging) to the Department of Inspections and Appeals. **ARC 8175B**

Fiscal Impact No fiscal impact. Budgetary adjustments were made in FY 2008.

Administrative Rules – Fiscal Impact Summaries

October 13, 2009

19

ARC 8176B

Rule Summary Creates rules regulating assisted living programs. Senate File 601 transferred regulatory authority of these entities from the Department of Elder Affairs (now the Department of Aging) to the Department of Inspections and Appeals.

Fiscal Impact No fiscal impact. Budgetary adjustments were made in FY 2008.

ARC 8177B

Rule Summary Creates rules regulating adult day services. Senate File 601 transferred regulatory authority of elder group homes, assisted living programs, and adult services from the Department of Elder Affairs (now the Department of Aging) to the Department of Inspections and Appeals.

Fiscal Impact No fiscal impact. Budgetary adjustments were made in FY 2008.

STAFF CONTACT: Joseph Brandstatter (Ext. 52062)

Labor Services Division – Department of Workforce Development

ARC 8088B

Rule Summary Removes a provision regarding the use of powered industrial trucks to lift personnel to comply with a change to the federal Occupational Safety and Health Administration (OSHA) rules for general industry.

Fiscal Impact No fiscal impact.

ARC 8167B

Rule Summary Specifies the steps necessary to obtain a certificate of age, work permit, street trades permit, and migrant labor permit. Establishes the procedures for assessing and contesting a civil penalty for violation of the child labor laws. Establishes the method for calculating the amount of civil penalties for child labor law violations.

Fiscal Impact The fiscal impact is unknown, since the number of violations that will take place in the future is not known. Revenues from the child labor law penalties are deposited in the General Fund. It is possible the penalties could range from zero to \$100,000, with a possible average of \$15,000 annually. To date, Iowa has not assessed any child labor civil penalties.

STAFF CONTACT: Ron Robinson (Ext. 16256)

Board of Pharmacy – Department of Public Health

ARC 8169B

Rule Summary Permits pharmacies and pharmacists, when using a shared online database, to maintain records that have been transferred electronically as electronic records instead of having to ensure that a hard copy of the transmission is available.

Fiscal Impact No fiscal impact.

ARC 8170B

Rule Summary Requires hospital pharmacies to utilize a unit dose dispensing system, to the extent possible, for the distribution of drugs to patients in a hospital. Requires the pharmacist in charge to provide a determination in situations where utilization of unit dose dispensing is not possible. Requires policies and procedures be established to identify those situations. Requires the pharmacist in charge to develop policies and procedures regarding the use of patient-owned drugs brought to the institution. A requirement was added due to public comment on Noticed Rule ARC 7912B that policies and procedures regarding the use of patient-owned drugs brought to the institution must include procedures for the security of those drugs.

Fiscal Impact No fiscal impact.

ARC 8171B

Rule Summary Authorizes electronic transmissions between a prescriber and a pharmacy, via the prescriber's agent, of new prescriptions or refills and renewals of prescriptions. Requires the prescriber agent's name and title to be included on any transmitted document. Clarifies that a written or electronic signature of the prescriber is not required on refills or renewed prescriptions if the identifying number matches the original prescription number.

Fiscal Impact No fiscal impact.

ARC 8172B

Rule Summary Establishes requirements in conformance with federal Drug Enforcement Administration policies. Permits prescribers to issue multiple prescriptions for the same Schedule II controlled substance for the same patient over a period of time not to exceed a 90-day supply of the prescribed substance. Currently patients may need to visit health care providers monthly to receive the prescription. Prohibits a pharmacist from filling a prescription for a Schedule II controlled substance prior to the fill date authorized on the prescription. Prohibits a pharmacist from seeking the verbal approval of the prescriber to change a fill date.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

State Public Defender

ARC 8091B and ARC 8090B

Rule Summary Modifies the appointment of court-appointed attorneys and submission of fee claims.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Beth Lenstra (Ext. 16301)

Status of Women Division – Department of Human Rights

ARC 8182B

Rule Summary Deletes obsolete language relating to the lowans in Transition Program.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Joseph Brandstatter (Ext. 52062)

Administrative Rules – Fiscal Impact Summaries

October 13, 2009

21

Veterinary Medicine Board

ARC 8168B

Rule Summary Details the job categories and requirements for veterinary assistants and technicians that are under the supervision of the Veterinary Medicine Board.

Fiscal Impact An estimated revenue increase of \$29,000 in the first year from persons taking the Certified Veterinary Assistant examination is expected. There will be some minor increases in expenditures for the exam. The revenues are deposited into the General Fund.

STAFF CONTACT: Debra Kozel (Ext. 16767)
