



Fiscal Services Division

ADMINISTRATIVE RULES – FISCAL IMPACT SUMMARIES

December 8, 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

Board of Medicine

ARC 8353B

Rule Summary Permits the Board of Medicine to deny issuance or renewal of a medical, osteopathic medical, or acupuncture license, or suspend or revoke a license upon the receipt of a certificate of noncompliance from the centralized collection unit of the Iowa Department of Revenue.

Fiscal Impact No fiscal impact. The Board retains fees charged to licensees for staffing and operations related to Board activities.

Held over ARC 8199B

Rule Summary Establishes standards of practice for physicians, surgeons, or osteopathic physicians that serve as a medical director at a medical spa. Establishes the violation of improper delegation and supervision by a medical director that supervises medical aesthetic services.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

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Board of Educational Examiners

ARC 8251B

Rule Summary Establishes new fees for portfolio review and evaluation. For licensure, the fee is \$500. For endorsements, the fee is \$250. These fees incorporate the current transcript evaluation of \$60.

Fiscal Impact Minimal fiscal impact to the State General Fund. The Board of Educational Examiners is entirely fee-supported. Statute requires the Board to deposit 25.0% of annual fee revenue to the State General Fund. The Board is projecting 20 to 30 portfolio reviews annually, resulting in a net increase in revenue of \$9,000 to \$13,000 per year. This would result in an increase in deposits to the General Fund of \$2,000 to \$3,000 per year.

ARC 8249B

Rule Summary Provides consistent requirements for licensure applicants that have completed nontraditional preparation programs.

Fiscal Impact No fiscal impact.

ARC 8250B

Rule Summary Provides consistent requirements for exchange licenses for applicants that have completed nontraditional preparation programs.

Fiscal Impact No fiscal impact.

ARC 8248B

Rule Summary Updates rules in regard to the issuance of teacher, administrator, and special education licenses and endorsements to reflect current practice.

Fiscal Impact No fiscal impact.

Held over 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.

STAFF CONTACT: Robin Madison (Ext. 15270)

Attorney General

ARC 8257B

Rule Summary Increases the amount of forfeiture proceeds retained by the Department of Justice from 10.0% to 20.0%. Increases the fee from \$100.00 to \$200.00 for transfer of title of forfeited vehicles. Sets at 20.0% the amount of cash proceeds of forfeited real estate retained by the Department and requires notice to the Department whenever property is seized for forfeiture.

Fiscal Impact The changes are estimated to increase receipts to the Attorney General's Office by at least \$150,000 annually, assuming the amount of cash and number of vehicles seized in State court will remain within the range seen over the last five years. Currently, State and local law enforcement agencies involved in the seizures will receive a decrease in the amount of proceeds depending on the jurisdiction. This decreases that percentage from 90.0% to 80.0%, that is the same as the U.S. Department of Justice's practices in federal forfeiture proceedings.

Staff Contact: Beth Lenstra (1-6301)

Department of Transportation

ARC 8342B and 8339B

Rule Summary Requires applicants for REAL ID compliant driver's licenses and nonoperator's identification cards to meet the requirements for an Iowa driver's license or nonoperator's identification card, as well as all federal requirements for a REAL ID compliant document. The rules are necessary to establish the State of Iowa's compliance with the federal REAL ID Act of 2005.

Fiscal Impact These rules do not create any potential costs beyond those created by the federal Act. Certain applicants for REAL ID compliant documents may incur incidental expense in obtaining a document or credential required by the federal rules. An applicant may still obtain an Iowa driver's license or nonoperator's identification card under the usual procedure and expense.

STAFF CONTACT: Mary Beth Mellick (Ext. 18223)

Department of Inspections and Appeals

ARC 8294B

Rule Summary Establishes definitions for persons required to report dependent adult abuse. Specifies reporting procedures for evaluating reports and gathering evidence related to dependant adult abuse in health care facilities and programs.

Fiscal Impact Fiscal impact is expected to be minimal. The expected number of reports related to dependant adult abuse is unknown at this time. Additional training costs could be incurred. Moneys from penalties received from prosecutions that are not credited to Medical Assistance Program may be credited to the Medicaid Fraud Account. This Account can be used by Department of Inspections and Appeals for costs incurred while providing regulation or responding to allegations.

STAFF CONTACT: Joseph Brandstatter (Ext. 52062)

Environmental Protection Commission

ARC 8312B

Rule Summary Updates rules related to the Clean Water State Revolving Fund. They include:

- Eliminates the compliance status as a factor in the ranking system for project approval.
- Specifies that set-aside funds for nonpoint source projects will be allocated on a first-come, first-served basis until 90.0% of the funds are allocated.
- Clarifies rules on funding to new, replacement, and expanding animal feeding operations in the Livestock Water Quality Facilities Program. Targets loan funds for water quality improvement and avoids subsidizing other production benefits.

- Specifies livestock facilities that are eligible. Although the new federal concentrated animal feeding operation (CAFO) rules would allow non-permitted CAFOs to be eligible for State Revolving Loan Financing, the Department of Natural Resources (DNR) does not propose to change its practice of limiting eligibility to facilities under 1,000 animal unit capacity that do not require National Pollutant Discharge Elimination System (NPDES) permits.
- Allows the DNR or their agent to place a restrictive covenant on land where an existing open feedlot has been closed and a replacement facility is financed elsewhere. The restrictions will apply for the life of the loan term, up to 10 years.
- Incorporates detailed information about enforcement actions that could disqualify a livestock producer from receiving a loan.
- Incorporates language about biosecurity precautions needed when the DNR or their agent visits a site where practices are being financed.
- Specifies that manure management practices must comply with legal State design standards and federal Natural Resource Conservation Service standards when applicable.

Fiscal Impact No fiscal impact to the State for implementing these changes.

ARC 8313B

Rule Summary Defines the differences between a satellite facility and a Regional Collection Center (RCC) for solid waste collection. Satellite facilities collect and store household hazardous materials that are then picked up by a RCC. Satellite facilities will not be required to obtain a permit, but will need to meet requirements regarding building requirements, staff training, a plan of operations, and an emergency preparedness plan.

Streamlines the requirements for a RCC by:

- Extending the length of the RCC permit from three to five years.
- Removing the education program requirement from the permit.
- Reducing the amount of financial assurance required for a new RCC that serves a population of less than 35,000 from \$15,000 to \$5,000.
- Clarifying that the amount of disposal funding assistance an RCC receives in one year cannot exceed the RCC's total disposal costs for the year.

Fiscal Impact No fiscal impact to the State.

STAFF CONTACT: Debra Kozel (Ext. 16767)

Department of Public Health

ARC 8276B

Rule Summary Plumbing and Mechanical Systems Board: The Board did not approve Noticed Rule ARC 7429B within 180 days of the published notice. Therefore this terminates ARC 7429B relating to continuing education requirements for licensees. The Department of Public Health has re-noticed these rules and included changes due to public comment under Noticed Rule ARC 8268B. Noticed Rule ARC 8268B has been filed as an Adopted and Filed Emergency Rule and is now under ARC 8270B. In summary, the final version of the Board's rules for continuing education are found under ARC 8270B.

Fiscal Impact No fiscal impact. The Plumbing and Mechanical Systems Board retains fees charged to licensees for staffing and operations related to Board activities.

ARC 8268B and ARC 8270B

Rule Summary Plumbing and Mechanical Systems Board: Establishes the continuing education requirements for licensees, the standards governing the criteria for continued educational activity, the Board's procedure for auditing licensees' continuing education reports, the criteria for exempting the continuing education requirements, and the criteria for extending the time that a licensee may fulfill the continuing education requirements.

Fiscal Impact No fiscal impact. The Plumbing and Mechanical Systems Board retains fees charged to licensees for staffing and operations related to Board activities.

ARC 8360B

Rule Summary Makes technical changes related to the purpose and organization of the Board of Plumbing and Mechanical Systems Examiners. Provides for the process of conducting business for the Board.

Fiscal Impact No fiscal impact. The Plumbing and Mechanical Systems Examiners Board retains fees charged to licensees for staffing and operations related to Board activities.

ARC 8361B

Rule Summary Delineates the separate fees that will be charged to individuals that are required to be licensed under the Plumbing and Mechanical Systems Licensing Program.

Fiscal Impact Estimated revenue from licensing is \$515,000 in FY 2010 and \$150,000 for FY 2011. The Plumbing and Mechanical Systems Examiners Board retains fees charged to licensees for staffing and operations related to Board activities.

ARC 8362B

Rule Summary Defines the types of licenses and requirements for licensure under the Plumbing and Mechanical Systems Licensure Program. Provides for guidelines for applicants when applying for initial license, renewal, or examination. Defines procedures to follow when a license is denied.

Fiscal Impact Estimated revenue from licensing is \$515,000 in FY 2010 and \$150,000 for FY 2011. (The same as ARC 8361B; not additional funds.) The Plumbing and Mechanical Systems Examiners Board retains fees charged to licensees for staffing and operations related to Board activities.

ARC 8359B

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

Fiscal Impact No fiscal impact. The Plumbing and Mechanical Systems Examiners Board retains fees charged to licensees for staffing and operations related to Board activities.

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	ARC 8363B
Rule Summary	Plumbing and Mechanical Systems Examiners Board: Provides the criteria and process for disciplining licensees by the Plumbing and Mechanical Systems Examiners Board. Clarifies civil penalties, unlawful practices, investigations, subpoenas, request for hearings, factors the Board may consider, enforcement options, and judicial review.
Fiscal Impact	No fiscal impact. The Plumbing and Mechanical Systems Examiners Board retains fees charged to licensees for staffing and operations related to Board activities.
	ARC 8364B
Rule Summary	Plumbing and Mechanical Systems Examiners Board: Provides the process for submitting a complaint to the Plumbing and Mechanical Systems Examiners Board. Clarifies how the investigation will be conducted and the review process that will follow.
Fiscal Impact	No fiscal impact. The Plumbing and Mechanical Systems Examiners Board retains fees charged to licensees for staffing and operations related to Board activities.
	ARC 8365B
Rule Summary	Plumbing and Mechanical Systems Examiners Board: Clarifies the process for out-of-state applications for licensure under the Plumbing and Mechanical Systems Examiners Board.
Fiscal Impact	No fiscal impact. The Plumbing and Mechanical Systems Examiners Board retains fees charged to licensees for staffing and operations related to Board activities.
	ARC 8366B
Rule Summary	Plumbing and Mechanical Systems Examiners Board: Provides the process the Plumbing and Mechanical Systems Examiners Board will follow when filing a petition for rule making.
Fiscal Impact	No fiscal impact. The Plumbing and Mechanical Systems Board retains fees charged to licensees for staffing and operations related to Board activities.
	ARC 8355B
Rule Summary	Requires notification of lead paint hazards prior to renovation and remodeling. Changes the name of the federal pamphlet from "Protect Your Family from Lead in Your Home" to "Renovate Right." Adds definitions for "child-occupied facility," "compensation," "housing for the elderly," and "person." Makes technical changes to the administrative enforcement procedures.
Fiscal Impact	No fiscal impact.
	ARC 8357B
Rule Summary	Makes technical changes to lead-based paint rules. Requires contractors performing renovations to be certified as lead-safe renovators and to follow specific work practices to reduce lead exposure.

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Fiscal Impact Fee revenue to the Department of Public Health for certification as a lead-safe renovator is \$60.00 per year. Revenues are estimated at \$450,000 for FY 2010 and \$900,000 for FY 2011. The Department expects to increase staffing and costs to expend the entire amount each year.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

Department of Corrections

ARC 8321B

Rule Summary Requires all offenders on supervision for a current sex offense that are required to be on the Sex Offender Registry to be placed on electronic monitoring immediately after being assigned to supervision. Specifies that this level may be changed based on a future risk assessment. Senate File 340 (Sex Offender Registry Act) permits the Department of Corrections (DOC) to require electronic monitoring of sex offenders based on a validated risk assessment, criminal history, progress in treatment and supervision, and other factors. The Act does not require electronic monitoring of all sex offenders on supervision for a current sex offense required to be on the Sex Offender Registry be placed on electronic monitoring immediately after being assigned to supervision.

Fiscal Impact The annual cost estimate is approximately \$1.0 million, based on the projected number of sex offenders under special sentence supervision. This estimate is for electronic monitoring costs only and does not include staff costs. Currently, the budget for electronic monitoring bracelets is approximately \$1.6 million.

The estimate is an additional \$2.9 million annually to fully comply with current law for supervision of sex offenders. Of this amount, \$1.0 million is related to costs of the electronic monitoring system as indicated previously. Approximately \$1.9 million is related to the supervision and treatment mandates for both the prisons and the Community-Based Corrections (CBC) systems. The DOC did not receive additional funding in FY 2010 for sex offender treatment and supervision (including electronic monitoring).

These estimates are those of the DOC and not of the Legislative Services Agency. The DOC is using its discretion permitted in SF 340 more conservatively than what was used during the 2009 Legislative Session. The DOC is tying the cost estimates to the number of offenders on special sentences that were enacted in 2005. The cost estimates may be incurred by the DOC under the interpretations without adoption of the rule.

STAFF CONTACT: Beth Lenstra (Ext. 16301)

Department of Revenue

ARC 8306B

Rule Summary Provides a sales tax exemption for sales by an organization that provides athletic activities to youth. Specifies that taxable lodging does not include rental of rooms for other than sleeping or resting. Indicates that exemption from sales and use tax no longer applies to the hotel and motel tax, and beginning July 1, 2009, the sales price of the renting of sleeping rooms is subject to both the State-imposed hotel and motel tax, and the locally-imposed hotel and motel tax. Reflects that a new definition of Change of Control is applicable to the auto racetrack facility rebate program. Treats the rental of a mobile home or manufactured housing that is tangible personal property as the rental of lodging rather than the rental of tangible personal property. Explains the circumstances when a renter can and cannot claim the exemption from hotel and motel tax that results from a 31-day consecutive stay at the same location.

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Fiscal Impact The changes have no significant impact on either State or local government tax revenues.

Rule Summary Sets the interest rate at 5.0% per annum (0.4% per month) for unpaid taxes and refunds owed on or after January 1, 2010. **ARC 8354B**

Fiscal Impact Fiscal impact is unknown. This is a change compared to the calendar year 2009 rate of 8.0% (0.7% per month). A decrease in local and State government revenue from unpaid taxes may occur depending on the amount of unpaid taxes.

Rule Summary Changes language to be consistent with the federal 1040 tax form instructions pursuant to Senate File 322 (Revenue Department Technical Act). **ARC 8356B**

Fiscal Impact No fiscal impact.

Rule Summary Clarifies that the assessor must classify property as of the assessment date according to its present use and not according to its highest and best use. Requires the actual value of property determined on the assessment date to be supported by current comparable sales, if available, and not based on a speculative highest and best use. **ARC 8352B**

Fiscal Impact No fiscal impact.

Rule Summary Terminates the requirement that county recorders initial a deed to show that the real estate transfer tax has been paid. Updates the list of property transfers that are exempt from declaration of value filing requirements. Specifies that social security numbers and federal tax identification numbers on declaration of value forms are confidential and must be redacted from the Declaration of Value Form. Provides that wind energy conversion property may qualify for both the production tax credit and the special valuation by the local assessor. Clarifies that if a city council or county board of supervisors has not approved an ordinance for the special valuation of wind energy conversion property, the property is to be assessed by the Department of Revenue. Provides a property tax exemption for computers and related equipment used in the operation of a data center business. Provides a tax exemption on the increase in assessed value of property attributable to the revitalization of the property in a designated disaster area. **ARC 8358B**

Fiscal Impact No fiscal impact.

STAFF CONTACT: Joseph Brandstatter (Ext. 52062)

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Department of Economic Development

ARC 8275B

Rule Summary Terminates changes noticed as ARC 7955B that implemented SF 480 (Film, Television, and Video Project Tax Credits Act) and made several changes to the Film, Television, and Video Project Promotion Program. The changes are being terminated to give the Department of Economic Development (DED) time to review the comments and recommendations and prepare a new filing to amend the Program rules. The emergency rules are still in place that are identical to the notice rules being terminated.

Fiscal Impact Senate File 480 made two changes to the Film Tax Credit with potential direct impact on the State General Fund. The first change extended the amount of time required for a film industry worker or vendor to fully benefit from the income tax exclusion. The time was extended from one tax year to four tax years. This action would produce a positive fiscal impact on the State General Fund by drawing out the income exclusion over time. The second change created a potential enhanced tax credit benefit for producers and investors if the amount of qualified expenditures in Iowa exceeded \$10.0 million. According to the Department of Economic Development, a film of that size had not been made in Iowa prior to passage of SF 480. The fiscal note for SF 480 did not assume one would be made in the future, but did indicate significant General Fund impact could occur if a film project of that size were approved after the Act's implementation date of July 1, 2009.

With the approval of new projects currently suspended, it is not clear at this time whether the two changes contained in SF 480 will produce any significant General Fund savings.

ARC 8273B

Rule Summary Terminates changes that had been noticed as ARC 8148B. Those changes permitted 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 30.0% of the total amount of housing tax credits allocated or awarded to housing by the DED during the fiscal year. The DED has determined that there will be sufficient tax credits available for the DED to utilize.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

Department of Education

ARC 8054B

Rule Summary Provides guidance for the appropriate use of funds received by school districts and area education agencies for categorical funding.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Shawn Snyder (Ext. 17799)

Department of Human Services

		ARC 8258B
Rule Summary	Implements a nursing facility quality assurance assessment based on facilities' non-Medicare patient days.	
Fiscal Impact	The assessment would become effective January 1, 2010, assuming it is approved by the federal government. The assessment will save the State an estimated \$6.7 million in FY 2010 and an estimated \$10.0 to \$12.0 million annually per fiscal year after that depending on the Federal Medical Assistance Percentage (FMAP) rate.	
		ARC 8272B
Rule Summary	Makes the following changes to the Family Investment Program (FIP): <ul style="list-style-type: none">• Enables people to gain or regain Family Investment Program, Food Assistance, or Medicaid eligibility after denial or cancellation of assistance due to lack of information or lack of an interview when the required information is provided or the interview is completed within 14 days of the cancellation or denial. A new application would not be required.• Exempts all reasonable income-producing costs from gross unearned income to align policies between unearned lump-sum income and other types of unearned monthly income.• Allows flexibility for workers to complete application interviews for the Family Investment Program by telephone or face to face and make interviews optional for reviews.• Makes technical corrections to update form numbers and procedures.	
Fiscal Impact	Minimal fiscal impact.	
		ARC 8259B
Rule Summary	Eliminates the FIP Diversion Program and makes technical changes to clarify that Family Self-Sufficiency Grants are targeted toward PROMISE JOBS participants and to update a form number.	
Fiscal Impact	No fiscal impact. Funding for the Program was eliminated in HF 811 (FY 2010 Health and Human Services Appropriations Act).	
		ARC 8260B
Rule Summary	Makes the following changes: <ul style="list-style-type: none">• Requires three resource limits for Medicaid's Medicare savings programs to increase each year beginning January 1, 2010, to match the resource limit for the full low-income subsidy (LIS) for the Medicare Part D drug program.• Requires an application for the LIS benefits to be considered an application for Medicare savings plan coverage (or any other coverage group as determined by the Department).• Makes technical changes to update the title of the review form used for the children in foster care, subsidized adoption, or subsidized guardianship.	
Fiscal Impact	This rule is estimated to cost the General Fund \$1.4 million in FY 2010 and \$4.7 million in FY 2011. This rule is required by the federal Medicare Improvements for Patients and Providers Act of 2008. No additional funding has been provided for this rule for FY 2010.	

		ARC 8311B
Rule Summary	Makes the following technical changes: <ul style="list-style-type: none">• Clarifies that Medical Assistance is available for a child covered by a negotiated agreement for adoption assistance, regardless of whether the agreement includes a maintenance payment.• Allows for electronic benefits transfer or direct deposit of warrants issued under the Health Insurance Premium Payment (HIPP) Program.• Eliminates the requirement to mail a change report form with every HIPP warrant.• Updates form numbers.	
Fiscal Impact	Minimal fiscal impact. There will be some postage and printing savings.	
		ARC 8261B
Rule Summary	Makes the income policy for the coverage group “Medicaid for Kids with Special Needs” less restrictive.	
Fiscal Impact	This change is estimated to add an additional 30 children to the Program and cost an additional \$65,000 in FY 2010. This change is required by the federal government. The State can not apply an income policy that is more restrictive than the State Supplemental Income (SSI) Program.	
		ARC 8262B
Rule Summary	Clarifies documentation required for Medicaid services billed using time-related Current Procedural Terminology (CPT) codes.	
Fiscal Impact	No fiscal impact.	
		ARC 8263B
Rule Summary	Expands the membership of the Medical Assistance Advisory Council. Provides for an Executive Committee of the Council. Implements legislation enacted in 2005.	
Fiscal Impact	No fiscal impact.	
		ARC 8279B
Rule Summary	Enables children to establish or regain eligibility for the Healthy and Well Kids in Iowa (hawk-i) Program when eligibility has been denied or canceled due to failure to provide required information or attend a required interview. Exempts reasonable income-producing costs from all unearned income to align policies with other health and financial support programs of the Department of Human Services.	
Fiscal Impact	Minimal fiscal impact.	
		ARC 8281B
Rule Summary	Implements a one-month delay in benefits when health insurance has ended during the month of application for the hawk-I Program 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.	

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	ARC 8280B
Rule Summary	Requires applicants and enrollees to attest to and provide acceptable proof of their citizenship status and identity along with a social security number for eligibility in the hawk-i Program.
Fiscal Impact	This change will have a minimal fiscal impact due to the cost of system changes.
	ARC 8256B
Rule Summary	Makes the following changes to the IowaCare Program: <ul style="list-style-type: none">• Changes the cross-reference to Medicaid citizenship requirements.• Requires the use of an Insurance Information Request form, to gather health insurance information from the IowaCare member.
Fiscal Impact	Minimal fiscal impact.
	ARC 8274B
Rule Summary	Permits families to regain child care assistance eligibility after cancellation or denial if the required information is provided or the interview completed within 14 days of cancellation or denial. Specifies that a family cannot receive child care assistance before the date of application or the date the need for child care services begins, whichever is later. Clarifies the effective date for child care assistance for participants in the Family Investment Program. Clarifies existing policy and practice on application forms and timeframes and on documenting the need for protective child care. Makes technical changes to outdated language and references.
Fiscal Impact	Minimal fiscal impact. The costs for allowing families to regain eligibility after cancellation or denial of assistance will be minimal. Currently, eligibility can be regained for the same or nearly the same period by re-applying.
	ARC 8340B
Rule Summary	Rescinds rules relating to Individual Development Accounts. The Individual Development Account Program has been transferred to the Department of Human Rights.
Fiscal Impact	No fiscal impact.
	ARC 8341B
Rule Summary	Updates an obsolete email address for receiving notices of legal settlement disputes.
Fiscal Impact	No fiscal impact.
	ARC 8343B
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.

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ARC 8345B and 8344B
Rule Summary Reduces the reimbursement for most Medicaid services by either 5.0% or 2.5%.

Fiscal Impact This rule is being implemented due to Executive Order 19 ordering a 10.0% across-the-board budget reduction for FY 2010 General Fund appropriations. The rule is estimated to save the Medicaid Program \$19.5 million in FY 2010. The rule expires at the end of the FY 2010.

ARC 8347B and 8346B
Rule Summary Decreases the mileage reimbursement rate for travel to PROMISE JOBS activities from \$0.34 to \$0.30.

Fiscal Impact The change is estimated to save the General Fund \$391,200 in FY 2010 and \$744,200 in FY 2011.

ARC 8320B and 8319B
Rule Summary Implements a waiting list for the State Cases Program.

Fiscal Impact The State Cases Program is facing a projected shortfall of \$2.26 million in FY 2010. By implementing a waiting list, the Program will only be able to fund individuals within the appropriation provided.

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

Department of Public Safety

ARC 8307B
Rule Summary Updates general fire safety requirements. Establishes general administrative organization for the State Fire Marshal. Adopts new editions of the International Fire Code and select chapters of the International Building Code.

Fiscal Impact The inspection fees were increased slightly for facilities that require a certificate of inspection from the Fire Marshal. This includes group homes, elder group homes, adult day services, child care facilities, and suitability inspections. The fiscal impact is anticipated to be approximately \$30,000 annually in additional revenue to the General Fund.

ARC 8303B
Rule Summary Updates commercial explosive license requirements for individual blasters and firms involved in explosive operations. Deletes a requirement (included in the proposed rules) to implement inspections and inspection fees.

Fiscal Impact Each license issued to a commercial explosive business or individual blaster will have an annual fee of \$60.00. The number of licenses that may be issued is unknown but the Department of Public Safety anticipates the revenue to be less than \$30,000 annually to the General Fund.

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ARC 8302B

Rule Summary Updates national standards to establish requirements for certification of fire fighters and other members of the fire service.

Fiscal Impact No fiscal impact.

ARC 8305B

Rule Summary Updates editions of nationally-recognized codes in the State Building Code. Updates and clarifies administrative provisions of the State Building Code.

Fiscal Impact No fiscal impact.

ARC 8304B

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

Fiscal Impact No fiscal impact.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

Department of Administrative Services

ARC 8265B

Rule Summary Removes outdated definitions and conforms the rules to the 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. Sets provisions for the Bone Marrow and Organ Donation Leave Program.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Joseph Brandstatter (Ext. 52062)

Department of Agriculture and Land Stewardship

ARC 8293B

Rule Summary Adds new insects and diseases to the Crop Pest Listing and removes soybean rust from the Listing. The Listing details species that should be prevented from being introduced in Iowa.

Fiscal Impact No fiscal impact.

ARC 8308B

Rule Summary Allows senior citizens to purchase locally-produced and unpasteurized raw honey. This change is authorized by the federal Farm Bill.

Fiscal Impact No fiscal impact.

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ARC 8292B

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)

College Student Aid Commission

ARC 8333B

Rule Summary Modifies the eligibility requirements for the All Iowa Opportunity Scholarship Program so that an award notice may be sent to high school seniors prior to graduation. This allows the scholarship to be factored in the student's college decision process in a more timely manner.

Fiscal Impact No fiscal impact. The Program is funded each year through an appropriation by the General Assembly and can expend only the amount that is appropriated.

STAFF CONTACT: Dwayne Ferguson (Ext. 16561)

Dental Board

ARC 8329B

Rule Summary Implements SF 2428 (2008 Delinquent Debt Collection Act) that established procedures to deny a license, permit, or registration, or take disciplinary action against a license, permit, or registration upon receipt of a certificate of noncompliance from the Centralized Collection Unit of the Iowa Department of Revenue.

Fiscal Impact No fiscal impact. The Dental Board retains fees charged to licensees for staffing and operations related to Board activities.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

Ethics and Campaign Disclosure Board

ARC 8287B

Rule Summary Requires the Ethics and Campaign Disclosure Board to elect officers at the first in-person meeting after April 30 of each year.

Fiscal Impact No fiscal impact.

ARC 8290B

Rule Summary Reflects that a campaign statement or report that is mandated to be electronically filed must be received by the Board by 4:30 p.m. of the due date.

Fiscal Impact No fiscal impact.

ARC 8289B

Rule Summary Moves all types of ballot issue committees to the same category for purposes of "type of committee" on a Statement of Organization.

Fiscal Impact No fiscal impact.

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ARC 8286B
Rule Summary Clarifies that a federal or out-of-state committee is not required to file a Verified Statement of Registration when purchasing an item for fair market value from an Iowa committee.

Fiscal Impact No fiscal impact.

ARC 8288B
Rule Summary Requires personal financial disclosure (PFD) statement filed by candidates for statewide office, officials, and employees of the Executive Branch to be filed with the Board electronically via the Board's website.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Joseph Brandstatter (Ext. 52062)

Historical Division – Department of Cultural Affairs

ARC 8336B
Rule Summary Clarifies eligibility for the Certified Local Government (CLG) requirement for grant applicants in the Historic Preservation category.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

Homeland Security and Emergency Management Division – Department of Public Defense

ARC 8314B
Rule Summary Updates mailing address information and updates the "recurring cost" definition. Clarifies persons entitled to voting memberships on E911 Service Boards.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

Insurance Division – Department of Commerce

ARC 8309B
Rule Summary Sets the requirements, procedures, and fees relating to how certain persons convicted of a felony may obtain the required consent to conduct insurance business in Iowa from the Iowa Insurance Commissioner.

Fiscal Impact No fiscal impact.

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ARC 8271B

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 (Medicaid). Requires 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.

ARC 8310B

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 8264B

Rule Summary Simplifies and organizes the Title Guaranty Division and its programs.

Fiscal Impact No fiscal impact.

ARC 8266B

Rule Summary Adopts the 2010 version of the Qualified Allocation Plan (QAP) that establishes criteria for allocation of 2010 Low Income Housing Tax credits. The Allocation Plan is available at:
http://www.iowafinanceauthority.gov/documents/filelibrary/2010_QAP_8_332598A0B_DDAB.pdf.

Fiscal Impact No fiscal impact.

ARC 8324B and ARC 8323B

Rule Summary Waives repayment of up to \$25,000 of disaster housing assistance loans for persons affected by the natural disasters that occurred in Iowa in 2008.

Fiscal Impact No additional spending will be required, however, the amount of repayments to the Authority may be reduced. There is no data available pertaining to the number of loans that could be impacted.

ARC 8328 and ARC 8327B

Rule Summary Changes I-JOBS funding rounds and review committee meetings from quarterly to being held at the Iowa Jobs Board's discretion as funds are available, and addresses how denied and deferred projects will be retained for any future rounds.

Fiscal Impact No fiscal impact.

ARC 8326B and ARC 8325B

Rule Summary Updates the allocation plan for the Affordable Housing Assistance Grant Fund Program to the November 2009 plan. The updated plan expands the availability of funds under the Program to adaptive reuse projects, defined as the conversion of an existing structure or space within an existing structure from a non-housing use to a housing use, creating new affordable housing opportunities. The Allocation Plan is available at:
http://www.iowafinanceauthority.gov/documents/filelibrary/ijobs/IJOBS_Affordable_Housing_Allocation_C5BAF109B3E3E.pdf

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

Labor Services Division – Department of Workforce Development

ARC 8300B

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.

ARC 8301B

Rule Summary Adopts a new definition of "amusement device" that eliminates the regulation of inflatable amusement devices in Iowa. Removes the specific exclusion for blowers for inflatable rides from an electrical master switch for amusement devices.

Fiscal Impact The Division of Labor Services will reduce General Fund expenditures by approximately \$100,000 by terminating inspection of inflatable amusement rides. General Fund revenue will be reduced and ride operators will save about \$17,500 due to terminating inspection of inflatable amusement rides. Net impact on the General Fund will be a savings of approximately \$82,500. The Governor did not approve this change for the Department's revised spending plan for FY 2010 and alternatives are being investigated. Not all states inspect inflatable amusement devices.

The change to the master switches requirements will have a positive impact on revenues for the Elevator Revolving Fund. However, due to the difficulty in projecting the amount, no estimate is available.

ARC 8283B

Rule Summary Changes the required membership of the Boiler and Pressure Vessel Board. Includes the Iowa Centralized Collection Unit of the Department of Revenue for a certificate of noncompliance. Adds definitions of “Power Boiler” and “Unfired Steam Pressure Vessel.” Changes references to current national consensus codes. Changes registration and reporting requirements for specified devices. Specifies changes to low-water fuel cutoff requirements for automatically fired hot water heating boilers. Updates combustion air requirements. Adopts new definitions.

Fiscal Impact No fiscal impact.

ARC 8322B

Rule Summary Makes editorial and technical changes to the Elevator Safety Board. Adopts a definition of “conveyance.” Sets procedures for appeal of an action by the Labor Commissioner to suspend, deny, or revoke, an operating permit. Modifies waiver provisions and clarifies procedures for issuance of a subpoena during a contested case.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

Natural Resource Commission

ARC 8252B

Rule Summary Regulates nonresident deer hunting and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of taking, and transportation and reporting requirements.

Fiscal Impact Minimal fiscal impact for these rules. Senate File 478 (FY 2010 Standing Appropriations Act) increased nonresident hunting license fees and deer hunting license fees. The estimated revenue for the fee increase is \$1.7 million and will be deposited in the Fish and Game Trust Fund.

ARC 8253B

Rule Summary Regulates hunting wild turkeys during the spring and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and method of taking, and transportation tag requirements.

Fiscal Impact No fiscal impact.

ARC 8254B

Rule Summary Permits nonresidents ages 21 or younger with a severe physical disability or diagnosed with a terminal illness, to obtain a special license to hunt turkey during any season in any zone.

Fiscal Impact Minimal fiscal impact.

ARC 8255B

Rule Summary Permits a nonambulatory Iowa resident to be issued one any sex deer license that is valid and may be used to hunt deer with a shotgun or muzzleloading rifle during any established deer season. This license is in addition to any other deer license that the person is eligible for. Requires the person to purchase this deer license and have a hunting license, but does not require payment of the habitat fee.

Fiscal Impact Minimal fiscal impact.

ARC 8332B

Rule Summary Allows the DNR to permit the introduction of aquatic plant species to public waters for the purpose of improving water quality and aquatic habitat. Allows the removal of aquatic plants from public waters for establishing a designated travel lane from a boat dock to open water. Deletes language related to the taking of American Ginseng.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

Board of Pharmacy

ARC 8267B

Rule Summary Requires a general pharmacy to post a notice to patients that the pharmacist is required to counsel a patient on any new prescription dispensed. Specifies that the Board of Pharmacy will supply the pharmacy with the required signage.

Fiscal Impact No fiscal impact. The Board of Pharmacy retains fees to cover administrative costs.

ARC 8269B

Rule Summary Authorizes pharmacies to maintain records that are older than 12 months in a secure storage area located outside the licensed pharmacy department but within the same physical building as the department, unless the outside storage is prohibited under federal law.

Fiscal Impact No fiscal impact. The Board of Pharmacy retains fees to cover administrative costs.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

Professional Licensure Division – Department of Public Health

ARC 8278B

Rule Summary Iowa Board of Chiropractic Examiners: Makes a technical change to replace the word “crime” with the word “felony.” Enables the Board to review both misdemeanors and felonies when issuing licenses.

Fiscal Impact No fiscal impact. The Board of Chiropractic Examiners retains fees charged to licensees for staffing and operations related to Board activities.

ARC 8277B

Rule Summary Iowa Board of Massage Therapy: Makes a technical change to replace the word “crime” with the word “felony.” Enables the Board to review both misdemeanors and felonies when issuing licenses.

Fiscal Impact No fiscal impact. The Board of Massage Therapy retains fees charged to licensees for staffing and operations related to Board activities.

ARC 8282B

Rule Summary Iowa Board of Physicians Assistants: Makes a technical change to replace the word “crime” with the word “felony.” Enables the Board to review both misdemeanors and felonies when issuing licenses.

Fiscal Impact No fiscal impact. The Board of Physicians Assistants retains fees charged to licensees for staffing and operations related to Board activities.

ARC 8334B

Rule Summary All Boards under the Bureau of Professional Licensure: Consolidates multiple locations of the same rules and integrates references to existing Department of Public Health (DPH) administrative rules relating to child support noncompliance, noncompliance of loan repayment, and nonpayment of State debt.

Fiscal Impact No fiscal impact.

ARC 8349B

Rule Summary Board of Barbering: Implements a national computerized theory examination and a national practical examination. Amends the continuing education requirement for barbers by requiring two of the eight hours of continuing education to relate to barbering law and rules and sanitation. Decreases the fee for an initial license to practice barbering from \$120.00 to \$60.00. Increases fees associated with the cost of administering an examination from \$60.00 to \$75.00. Significant changes to Noticed Rule ARC 8085B due to public comment include: requiring mandatory documents be provided to the Board’s office a minimum of five days prior to the National Inter-State Council of State Boards of Cosmetology (NIC) examination, and a reduction of continuing education hours relating to Iowa regulation and sanitation from two hours to one hour.

Fiscal Impact Minimal fiscal impact. Increases in fee revenue will be retained by the Board.

ARC 8330B

Rule Summary Board of Cosmetology Arts and Sciences: Clarifies application requirements for new cosmetology schools. Modifies the definition of a salon and clarifies the responsibilities of salon owners and licensees in salons to be consistent with business practices of independent owners operating in smaller areas within a larger salon. Updates sanitation requirements for consistency with national standards. Makes technical changes to continuing education requirements.

Fiscal Impact No fiscal impact. The Board of Cosmetology Arts and Sciences retains fees charged to licensees for staffing and operations related to Board activities.

ARC 8348B

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. The Board of Respiratory Care retains fees charged to licensees for staffing and operations related to Board activities.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

Propane Education and Research Council

ARC 8350B

Rule Summary Adds new definitions for “energy star certification” and “weatherization” for energy efficiency programs dedicated to weatherization. Modifies the membership of the Iowa Propane and Education Research Council to replace the public member with the Division of Community Action Agencies Administrator (part of the Department of Human Rights). Specifies that the State Fire Marshal appoints the ten Council members in lieu of the Governor.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

Public Employment Relations Board

ARC 8318B and 8317B

Rule Summary Implements a filing fee for a request for the appointment of a mediator and processing fee if a mediation session with agency-appointed mediator is scheduled.

Fiscal Impact The estimated fee revenue is approximately \$72,500. Although not specified, it is expected that the funds would be deposited in the General Fund.

ARC 8337B

Rule Summary Terminates rulemaking under Noticed Rule ARC 8318B that provided comment on amendments adopted and filed emergency as ARC 8317B, intended to implement mediation fees. That was rescinded November 10, 2009, by the emergency adoption and filing of amendments restoring the former status quo, rendering further action on ARC 8318B unnecessary.

Fiscal Impact The estimated fee revenue was approximately \$72,500. This is the same revenue of ARC 8318B. Although not specified, it was expected that the funds would have been deposited in the General Fund.

ARC 8338B

Rule Summary Eliminates the filing fee for a request for the appointment of a mediator and the processing fee if a mediation session with agency-appointed mediator is scheduled.

Fiscal Impact The estimated fee revenue was approximately \$72,500 for the General Fund. This is the same revenue of ARC 8318B. Although not specified, it was expected that the funds would have been deposited in the General Fund.

STAFF CONTACT: Ron Robinson (Ext. 16256)

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Real Estate Commission

ARC 8284B
Rule Summary Requires a request for a license transfer from a releasing broker to an affiliated broker to be signed and returned to the affiliated broker within 48 hours.

Fiscal Impact No fiscal impact.

ARC 8291B
Rule Summary Permits unlicensed support staff to host tours attended by licensed brokers and salespersons only. Clarifies technical language by adding the phrase "attended by the public" to certain prohibited activities.

Fiscal Impact No fiscal impact.

ARC 8285B
Rule Summary Requires that the seller, buyer, and a real estate licensee representing a buyer to acknowledge the delivery and receipt of the "Iowa Radon Home-Buyers and Sellers Fact Sheet" prepared by the Iowa Department of Public Health concerning radon gas.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Joseph Brandstatter (Ext. 52062)

Utilities Division – Department of Commerce

ARC 8335B
Rule Summary Expands the wind energy tax production credit to include small wind and innovation zones.

Fiscal Impact No fiscal impact. Sufficient demand for wind energy production tax credits currently exists to fully utilize the current capacity cap. Expanding the program to include small wind innovation zone projects will increase competition for the credits, but will not increase the dollar volume of the credits redeemed. The Utilities Board has indicated that additional administrative duties can be handled at the current staffing level.

ARC 8351B
Rule Summary Terminates the rule regarding outage notification requirements. This will allow for a complete internal review of the Board's overall outage notification process.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Joseph Brandstatter (Ext. 52062)

Board of Veterinary Medicine

ARC 8316B

Rule Summary Terminates the rule that details the job categories and requirements for veterinary assistants and technicians that are under the supervision of the Veterinary Medicine Board to allow additional time to review.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

Iowa Commission on Volunteer Service

ARC 8315B

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)
