



ADMINISTRATIVE RULES – FISCAL IMPACT SUMMARIES

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.

EDUCATION, DEPARTMENT OF

ARC 6293B

Rule Summary Defines and provides standards for school counseling programs. Requires each school district to employ a school nurse and a licensed school counselor. Changes reflect requirements enacted in SF 277 (Student Achievement and Teacher Quality Program Act).

Fiscal Impact No fiscal impact to the State. The fiscal impact to local school districts will vary. Senate File 277 authorized the Department to waive these requirements for school districts for up to two years. The legislation also authorized the School Budget Review Committee to grant one-time supplemental aid or establish one-time modified allowable growth to districts to meet these requirements. In addition, the Act allocated up to \$1.0 million in market factor incentives funding to the Department to assist districts in meeting the new requirements. The statewide fiscal impact to local school districts is estimated to be between \$3.0 million and \$6.0 million by FY 2010.

ARC 6291B

Rule Summary Implements core content standards for K-12 in reading, math, and science, as required in SF 588 (FY 2008 Education Appropriations Act). Requires the Department of Education to conduct a Phase II on-site visit, upon the recommendation of the School Budget Review Committee (SBRC), for a district that exceeds its authorized budget or carries a negative unspent balance for at least two consecutive years. This reflects requirements enacted in HF 317 (School Fiscal Review Phase II Process Act).

Fiscal Impact No fiscal impact.

ARC 6156B and 6292B

Rule Summary Eliminates obsolete language and implements statutory requirements regarding core content standards and Phase II accreditation reviews upon recommendation of the SBRC (see ARC 6291B).

Fiscal Impact No fiscal impact.

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ARC 6289B

Rule Summary

Creates a new Chapter, as required by HF 877 (Statewide Voluntary Preschool Program for Four-Year-Olds), for implementation of the Preschool Program. The rules provide definitions, program standards, collaboration requirements, application procedures, and monitoring.

The Program provides 10 hours of instruction by a licensed teacher for four-year-olds that are not participating in a State or federally funded preschool program. The local program must operate through collaboration with appropriate community stakeholders, with the school district managing funding from the State. Funding is appropriated for the initial year that local programs operate, and the second and subsequent years are funded by the Preschool Foundation Aid Formula which uses 60.0% of the previous year's actual preschool enrollment multiplied by the State cost per pupil from the School Foundation Formula. This determines the amount of funding each school district will receive. Funding comes entirely from the State General Fund and does not contain a property tax component. Funding for the preschool program is not to be commingled with funding for K-12 school operations.

Fiscal Impact

The Program costs are funded through direct and standing appropriations, and are projected to be:

Fiscal Year	General Fund Appropriation	Preschool Foundation Aid Formula
FY 2008	\$ 15.0 million	
FY 2009	15.0 million	\$ 15.3 million
FY 2010	15.0 million	31.1 million
FY 2011	16.2 million	47.6 million
FY 2012		67.1 million
FY 2013		87.3 million
FY 2014		108.9 million

ARC 6288B

Rule Summary

Repeals and substitutes a new Chapter (Special Education) to comply with federal law and align State rules with federal requirements. Substantive changes include:

- Access to instructional materials.
- State monitoring and general supervision.
- Early intervention services.
- Services to students parentally placed in private schools.
- Elimination of rules-based instructional delivery systems.
- Requirement that instructional services provided in a home or hospital are the responsibility of the district of residence.

Fiscal Impact

No fiscal impact.

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ARC 6294B

Rule Summary Changes rules regarding the approval of post-secondary teacher and administrator preparation programs. Increases field experience requirements and adds course requirements for some programs.

Fiscal Impact No fiscal impact to the State. The post-secondary institutions may experience an increase in costs due to the increased requirements for field experience.

ARC 6290B

Rule Summary Changes rules regarding supplementary weighting opportunities for school districts and area education agencies.

Senate File 447 (School District Reorganization and Sharing Incentives Act) provided an extension for whole grade sharing supplementary weighting under certain circumstances through FY 2014. School districts and area education agencies that participate in operational function sharing will be eligible for supplementary weighting for up to five years (through FY 2014), with an annual phase-out percentage of 20.0%. Section 20 of SF 588 (Education Appropriations Act) provided supplementary weighting for school districts providing and receiving classes over the Iowa Communications Network (ICN).

Fiscal Impact The estimated impact for the whole grade sharing supplementary weighting for FY 2009 is approximately \$800,000 in State aid and \$110,000 in property tax. The estimated impact in FY 2009 of the operational function sharing supplementary weighting is a minimum of approximately \$6.7 million in State aid and \$1.0 million in property tax. The estimated impact for ICN supplementary weighting in FY 2009 is approximately \$130,000 in State aid and \$18,000 in property tax.

STAFF CONTACT: Robin Madison (Ext. 15270) Shawn Snyder (Ext. 17799)

ADMINISTRATIVE SERVICES DEPARTMENT

ARC 6336B

Rule Summary Implements the current policy related to tobacco use on the Capitol grounds and Ankeny laboratory locations.

Fiscal Impact No fiscal impact.

ARC 6299B

Rule Summary Updates rules pertaining to preferences and tied bids for procurement of goods and services to conform to the Code of Iowa.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764) David Reynolds (Ext. 16934)

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AGRICULTURE AND LAND STEWARDSHIP

ARC 6330B

Rule Summary Changes rules to conform to actual testing practices for avian influenza. Also makes the following changes:

- Adds a provision on the movement of liquid egg products.
- Removes quail from the Avian Influenza Program.
- Adds a new low-pathogen test as another testing method used for detection of avian influenza.

Fiscal Impact Minimal fiscal impact.

ARC 6302B

Rule Summary (Adopted and File Emergency After Notice) Provides rules for the regulation of wild animals based upon SF 564 (FY 2007 Wild and Dangerous Animal Regulation Act). Owners of dangerous animals will be required to register with the Department of Agriculture and Land Stewardship.

Fiscal Impact The estimated costs include \$155,000 and 2.00 FTE positions for FY 2008 and \$123,000 for FY 2009. For each year after that, there would be an increase in salary expense and potentially some travel expense. Since the number of wild animals in possession is currently unknown, it may be possible that additional staff may be required after the Program has been implemented and the number of wild animals in possession becomes known. The Legislation did not specify the funding source to implement the Program.

STAFF CONTACT: Debra Kozel (Ext. 16767)

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF

ARC 6311B

Rule Summary Implements a new program authorized by HF 911 (FY 2008 Infrastructure Appropriations Act) and establishes the process by which a Convention and Visitors Bureau can apply to be designated a certified Regional Sports Authority District. Delineates the funding available to certified Regional Sports Authority Districts and the contract administration process.

Fiscal Impact House File 911 included a FY 2008 appropriation of \$500,000 for 10 grants of \$50,000 per grant.

ARC 6312B

Rule Summary Modifies the funding allocation to allocate any funds appropriated by the General Assembly equally among the 17 Council of Governments. Senate File 444 (Council of Governments Act) modified which counties are in each planning area.

Fiscal Impact No fiscal impact.

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ARC 6313B

- Rule Summary** Creates a new Targeted Small Business Financial Assistance Board, revises the definition of “small business” and “minority person” and makes other required changes to the programs that assist small businesses.
- Fiscal Impact** House File 890 (Targeted Small Business Supplemental Appropriations Act) included an FY 2007 supplemental appropriation of \$3.9 million. The majority of the funding is allocated for the Targeted Small Business Financial Assistance Program and the Advocate Service Providers.

ARC 6314B

- Rule Summary** Creates programs for the development and commercialization of businesses in the targeted industry areas of advanced manufacturing, bioscience, and information technology. The rules have been changed since they had been noticed to eliminate the provision that provided that a business which is engaged in retail sales, or which provides health services, is ineligible to receive assistance from the Information Technology Joint Venture Fund.
- Fiscal Impact** House File 829 (Commercialization and Economic Development Act) included FY 2008 allocations totaling \$3.9 million from moneys that may become available from loan repayments or other recapture of awards that would otherwise return to economic development loan programs from Federal Economic Stimulus funds, to support the recommendations made in consultant reports regarding targeted industries.

ARC 6310B and 6309B

- Rule Summary** Implements new programs to assist with technology commercialization authorized by HF 829 (Commercialization and Economic Development Act), describes the purpose of the programs, the application submittal, review and approval procedures, and the contract administration provisions.
- Fiscal Impact** The Department was appropriated \$3.9 million from loan repayments for FY 2008 and \$3.0 million from the Grow Iowa Values Fund for each FY 2008 and FY 2009, to support the programs. The appropriations were provided in HF 829.

ARC 6364B and 6365B

- Rule Summary** Describes the Generation Iowa Commission’s composition, meeting procedures, duties, and the process for the public to obtain information, or make submissions or requests to the Commission.
- Fiscal Impact** No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

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INSURANCE DIVISION

ARC 6361B

Rule Summary Requires electronic submissions of all filings related to insurance producer licensing and the reporting of continuing education. Eliminates the fees for some of the filings. This change reflects a national movement by the National Association of Insurance Commissioners (NAIC) to begin operating with more technology.

Fiscal Impact Eliminates approximately \$250,000 in annual fee revenue for the State, and a similar reduction in administrative workload. This amount has remained the same throughout the Rules process.

ARC 6363B

Rule Summary Makes technical changes to Notice of Intent ARC 6203B, concerning protection against insurance sales practices, after receiving public comment.

Fiscal Impact No fiscal impact.

ARC 6308B

Rule Summary Updates and clarifies broker-dealer financial reporting requirements.

Fiscal Impact No fiscal impact.

ARC 6366B

Rule Summary Adds clarifications for the Notice of Intent ARC 6204B, concerning the licensure and appointment of public adjusters, after receiving public comment.

Fiscal Impact No fiscal impact.

ARC 6334B and 6333B

Rule Summary Implements provisions of Chapter 523A, Code of Iowa, and SF 559 (Cemeteries and Related Services Act) for the sale of cemetery merchandise, funeral merchandise, and funeral services. Also, rescinds Chapter 19 (Prearranged Funeral Contracts) of the Administrative Rules.

Fiscal Impact No fiscal impact.

ARC 6205B

Rule Summary Requires training for insurance producers who sell long-term care insurance in Iowa.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

PUBLIC HEALTH DEPARTMENT

ARC 6283B

Rule Summary Provides local boards of health, or the Department of Public Health, with the ability to quarantine a physical location to control the spread of an infectious disease.

Fiscal Impact Minimal fiscal impact. There would be costs associated with staff time for the Department, or local public health entity, to prepare and guide the quarantine area.

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ARC 6284B
Rule Summary Establishes rules for the Viral Hepatitis Program, which distributes information and offers Hepatitis A and B vaccinations and Hepatitis C (HCV) testing to citizens and veterans at an increased risk for exposure to HCV.

Fiscal Impact The fiscal impact is \$178,000 in General Funds, which is included in the Department's FY 2008 budget, continued from the FY 2007 budget. This includes \$158,000 for a testing study and vaccinations and \$20,000 for veteran's awareness.

ARC 6285B
Rule Summary Provides explanation for programs under the Center for Congenital and Inherited Disorders, including activities and responsibilities of the Center, parental education, information sharing and confidentiality.

Also, provides a statement explaining that indirect costs are not allowable on State funds appropriated for various programs administered by the Center. Includes technical changes to the due dates for proposed budgets and year-end reports to align with the screening program's fiscal year ending dates.

Fiscal Impact No fiscal impact.

ARC 6286B
Rule Summary Establishes new chapter to govern the existing Emergency Medical Services (EMS) Advisory Council.

Fiscal Impact No fiscal impact.

ARC 6287B
Rule Summary Updates the data dictionary for reportable EMS patient data to reflect the current "Iowa EMS Patient Registry Data Dictionary" of August 2007.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

INSPECTIONS AND APPEALS DEPARTMENT

ARC 6356B
Rule Summary Implements one change to Notice of Intent ARC #6184, and Adopted and Filed Emergency ARC #6185 to clarify the definition of "manufacturer's representative." The original rules implement legislative changes that add Special Class "C" licenses to the list of establishments permitted to have registered amusement devices. The change specifies that an agreement between the manufacturer's representative and the manufacturer may be in place, however it is not necessary.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764) David Reynolds (Ext. 16934)

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REVENUE DEPARTMENT

ARC 6359B

Rule Summary Implements HF 319 (Internal Revenue Code Update Act), which updates references to the Internal Revenue Code for individual and corporation income tax through January 1, 2007. Implements SF 70 and SF 578 (Crime Victim Assistance Act and Vietnam Veterans Bonus Act), which provide exclusions from Iowa individual income tax for certain victim compensation payments and from a Vietnam Veterans conflict bonus.

Fiscal Impact The changes for implementation of HF 319 will reduce State revenues by an estimated \$1.8 million for FY 2008, and will also increase State revenues by \$1.8 million for FY 2009. This was the estimate at the time of enactment. The changes for SF 70 and SF 578 have a minimal fiscal impact.

ARC 6360B

Rule Summary Implements HF 892 (Film Promotion Program and Tax Credit Act), which provides for a film qualified expenditure tax credit and a film investment tax credit. Provides for income exclusion for Iowa residents and Iowa-based businesses relating to film production in Iowa.

Fiscal Impact General Fund individual income, corporation income, and franchise tax revenue is expected to be reduced by a total estimated amount of \$201,000 in FY 2008 and \$536,000 in FY 2009. These were the estimates at the time of enactment.

ARC 6358B

Rule Summary Requires most supplier, importer, and distributor licensees to file reports by electronic transmission. Extends the existing formula providing for a variable tax each year based on the number of gallons of ethanol blended gasoline distributed in the preceding year from FY 2007 to FY 2012.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

MEDICINE BOARD – DEPARTMENT OF PUBLIC HEALTH

ARC 6297B

Rule Summary Increases the fee for license renewal, reinstatement, and resident physician license by \$50. Increases the fee to process criminal history background checks by \$9, and the renewal penalty fee by \$50 per month.

Fiscal Impact The Board retains 100.0% of fees collected to carry out Board duties and responsibilities. The increased fees are expected to generate an estimated \$136,000 in revenues for the Board in FY 2008, and an estimated \$272,000 in subsequent fiscal years when the fee revenue is annualized.

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ARC 6298B

Rule Summary Updates the Board's web site address. Provides clarification regarding complaint and investigative processes regarding conducting complaints and investigations, allowing for some complaints to be closed without investigation. Changes confidentiality of orders and reports to allow investigative information to be turned over to the licensee in the event of an objection in order to give the licensee the opportunity to prepare for hearing.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

HUMAN SERVICES DEPARTMENT

ARC 6332B and 6331B

Rule Summary Implements the eligibility requirements for the Mental Health Risk Pool.

Fiscal Impact House File 909 (FY 2008 Health and Human Services Appropriations Act) included one-time allocations of \$560,000 for FY 2008 for the Risk Pool.

ARC 6269B

Rule Summary Increases the work incentive disregard from 50.0% to 58.0% for Family Investment Program (FIP) applicants and participants who have earned income, and for working people who are eligible for Medicaid under the Family Medical Assistance Program or the Child Medical Assistance Program. Updates a report name.

Fiscal Impact House File 909 (FY 2008 Health and Human Services Appropriations Act) provided an increase of \$9.3 million in General Fund support for Medicaid coverage for parents receiving FIP and \$636,000 from the Temporary Assistance for Needy Families fund for increased assistance.

ARC 6270B

Rule Summary Restores part of the reduction in Food Assistance standard utility allowances scheduled to take place October 1, 2007, changing the previous version with the implementation of a federal demonstration waiver to offer a standard medical deduction.

Fiscal Impact No fiscal impact.

ARC 6271B

Rule Summary Adds exemptions to the federal requirements for verifying citizenship and identity in order to receive Medicaid that were established by the Deficit Reduction Act of 2005.

Fiscal Impact The fiscal impact cannot be determined. The number of individuals that may be added due to the exemptions is unknown. The State cost will increase for those who are not currently receiving a benefit. The State cost will decrease for the children currently receiving a benefit that the State is paying 100.0% of the cost.

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	ARC 6301B
Rule Summary	Expands Medicaid to cover dental sealants on all deciduous and permanent posterior teeth, and will cover root canal retreatments and dental implants with prior authorization.
Fiscal Impact	The fiscal impact cannot be determined. There will be some cost in providing sealants in the short term, however there should be significant savings in the long term due to the effectiveness of sealants.
	ARC 6305B
Rule Summary	Changes the Medicaid reimbursement methodology for home health agency services. House File 2734 (FY 2007 Health and Human Services Appropriations Act) required the Department of Human Services to establish a fixed-fee reimbursement schedule for home health agencies under the Medicaid Program.
Fiscal Impact	No fiscal impact.
	ARC 6272B
Rule Summary	Adds Medicaid coverage of transportation for eligibles to obtain prescribed drugs, removes the end date on the exception to reimburse travel by car at 30 cents per mile, and extends the deadline for submission of transportation claims from 90 days to 365 days.
Fiscal Impact	The fiscal impact cannot be determined. Expanding Medicaid coverage for transportation to obtain prescription drugs may result in a slight increase in State expenditures. This increase will be small since reimbursement is available only to members whose source of care is located outside the city limits of the community in which they reside.
	ARC 6276B
Rule Summary	Requires providers or provider entities that receive \$5.0 million or more from the Medicaid Program in any federal fiscal year, to establish and disseminate written policies that include detailed information about the entity's policies and procedures for detecting and preventing waste, fraud, and abuse.
Fiscal Impact	No fiscal impact.
	ARC 6277B
Rule Summary	Eliminates the premiums for IowaCare applicants whose income does not exceed the poverty level and for any months before receipt of a notice of decision and makes other changes.
Fiscal Impact	Eliminating premiums for IowaCare recipients will have an estimated net decrease of \$189,000 in revenue to the IowaCare Account and also a decrease of \$306,000 in federal matching dollars the State would have received from those premiums.

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ARC 6278B
Rule Summary Requires an individual applying for a foster parent license or for adoption certification to be fingerprinted for a national criminal history check.

Fiscal Impact The Department's contract with Four Oaks Family and Children's Services for the recruitment and retention of resource families includes funding to cover the implementation of fingerprinting for these individuals. The contract funds are contained within the Child and Family Services appropriation included in HF 909 (FY 2008 Health and Human Services Appropriations Act). The Department has not delineated the contracted amount for fingerprinting to the LSA.

ARC 6279B
Rule Summary Implements a 3.0% across-the-board increase for social service providers, and an increase in the basic reimbursement rates for foster family care, supervised apartment living, adoption subsidy, and guardianship subsidy. Implements a 3.0% cost-of-living adjustment to reimbursement rates for family-centered supportive services and foster care services. Extends the statewide availability of a daily average of 273 guaranteed emergency juvenile shelter care beds through FY 2008.

Fiscal Impact House File 909 (FY 2008 Health and Human Services Appropriations Act) provided an increase of \$3.3 million from the General Fund to cover the cost of increasing these various rates in FY 2008.

ARC 6280B
Rule Summary Restores provisions for review and re-determination of Child Care Assistance eligibility that were inadvertently removed in rules adopted, filed, and published in the Iowa Administrative Bulletin on May 9, 2007, as ARC 5854B.

Fiscal Impact No fiscal impact.

ARC 6281B
Rule Summary Allows the use of a claim form specifically designed for Child Care Assistance, as an alternative to the generic claim form that is used for various Department programs.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942) Jess Benson (Ext. 14611)

ENVIRONMENTAL PROTECTION COMMISSION

ARC 6350B
Rule Summary Rescinds Administrative Code 567, Chapter 7, entitled "Rules of Practice for Contested Cases", and adopts the new Administrative Code 561, Chapter 7, with the same name. The change will become effective on November 28, 2007, and contains the procedural rules used for trying contested cases.

Fiscal Impact No fiscal impact.

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ARC 6354B

Rule Summary (Filed Emergency After Notice) Adopts changes in federal air quality regulations for ethanol production facilities located in Iowa.

Fiscal Impact No fiscal impact to the State. The rule changes will benefit ethanol production facilities since new or expanding ethanol processing plants will be allowed to potentially emit at a higher level than previously allowed before being subject to the Prevention of Significant Deterioration (PSD) Program. The rule changes may allow some ethanol plants to expand production since they will no longer need to count fugitive emissions for PSD and Title V applicability.

ARC 6353B

Rule Summary Redefines “permitting authority” related to the State rules for the Clean Air Interstate Rule (CAIR) and the Clean Air Mercury Rule (CAMR) as specified by the federal Environmental Protection Agency (EPA). Allows owners and or operators of electrical generating units (EGUs) in Iowa to trade emissions allocations under the EPA-administered Emissions Trading Programs for the CAIR and the CAMR.

Fiscal Impact No fiscal impact to the State.

ARC 6352B

Rule Summary Makes several water quality rule changes. There were nine public comments submitted since the Rules were filed under Notice. The following changes were made:

- Termination of rule making for the Arsenic (III) Class HH fish consumption criterion.
- Vinyl Chloride Class HH fish consumption criterion correction.
- Silver Class chronic criterion correction.

The proposed rules are part of the review of Iowa’s Water Quality Standards (WQS) to reflect new guidance, regulations, and scientific information from the federal Environmental Protection Agency (EPA). The rule change is also needed to acquire EPA approval of the Department’s previous WQS rule package that was submitted to the EPA, in April of 2006. These proposed modifications will benefit the aquatic and recreational uses made of Iowa waters; however, they may require additional treatment in the form of metals removal and/or cyanide destruction at affected industrial facilities. The Commission will provide a reasonable schedule to affected industrial facilities to achieve compliance with the proposed rule if compliance is an issue.

Fiscal Impact Minimal fiscal impact to the State, however, the rule changes will affect the regulated community. Based on evaluation of several potentially affected facilities which do employ treatment, it is anticipated that costs will be significant for certain individual facilities. Currently there is not enough information to provide a Statewide cost estimate. **Attachment A**, provided by the Department of Natural Resources, has a detailed analysis of the costs and benefits related to the rule change. This is available at http://www.legis.state.ia.us/Isadocs/SC_InterimDocs/2008/SISLL000.PDF

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ARC 6351B

Rule Summary Revises water quality standards for stream segments and rivers as part of the review of Iowa's Water Quality Standards to reflect new guidance, regulations, and scientific information. These proposed modifications will benefit the aquatic and recreational uses in Iowa waters, but may require additional treatment in the form of disinfection and/or reduction of ammonia-nitrogen at affected wastewater treatment facilities. The Commission will provide affected facilities a reasonable schedule to achieve compliance with the proposed rule. The review will bring the Department's water quality rules closer to compliance with the federal Clean Water Act and federal Environmental Protection Agency regulations.

Fiscal Impact The fiscal impact to the State is minimal. The fiscal impact for municipal, industrial, and semi-public wastewater treatment facilities has estimated costs between \$790.0 million and \$956.0 million. The facilities affected in this first set of stream use designations accounts for approximately one-third of all overall affected facilities. Refer to **Attachment B** for detailed analysis from the DNR. This is available at http://www.legis.state.ia.us/lsadocs/SC_InterimDocs/2008/SISLL001.PDF

ARC 6349B

Rule Summary Requires all new underground storage tanks (UST), piping installations, and UST replacements (after August 1, 2007), to be constructed to provide secondary containment if they are within 1,000 feet of any public water supply system or a potable drinking water well. In addition "under dispenser containment" systems must be installed whenever dispensers are replaced, and the rule prohibits the delivery of fuel to UST facilities which are determined to be out of compliance with designated operation and maintenance requirements.

Senate File 499 (Underground Storage Tank Fund Act) granted rulemaking authority to the Commission in response to provisions of the Federal Energy Act of 2005 (Federal Act).

Fiscal Impact Minimal fiscal impact to the State. The cost of tanks with secondary containment and under dispenser containment will have increased costs for installation.

ARC 6355B

Rule Summary Removes the out-of-date schedule for reducing concentration levels of heavy metals in packaging and incorporates changes enacted through SF 344 (Toxics in Packaging Act). These changes restrict the liability of distributors for the distribution of toxic packages without knowledge and substituted civil enforcement proceedings for the former criminal enforcement provisions. The proposed rule changes provide the State authority to pursue violations of the law.

Fiscal Impact Minimal fiscal impact to the State. Cost to businesses would include the cost of removing products from store shelves, and manufacturers will be required to utilize packaging materials free of heavy metal content that is above stated limits.

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ARC 5999B

Rule Summary Delayed for 70 days at September 11, meeting. Implements the minimum federal standards promulgated by the federal EPA for municipal solid waste landfills (MSWLFs) that must be in compliance by October 1, 2007.

Fiscal Impact Department Expenditures: Additional expenditures by the DNR are estimated to be less than \$100,000 per year. Since the proposed rules are adopting current federal requirements, the implementation of most of these regulations is taking place now.

Landfill Expenditures: The following is a cost estimate for Iowa landfills based on information provided by Shaw Environmental, Inc. There are 59 landfills operating in Iowa and 11 sites plan to close prior to the proposed rules going into effect. There are 13 landfills that will be required to construct a new disposal area with a liner that complies with the federal requirements in order to continue accepting waste after October 1, 2007. Of the remaining landfills, several have already installed a bottom liner in a new disposal area but may be required to construct an additional side slope liner that is comparable to the liner on the bottom of the new disposal area. A landfill may also be required to perform an engineering model that verifies that the existing side slope liner in place is compliant with the rule requirements. The following are estimated additional one-time costs associated with this proposed rulemaking:

- One-time permitting costs that includes site investigations, permit application fees, and plan preparation, that is estimated between no additional cost and \$168,000 per site for a total estimated cost of \$2.2 million (for 13 sites). One-time costs for cell construction that are estimated to be no additional cost to \$250,000 per site for a total estimated cost of up to \$12.0 million (for 48 sites).
- One-time costs for installing a leachate storage system that are estimated to be no additional cost to \$250,000 per site for a total estimated cost of \$3.3 million (for 13 sites).
- A one-time cost for adding two additional groundwater monitoring wells at an average of \$6,000 per site for a total estimated cost of \$378,000 (for 63 sites). One-time costs for establishing background water quality are estimated to range between \$24,000 and \$131,000 per site.

The following are estimated additional annual costs associated with this proposed rulemaking:

Annual estimated costs for routine groundwater monitoring conducted twice a year are estimated to range between \$10,000 and \$67,000 per year per site. If additional sampling is required, the estimated costs range from \$13,000 to \$85,000 per site per year. It is unlikely that all sites would require additional sampling. Annual incremental operating costs are estimated to range from no additional cost to \$17,000 per site per year. Total estimated costs range with a minimum of \$20,000 per year and a maximum up to \$36,000 per year.

STAFF CONTACT: Debra Kozel (Ext. 16767)

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ARCHITECTURAL EXAMINING BOARD

ARC 6320B

Rule Summary Technical changes as a result of public comment concerning the Notice of Intent, ARC 6145B, published on August 15, 2007, in the Iowa Administrative Bulletin. The rule provides the Board flexibility in the evaluation of requirements for out of state applicants.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764) David Reynolds (Ext. 16934)

COLLEGE STUDENT AID COMMISSION

ARC 6017B and 6326B

Rule Summary Replaces recently implemented rules regarding the All Iowa Opportunity Scholarship Program and gives priority for grants to students that participate in the federal TRIO programs or alternative high school program or students that graduate from an alternative high school.

Fiscal Impact No fiscal impact.

ARC 6018B and 6327B

Rule Summary Replaces recently implemented rules regarding the All Iowa Opportunity Foster Care Grant Program and removes grant priority language for students in the State Training School or the Iowa Juvenile Home.

Fiscal Impact No fiscal impact.

ARC 6328B

Rule Summary Reflects statutory changes to the Registered Nurse and Nurse Educator Loan Forgiveness Program that were included in SF 588 (FY 2008 Education Appropriations Act). The Program was converted from a Forgivable Loan Program to a Loan Forgiveness Program. Specifies that only the outstanding portion of a Federal Consolidation Loan that was used to repay an eligible subsidized or unsubsidized Federal Stafford Loan, an eligible Direct Subsidized Loan, or an eligible Direct Unsubsidized Loan qualifies for loan forgiveness.

Fiscal Impact No fiscal impact.

ARC 6329B

Rule Summary Reflects statutory changes to the Iowa Teacher Shortage Loan Forgiveness Program that were included in SF 588 (FY 2008 Education Appropriations Act). The Program was converted from a Forgivable Loan Program to a Loan Forgiveness Program. Specifies that, (1) the undergraduate tuition rate is used for determining the maximum annual award and, (2) only the outstanding portion of a Federal Consolidation Loan that was used to repay an eligible subsidized or unsubsidized Federal Stafford Loan, an eligible Direct Subsidized Loan, or an eligible Direct Unsubsidized Loan qualifies for loan forgiveness.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Dwayne Ferguson (Ext. 16561)

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CULTURAL AFFAIRS DEPARTMENT

ARC 6315B

Rule Summary Updates rules governing the administration of the cultural grant programs.

Fiscal Impact No fiscal impact.

ARC 6316B

Rule Summary Identifies grantees in the Cultural Enrichment Grant Program as "Partner Organizations" with a multi-year grantee relationship with the State, and sets standards for eligibility and funding.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

ENGINEERING AND LAND SURVEYING EXAMINING BOARD

ARC 6362B

Rule Summary Clarifications and revisions to assist applicants, licensees, and the Board in the administration of the law and rules.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

ARC 6296B and 6295B

Rule Summary Adopts the updated Iowa Hazard Mitigation Plan to ensure Iowa is eligible to receive federal disaster funds related to hazard mitigation. The Federal Emergency Management Agency (FEMA) has approved the plan.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

INSPECTIONS AND APPEALS DEPARTMENT

ARC 6273B

Rule Summary Changes all references from the Joint Commission on the Accreditation of Healthcare Organizations to The Joint Commission, to be consistent with a change in the Organization's name. Clarifies that the Medical Classification Center at Oakdale will be inspected pursuant to the Department's licensure rules.

Fiscal Impact No fiscal impact.

ARC 6274B

Rule Summary Implements HF 528 (Hospital Regulation Act), which requires hospitals to establish procedures for the authentication of all verbal orders by a practitioner.

Fiscal Impact No fiscal impact.

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ARC 6275B

Rule Summary Reinserts violation classification notations omitted during the rewrite of the Department's administrative rules governing residential care facilities' service plans.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

IOWA FINANCE AUTHORITY

ARC 6343B

Rule Summary Establishes purchasing rules, including requirements for competitive bidding.

Fiscal Impact No fiscal impact.

ARC 6341B

Rule Summary Streamlines the administrative rules waiver process.

Fiscal Impact No fiscal impact.

ARC 6342B

Rule Summary Adopts an allocation plan for project-based part of the State Housing Trust Fund Program.

Fiscal Impact No fiscal impact.

ARC 6344B

Rule Summary Clarifies that Entrepreneurs with Disabilities Program awards may be used for consulting services deemed necessary by the client, the counselor and the business planner; adds a standard of "demonstrated need and evidence of business progression" as a condition of grant awards; provides for grants to be provided in three phases; and clarifies that the Iowa Finance Authority has monitoring rights over records that are related to the Program.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

LABOR SERVICES DIVISION - WORKFORCE DEVELOPMENT DEPARTMENT

ARC 6357B

Rule Summary Rescinds the Elevator Safety Board's prior adoption of the American Society of Mechanical Engineers rules relating to the numbering of elevator buttons.

Fiscal Impact No fiscal impact.

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ARC 6340B

Rule Summary Updates language relating to identification numbers on objects subject to the jurisdiction of the Boiler and Pressure Vessel Board. Exempts cast iron and cast aluminum boilers from the requirements that boilers be registered with the National Board of Boiler and Pressure Vessel Inspectors (National Board).

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

NURSING BOARD – DEPARTMENT OF PUBLIC HEALTH

ARC 6304B

Rule Summary Amendments provide for the following revisions, clarifications, and changes:

- Revises current and adds new definitions to reflect current trends in nursing education.
- Revises the application procedure for interim approval of a nursing program to follow a step-by-step process for institutions seeking to establish an Iowa-approved nursing program.
- Revises the full approval procedure for clarity and identifies when a program may receive provisional approval.
- Revises curriculum to include the definition of content and learning experiences for the required areas of study, including medical, surgical, gerontological, mental health, childbearing families and children, research and community health. Identifies the method for student criminal background checks in accordance with Section 152.5.7, Code of Iowa.
- Clarifies the preceptorship experience to include qualifications of the preceptor and responsibilities of the program.
- Expands the requirements of Board approval and notification of program changes to include an increase of student admissions by 20.0%.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

PUBLIC EMPLOYMENT RELATIONS BOARD

ARC 6300B

Rule Summary Permits the maximum per diem fee for fact finders, arbitrators, and teacher termination adjudicators to increase from \$650 to \$800 and rescinds outdated rules on agency consent for sale of goods or services to regulated parties by agency officials.

Fiscal Impact Fiscal impact cannot be determined. The number of individuals that will increase their per diem fee (the rule change allows and does not require a fee increase), the amount of those increases, and the number of proceedings impacted are unknown.

STAFF CONTACT: Ron Robinson (Ext. 16256)

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PUBLIC SAFETY DEPARTMENT

ARC 6282B

Rule Summary Extends the definition of casino to include gaming-areas in land-based gambling facilities other than racetracks. Clarifies that a surveillance room is required in a facility that is being monitored.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

REAL ESTATE APPRAISER EXAMINING BOARD

ARC 6337B

Rule Summary Brings the Real Estate Appraiser Examining Board into federal compliance by replacing the word “facial” with the acronym “USPAP,” (Uniform Standards of Professional Appraisal Practice), to the Notice of Intent ARC 6211B.

Fiscal Impact No fiscal impact.

ARC 6339B

Rule Summary Implements updates to Chapters related to continuing education requirements to bring the Real Estate Appraiser Examining Board in compliance with federally regulated guidelines.

Fiscal Impact No fiscal impact.

ARC 6338B

Rule Summary Updates rules related to the disciplinary actions process of the Real Estate Appraiser Examining Board.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

STATE PUBLIC DEFENDER

ARC 6303B

Rule Summary Streamlines the process by which the State Public Defender enters into attorney contracts to provide legal services to eligible clients.

Fiscal Impact No fiscal impact.

ARC 6335B

Rule Summary Modifies the manner in which foreign language interpreters are paid from the Indigent Defense Fund, to conform the rules to the directive issued by the State Court Administrator.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Beth Lenstra (Ext. 16301)

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TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA

ARC 6318B

Rule Summary Allows the Commission to dissolve as well as establish advisory committees. Updates contact and organizational information due to internal reorganization and office relocation of the Telecommunication and Technology Commission.

Fiscal Impact No fiscal impact.

ARC 6319B

Rule Summary Changes contact information due to the relocation of the Commission's offices.

Fiscal Impact No fiscal impact.

ARC 6321B

Rule Summary Changes contact information due to the relocation of the Commission's offices.

Fiscal Impact No fiscal impact.

ARC 6322B

Rule Summary Changes contact information due to the relocation of the Commission's offices.

Fiscal Impact No fiscal impact.

ARC 6323B

Rule Summary Changes contact information due to the relocation of the Commission's offices. Implements changes to the authorized spending limit included in HF 851 (Iowa Communication Network Authorized Spending Act). Until July 1, 2008, the authorized spending limit is the contract limitation or \$2.0 million. On July 1, 2008, and subsequent years after, the Director of the Commission will adjust the contract limitation amount to be applicable for the 12 month period starting on September 1 of the year in which the adjustment is made.

Fiscal Impact No fiscal impact.

ARC 6324B

Rule Summary Reflects the name change of the Commission's location.

Fiscal Impact No fiscal impact.

ARC 6325B

Rule Summary Clarifies the Certified User waiver application process. Certified User refers to an area education agency, community college, Regents institution, or private college that has certified with the Iowa Telecommunications and Technology Commission (ITTC) that it is or will be a part of the Iowa Communications Network (ICN).

Fiscal Impact No fiscal impact.

ARC 6307B

Rule Summary Changes contact information due to the relocation of the Commission's offices.

Fiscal Impact No fiscal impact.

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ARC 6306B

Rule Summary Changes contact information due to the relocation of the Commission's offices.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764) David Reynolds (Ext. 16934)

UTILITIES DIVISION

ARC 6317B

Rule Summary Rescinds Chapter 28 of the Iowa Utilities Board's rules. Current legislation mandates municipal utilities and electric cooperatives file energy efficiency plans with the Utilities Board.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764) David Reynolds (Ext. 16934)

VETERANS AFFAIRS, IOWA DEPARTMENT OF

ARC 6345B

Rule Summary Prohibits the use of illegal substances at the Iowa Veterans Home. Requires probably cause to obtain a urinalysis.

Fiscal Impact No fiscal impact.

ARC 6347B

Rule Summary Specifies the eligibility for receipt of interest from the Veterans Trust Fund. Permits:

- Income limits of 200.0% of the Federal Poverty Level.
- Available asset limits of \$15,000. All personal property and vehicles are not included in the calculation of assets.
- Veteran pension and compensation are not included when determining eligibility.
- Permits an honor guard to accept donations in addition to receiving funding from the interest.

Fiscal Impact There is \$241,000 available in interest from the Trust Fund; an additional \$220,000 will be available by the end of FY 2008.

ARC 6348B

Rule Summary Establishes the process for the sale, trade, or transfer of veteran's commemorative property.

Fiscal Impact No fiscal impact.

STAFF CONTACTS: Sue Lerdal (Ext. 17794) Jennifer Acton (Ext. 17846)
