



Fiscal Services Division

ADMINISTRATIVE RULES – FISCAL IMPACT SUMMARIES

April 6, 2010

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

Iowa Public Employees' Retirement System

ARC 8601B

Rule Summary Implements increased contribution rates for special service members effective July 1, 2010. Changes a provision overlooked in a previous rule filing (See ARC 6514B, January 2008) that increased the amount of wages from \$300 to \$1,000 for a member on unpaid leave of absence that performs services for the same employer during the leave of absence. Amends demographic reporting requirements for employers and the provisions for voluntary suspension of payments to retired re-employed members that exceed the yearly earnings limit and the collection of related overpayments. Adds provisions for the administration of marital property orders involving same gender spouses and same gender former spouses. Adds provisions for the tax treatment of distributions to same gender spouses and same gender former spouses.

Fiscal Impact The fiscal impact cannot be determined. The amount of wages that will be paid through the end of each fiscal year is not fully known until the end of the fiscal year. The number of employees in each class is also not fully known until the end of the fiscal year.

STAFF CONTACT: Joseph Brandstatter (Ext. 18223)

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Labor Services Division – Department of Workforce Development

ARC 8591B

Rule Summary Updates the Occupational Safety and Health Act (OSHA) Consultation and Education Bureau to reflect current federal requirements. Reflects statutory confidentiality provisions. Changes the rules governing the relationship between the Bureau and the Iowa OSHA Enforcement Bureau of the Iowa Division of Labor Services. Allows recognition and exemption programs. Changes provisions regarding preparation by a consultant for an on-site consultation visit. Changes provisions regarding an opening conference, an initial walk through a work site, employee interviews, and a closing conference. Requires an employer to share certain information about the consultation visit with employees. Changes provisions governing the right of an employer to expand or narrow the scope of consultation activity.

Fiscal Impact No fiscal impact.

ARC 8621B

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.

ARC 8622B

Rule Summary Adopts, by reference, certain provisions of American Society of Mechanical Engineers standards for elevators installed between 1993 and 2000. Require the installation of hoistway door safety retainers on certain elevators. From 1993 through 2000 the national consensus standard required hoistway door safety retainers; however, Iowa did not adopt the requirement by reference until 2000. Some of the elevators installed between 1993 and 2000 complied with the national standard and were installed with hoistway door safety retainers.

Fiscal Impact The change would have a minimal increase on the costs of the Labor Services Division. The additional cost would be paid from the Elevator Safety Revolving Fund.

ARC 8623B

Rule Summary Requires owners to retrofit certain elevator hoistways to ensure safe access for elevator inspectors and mechanics.

Fiscal Impact No fiscal impact.

ARC 8590B

Rule Summary Updates three references to the American Society of Mechanical Engineers codes to keep Iowa current with national equipment standards.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

Department of Workforce Development

ARC 8583B

Rule Summary Facilitates the Department of Workforce Development’s electronic tax system that permits employers to file quarterly reports electronically. Permits employers to receive unemployment tax information and file quarterly reports electronically. The conditions for receipt of Training Extension Unemployment Benefits are defined. Additional details on the changes are included below:

- Updates the description of functions performed in the Tax Bureau.
- Changes the way employer accounts are determined for unemployment tax purposes.
- Specifies audit procedures.
- Provides the requirements for new agricultural and domestic employers.
- Excludes sons or daughters from coverage for performing services for parents as part of a community-based support program related to unemployment compensation.
- Requires individuals to be available for work for the same number of hours as they earned wages in the unemployment insurance base period.
- Implements the new training extension benefits established in SF 197 (Unemployment Insurance Modernization Act).
- Extends the duration of a voluntary shared work program by an employer from 26 weeks to 52 weeks.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

Department of Revenue

ARC 8482B

Rule Summary Updates information regarding the electronic filing of individual and corporation income tax returns.

Fiscal Impact No fiscal impact. This is part of normal job duties conducted by the Department of Revenue.

ARC 8605B

Rule Summary Implements various tax changes enacted by the 2009 General Assembly. Changes relate to the indication of dependent health care coverage on individual income tax returns, the exclusion from lowa individual income tax for health care benefits for nonqualified dependents, and AmeriCorps Segal Education Awards. Reflects repeal of the livestock production tax credit and the housing assistance credit for withholding tax. Reflects changes to the renewable energy tax credit and new disaster recovery housing project tax credit.

Fiscal Impact The changes will decrease General Fund revenues by \$314,000 for both FY 2010 and FY 2011. This is the same amount estimated during the 2009 General Assembly.

ARC 8589B

Rule Summary Implements numerous changes to tax credits enacted by the 2009 General Assembly. These changes relate to the Research Activities Credit, Wind Energy Production Tax Credit, Renewable Energy Tax Credit, Film Expenditure and Film Investment Tax Credit, Historic Preservation and Cultural and Entertainment District Tax Credit, Endow Iowa Tax Credit, and the Agricultural Assets Transfer Tax Credit. Caps were placed on certain credits issued by the Department of Economic Development. Net operating losses will no longer be allowed to be carried back for corporation income and franchise tax filers for tax years beginning on or after January 1, 2009.

Fiscal Impact The changes are expected to increase revenues to the General Fund by \$18.0 million for FY 2010 and \$3.0 million for FY 2011, as estimated in the Fiscal Notes during the 2009 Legislative Session.

ARC 8559B

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.

Fiscal Impact No fiscal impact.

ARC 8602B

Rule Summary Provides a tiered series of property and sales tax incentives for qualifying data center businesses that are based on the level of financial investment in Iowa.

Fiscal Impact The estimated number of projects eligible to receive the tax incentives and the timeframe for incentive eligibility is currently unknown and thus the fiscal impact is currently unknown. However, the following provides a scenario of the potential impact of the sales/use tax incentive. The amounts can be adjusted linearly based on the level of investment.

A Tier 1 project with an investment of \$200.0 million is estimated to receive a sales/use tax exemption totaling \$480,000 in the first year, \$1.3 million in year two, \$1.5 million in year three, \$1.4 million in year four, and \$1.7 million in year five.

A Tier 2 project with an investment of \$136.0 million is estimated to generate sales/use tax of \$326,000 in year one, \$898,000 in year two, \$1.0 million in year three, \$1.0 million in year four, and \$1.2 million in year five. The project is estimated to receive a sales/use tax refund totaling \$136,000 in year one, \$374,000 in year two, \$431,000 in year three, \$410,000 in year four, and \$485,000 in year five.

A Tier 3 project with an investment of \$75.0 million is estimated to generate sales/use tax of \$180,000 in year one, \$435,000 in year two, \$570,000 in year three, \$543,000 in year four, and \$643,000 in year five. The project is estimated to receive a receive a sales/use tax refund totaling \$75,000 in the first year, \$206,000 in year two, \$238,000 in year three, \$226,000 in year four, and \$267,000 in year five.

A Tier 4 project with an investment of \$10.0 million is estimated to generate sales/use tax of \$24,000 in year one, \$66,000 in year two, \$76,000 in year three, \$72,000 in year four, and \$85,000 in year five. The project is estimated to receive a sales/use tax refund totaling \$10,000 in the first year, \$28,000 in year two, \$32,000 in year three, \$30,000 in year four, and \$36,000 in year five.

A Tier 5 project with an investment of \$1.0 million is estimated to generate sales/use tax totaling less than \$9,000 and receive a sales/use tax refund totaling less than \$4,000 per year for each year eligible.

STAFF CONTACT: Joseph Brandstatter (Ext. 18223)

Department of Public Health

ARC 8627B

Rule Summary Revises rules relating to the Volunteer Health Care Provider Program (VHCCP). Provides for defense and indemnification for eligible volunteer health care providers and clinics that provide free health care services. Adds specialty health care provider offices and field dental clinics to the Program and provides for definitions of each. Makes technical changes to rename “eligible clinics” to “protected clinics.” Implements provisions from SF 389 (2009 Health Care Omnibus II Act) including the addition of health care providers to the Program.

Fiscal Impact House File 820 (FY 2010 Federal Funds Appropriations Act) appropriated \$20,000 for increased staffing responsibilities related to the changes made to the Program in SF 389 for FY 2010. The Attorney General’s Office may be impacted due to the increase in eligible entities that may join the Program, but the impact cannot be determined.

ARC 8628B

Rule Summary Implements recommendations relating to required reports for Addictive Disorders programs in SF 2425 (FY 2009 Health and Human Services Appropriations Act) and HF 811 (FY 2010 Health and Human Services Appropriations Act). Provides for joint licensure for gambling and substance abuse treatment programs. Includes one set of standards, one licensure survey, comprehensive technical assistance, and criteria for credentialing counselors. Updates provisions related to the Health Insurance Portability and Accountability Act (HIPAA) and makes other technical changes.

Fiscal Impact The Department will realize a minimum of \$100,000 in savings in FY 2011 as a result of streamlining and consolidating request for proposals, contracts, and administrative functions.

ARC 8629B

Rule Summary Prohibits substance abuse treatment and assessment programs in Iowa from withholding client/patient records relating to continuation of care solely because payment has not been received. Permits the programs to withhold client/patient records in specific situations if payment has not been received.

Fiscal Impact No fiscal impact.

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ARC 8630B
Rule Summary Provides technical changes to clarify how advisory bodies established by the Department will function.

Fiscal Impact No fiscal impact.

ARC 8631B
Rule Summary Revises rules relating to child support noncompliance. Changes include a delineated list of definitions and replacing the phrase “department or board” with the term “licensing authority.”

Fiscal Impact No fiscal impact.

ARC 8634B
Rule Summary Revises rules relating to the impaired practitioner review committees. Changes include amending the definitions of “committee” and “practitioner” and adds technical clarifying language.

Fiscal Impact No fiscal impact.

ARC 8632B
Rule Summary Revises rules relating to student loan default/noncompliance with an agreement for payment of obligation. Changes include the addition of definitions for “applicant” and “license,” amends the definition for “licensing authority,” and replaces the phrase “department or board” or the word “board” with the term “licensing authority.”

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

Board of Medicine

ARC 8554B
Rule Summary Defines the expedited endorsement process that eliminates the verification of course credentials for physicians that have an unrestricted license in another United States jurisdiction or Canada and that have been in practice for a least five years and hold current specialty board certification by the American Board of Medical Specialties or the American Osteopathic Association Board.

Fiscal Impact Minimal impact. The Board of Medicine will likely save on staff time due to a slight decrease in the review of applications. Board activities are paid for by retaining licensing fees.

ARC 8579B
Rule Summary Establishes standards of practice for interventional chronic pain management. Provides for the definition of interventional chronic pain management as the practice of medicine.

Fiscal Impact No fiscal impact. The Board of Medicine retains fees from licensees for Board operations.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

Environmental Protection Commission

ARC 8597B

Rule Summary Permits the Department of Natural Resources (DNR) to suspend, revoke or deny the issuance or the renewal of any license to persons that owe money to the State of Iowa.

Fiscal Impact The DNR estimates there will be some revenue collected from the rule changes, however, the amount is estimated to be less than \$100,000 per year.

ARC 8599B

Rule Summary Provides a listing for the second set of Iowa waterbodies reviewed for Iowa Water Quality Standards.

- Revises and lists approximately 95 river and stream segments as Class A2 Secondary Contact Recreational Use designated waters.
- Revises and lists approximately 305 river and stream segments as Class A2 Secondary Contact Recreational Use and Class B(WW-2) Warm Water Type 2 designated waters.
- Revises and lists eight stream segments as Class A2 Secondary Contact Recreational Use and Class B(WW-3) Warm Water Type 3 designated waters.
- Revises and lists 33 river and stream segments as Class A3 Children's Recreational Use and Class B(WW-2) Warm Water Type 2 designated waters.
- Revises and lists 19 river and stream segments as Class A3 Children's Recreational Use designated waters.
- Revises and lists 39 stream segments as Class B(WW-2) Warm Water Type 2 designated waters.

Fiscal Impact Costs to the Department are minimal. Additional treatment by wastewater facilities may be required to meet the new standards. The DNR provided a fiscal impact statement in August 2005 with total estimated costs of \$790.2 million to \$955.9 million for all facilities. This set of waterbodies represents 14.0% of all affected facilities resulting in estimated expenses ranging from \$110.6 million to \$133.8 million.

ARC 8596B

Rule Summary Makes numerous changes to programs under the Clean Water State Revolving Fund that include:

- Eliminates the compliance status as a factor in the ranking system.
- Provides funding for nonpoint source projects on a first-come, first-served basis until 90.0% of the set-aside funds are allocated.
- Clarifies the rules on new, replacement, and expanding animal feeding operations participating in the Livestock Water Quality Facilities Program.
- Limits the eligibility of equipment purchase under the Livestock Water Quality Facilities Program. A one-time purchase of eligible items could be financed at the time an open feedlot is replaced with a dry bedded confinement building. Only equipment attachments (such as blades, buckets, spreaders, or choppers,) integral to the new manure management system that provides water quality benefits could be financed. Tractors, skid loaders, and other vehicles or special mobile equipment, that often have multiple uses, would not be eligible.

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

Fiscal Impact No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

Department of Education

ARC 7782B

Rule Summary Establishes nutritional content standards for foods and beverages sold or provided on school grounds during the school day.

Fiscal Impact No fiscal impact to the State. The potential impact to local school districts cannot be determined because circumstances vary widely among districts.

STAFF CONTACT: Robin Madison (Ext. 15270)

Professional Licensure Division – Department of Public Health

ARC 8586B

Rule Summary Board of Social Work: Clarifies the requirements for supervised professional practice for licensed independent social worker (LISW) candidates. Requires candidates to perform diagnosis and treatment of mental and emotional disorders or conditions and psychosocial therapy, in preparation for independent licensure as a private practice. Clarifies utilization of the Diagnostic and Statistical Manual of Mental Disorders from public comment received for Noticed Rule ARC 8374B.

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

STAFF CONTACT: Deborah Helsen (Ext. 16764)

Department of Human Services

ARC 8619B

Rule Summary Eliminates the requirement that all Medicaid applicants with parents absent from the home be referred for services from the Child Support Recovery Unit (CSRU).

Fiscal Impact No fiscal impact.

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		ARC 8581B
Rule Summary	Changes the definition of “client error” used in the recovery of overpayments for the Healthy and Well Kids in Iowa (hawk-i) Program.	
Fiscal Impact	No fiscal impact.	
		ARC 8582B
Rule Summary	Makes technical changes to licensing requirements for child-placing agencies that provide supervised apartment living placement services to provide for uniformity in the Department’s administrative rules.	
Fiscal Impact	No fiscal impact.	
		ARC 8613B
Rule Summary	Notice of termination for Noticed Rule ARC 8183B. The Department has determined there are insufficient resources to implement a subsidized guardianship program under the Federal Fostering Connections to Success and Increasing Adoption Act at this time.	
Fiscal Impact	The program began as a demonstration project under the new federal law. When the project ended, the Department had intended to continue to the work as a new program. This would have increased enrollment, however, due to the budget reductions relating to Executive Order 19, the Department is no longer able to accept new enrollments in the Program. The children that were included in the demonstration project will still be enrolled until they age out of eligibility.	
		ARC 8556B
Rule Summary	Removes the requirement to verify dependent care expenses for determination of Food Assistance eligibility and of Medicaid eligibility related to the Family Medical Assistance Program.	
Fiscal Impact	No fiscal impact.	
		ARC 8580B
Rule Summary	Enables children to establish or regain eligibility for the 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.	
Fiscal Impact	Minimal fiscal impact.	
		ARC 8557B
Rule Summary	Decreases the mileage reimbursement rate for travel to PROMISE JOBS activities from \$0.34 to \$0.30 per mile.	
Fiscal Impact	The change is estimated to save the General Fund \$391,200 in FY 2010 and \$744,200 in FY 2011.	

ARC 8611B

Rule Summary Specifies the State Cases Program waiting list process.

Fiscal Impact The State Cases Program is currently operating under a waiting list. The Program is only able to fund individuals within the appropriation provided.

ARC 8612B

Rule Summary These amendments:

- Disenroll members from the State Payment Program (State Cases) when available funds are insufficient to meet the costs of services for all of the members enrolled.
- Require the county central points of coordination (CPCs) for mental health, mental retardation, and developmental disability services CPCs to provide for evidence of receipt of an application for State Payment Program funding.
- Clarify the assignment to a waiting list for application approval and remove the exemption for persons awaiting community placement from an involuntary inpatient setting.
- Prohibit reimbursement for case management costs eligible for Medicaid reimbursement, appointments and consultations that the member did not appear at, and other specified administration and service costs.

Fiscal Impact These changes provide minimal savings, but set up the framework if the State Cases Program begins to disenroll members due to insufficient funding.

ARC 8650B

Rule Summary Makes changes to child care regulatory fees and clarifies existing rules related to biting. The following is proposed:

- 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 DHS. The DHS anticipates that centers will take advantage of the less costly Single Contact Repository (SING) system through the Department of Public Safety for \$12.00 - \$15.00 per check. The SING ties together multiple databases.
- Requires national Federal Bureau of Investigation (FBI) criminal record 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.

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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.

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

Accountancy Examining Board

Rule Summary Adds a \$25.00 fee for completing Interstate Transfer of Grade Forms for exam candidates. **ARC 8616B**

Fiscal Impact Minimal fiscal impact. The new fee is expected to generate \$2,500 in additional revenue per year to the Board.

Rule Summary Adds the \$100.00 reinstatement fee for lapsed certified public accountant (CPA) licenses. **ARC 8617B**

Fiscal Impact No fiscal impact. The fee already exists, this is a technical change.

STAFF CONTACT: Joseph Brandstatter (Ext. 18223)

Civil Rights Commission

Rule Summary Clarifies the address of the Civil Rights Commission and makes technical changes. **ARC 8578B**

Fiscal Impact No fiscal impact.

Rule Summary Improves public understanding of administrative rules by reducing legalese and unnecessarily complex sentence structures. **ARC 8575B**

Fiscal Impact No fiscal impact.

Rule Summary Defines and distinguishes different types of mail and clarifies the referenced forms of filing by mail. **ARC 8577B**

Fiscal Impact No fiscal impact.

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Rule Summary	Defines, explains, and establishes procedures for a new form of electronic filing, to provide clarification by defining a term and removing ambiguity, and to explain new rules on notice.	ARC 8576B
Fiscal Impact	Reduces administrative costs by less than \$10,000 annually.	
Rule Summary	Changes the deadline for filing certain complaints with the Iowa Civil Rights Commission from 180 days to 300 days. Adds sexual orientation and gender identity to existing rules on covered bases.	ARC 8573B
Fiscal Impact	No fiscal impact.	
Rule Summary	Clarifies procedures and requirements relating to timely e-filing of documents.	ARC 8571B
Fiscal Impact	No fiscal impact.	
Rule Summary	Clarifies procedures and requirements relating to administrative release regarding the right to sue.	ARC 8570B
Fiscal Impact	No fiscal impact.	
Rule Summary	Clarifies mediation procedures.	ARC 8569B
Fiscal Impact	No fiscal impact.	
Rule Summary	Clarifies procedures for filing questionnaire responses sent by the Commission.	ARC 8568B
Fiscal Impact	No fiscal impact.	
Rule Summary	Reflects agency procedures relating to the case screening process to determine whether further investigation is warranted.	ARC 8566B
Fiscal Impact	No fiscal impact.	
Rule Summary	Clarifies investigation and cause determination procedures and the role of the administrative law judge.	ARC 8567B
Fiscal Impact	No fiscal impact. Maintains existing case processing deadlines without hiring additional staff.	

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ARC 8574B
Rule Summary Improves public understanding of administrative rules by reducing legalese and unnecessarily complex sentence structures regarding the complaint process.

Fiscal Impact No fiscal impact.

ARC 8565B
Rule Summary Rescinds an outdated arbitration rule.

Fiscal Impact No fiscal impact.

ARC 8564B
Rule Summary Facilitates public understanding of the administrative rules by simplifying sentence structure regarding contested cases.

Fiscal Impact No fiscal impact.

ARC 8562B
Rule Summary Facilitates public understanding of the administrative rules by more accurately representing agency procedure and statute coverage relating to employment discrimination.

Fiscal Impact No fiscal impact.

ARC 8561B
Rule Summary Rescinds outdated rules related to discrimination in employment.

Fiscal Impact No fiscal impact.

ARC 8563B
Rule Summary Facilitates public access to the administrative rules by updating employment discrimination rules.

Fiscal Impact No fiscal impact.

ARC 8560B
Rule Summary Updates the location of the Commission's office.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Beth Lenstra (Ext. 16301)

Dental Board

ARC 8614B

Rule Summary Changes the use of sedation and anti-anxiety premedication. Incorporates existing requirements for training for obtaining a moderate sedation or deep sedation permit. Requires a dentist to complete a Board-approved course in moderate (conscious) sedation that consists of a minimum of sixty hours of instruction plus the management of at least twenty patients to qualify for a moderate sedation permit. Requires all dentists that administer moderate sedation, regardless of the route of administration, to meet the same training requirements. Requires a dentist utilizing moderate sedation on pediatric patients (ages 12 and under) or American Society of Anesthesiologists (ASA) category three or four patients to have completed additional postgraduate training approved by the Board. Changes made from Noticed Rule ARC 8370B due to public comment include, modification of the definition of ASA, the definition of maximum recommended dose was added, clarification was provided for eligibility for a moderate sedation permit, and the time period for reporting mortality or hospitalization incidents due to the use of sedation was reduced from 30 days to seven.

Fiscal Impact No fiscal impact. The changes incorporate current practices.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

Department of Economic Development

ARC 8600B

Rule Summary Removes the requirement that eligible businesses have executed loan documents for a disaster loan from an eligible lender prior to receiving assistance from the Small Business Disaster Recovery Financial Assistance Program. Permits a business to apply for assistance if it can provide documentation to show that it has been approved for a disaster loan from an eligible lender. Makes the changes retroactive to awards made on or after the date the Program began, September 18, 2008. The retroactive change conforms the rules to current practice.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

Board of Educational Examiners

ARC 8606B

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 fee of \$60.00.

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.

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ARC 8610B
Rule Summary Provides consistent requirements for licensure applicants that have completed nontraditional preparation programs.

Fiscal Impact No fiscal impact.

ARC 8604B
Rule Summary Provides consistent requirements for exchange licenses for applicants that have completed nontraditional preparation programs.

Fiscal Impact No fiscal impact.

ARC 8607B
Rule Summary Clarifies what elementary teachers must know for each core content area and places greater emphasis on content and meeting the needs of a wide range of learners.

Fiscal Impact No fiscal impact.

ARC 8608B
Rule Summary Rescinds the requirement of an Iowa drivers' license for the Behind the Wheel Authorization. This will permit the employment of driver education instructors from bordering states.

Fiscal Impact No fiscal impact.

ARC 8609B
Rule Summary Specifies the renewal requirements for the recently established Professional Service license.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270)

Engineering and Land Surveying Examining Board

ARC 8584B
Rule Summary Eliminates both the \$25.00 fee to take the Fundamentals of Engineering examination and the \$30.00 fee to take the Fundamentals of Land Surveying examination paid to a third party exam administrator. Increases the \$45.00 fee to take the Principles and Practice of Engineering and the Principles and Practice of Land Surveying to \$100.00. These exams are administered by the Engineering and Land Surveying Examining Board.

Fiscal Impact Minimal fiscal impact. The Board administers approximately 130 Principles and Practice of Engineering and Principles and Practice of Land Surveying exams per year. The increase in fees will result in increased revenue to the Board of approximately \$7,150 per year.

STAFF CONTACT: Joseph Brandstatter (Ext. 18223)

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Insurance Division – Department of Commerce

ARC 8624B

Rule Summary Eliminates certain conditions that may be taken into account when writing new policies and renewing existing policies in the Iowa Fair Access to Insurance Requirements (FAIR) Plan.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Joseph Brandstatter (Ext. 18223)

Iowa Finance Authority

ARC 8626B

Rule Summary Establishes procedures and deadlines for executing grant agreements under the Iowa-JOBS Program

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

Natural Resource Commission

ARC 8594B

Rule Summary Allows the introduction of aquatic plant species to public waters using a permit process and also permits the removal of aquatic plants from public waters. Deletes language for harvesting American ginseng and references the ginseng rules.

Fiscal Impact No fiscal impact.

ARC 8593B

Rule Summary Makes changes to camping rules at State park and recreation area campsites to include:

- Updates the definition of immediate family to include spouses, legal guardians, and domestic partners.
- Limits the number of persons allowed on a campsite to no more than six with two exceptions:
 - Organized and chaperoned youth group campsites.
 - Families that exceed six persons in the immediate family that cannot logically be split for two campsites.
- Removes the requirement that the occupants of an approved second tent on a campsite must be under the age of 18 with the dependent members of the immediate family occupying the basic site.

Fiscal Impact No fiscal impact.

ARC 8592B

- Rule Summary** Makes changes to camping rules at State forest campsites to include:
- Updates the definition of immediate family to include spouses, legal guardians, and domestic partners.
 - Limits the number of persons allowed on a campsite to no more than six with two exceptions:
 - Organized and chaperoned youth group campsites.
 - Families that exceed six persons in the immediate family that cannot logically be split for two campsites.
 - Removes the requirement that the occupants of an approved second tent on a campsite must be under the age of 18 with the dependent members of the immediate family occupying the basic site.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

Department of Natural Resources

ARC 8595B

Rule Summary Clarifies the processes used to select the recipients of special nonresident deer and wild turkey licenses. Establishes application deadlines and restrictions.

Fiscal Impact No fiscal impact.

ARC 8598B

Rule Summary Permits the Department of Natural Resources (DNR) to suspend, revoke, or deny the issuance or a renewal of any licenses to persons that owe the State of Iowa money.

Fiscal Impact The DNR estimates there will be some revenue collected from the rule changes, however, the amount is estimated to be less than \$100,000 per year.

STAFF CONTACT: Debra Kozel (Ext. 16767)

Professional Licensure Division – Department of Public Health

ARC 8625B

Rule Summary 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 8620B

Rule Summary 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.

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ARC 8587B

Rule Summary Board of Social Work: Removes duplications that have been placed in common rules for multiple licensing boards.

Fiscal Impact No fiscal impact. The Board retains fees charged for licensure to conduct their activities.

ARC 8588B

Rule Summary 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.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

Secretary of State

ARC 8615B

Rule Summary Terminates rules that updated changes based upon statutory changes and special election dates that were filed under a different rule.

Fiscal Impact No fiscal impact.

STAFF CONTACT: David Reynolds (Ext. 16934)

Soil Conservation Division – Department of Agriculture and Land Stewardship

ARC 8618B

Rule Summary Changes soil erosion cost share provisions that include planting trees and shrubs, outlines program eligibility requirements, and updates definitions.

Fiscal Impact No fiscal impact.

ARC 8633B

Rule Summary Changes the supplemental allocation deadline for soil conservation water protection projects and practices. Also splits the funds appropriated equally between projects and practices.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

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Department of Transportation

ARC 8555B

Rule Summary Adopts the latest edition of the Code of Federal Regulations containing the Federal Motor Carrier Safety Regulations and Federal Hazardous Materials Regulations.

Fiscal Impact The proposed federal regulatory changes may affect motor carrier operations, equipment maintenance, and reporting requirements. Without contracting with a consultant to conduct an extensive analysis of the impact, this information cannot be determined.

STAFF CONTACT: Marcia Tannian (Ext. 17942)

Department of Veterans Affairs – Iowa Veterans Home

ARC 8635B

Rule Summary Permits a resident to be discharged from the Iowa Veterans Home after loss of an appeal to the Department of Inspections and Appeals even when the resident may be seeking court action.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Sue Lerdal (Ext. 17794)
