



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.

ENVIRONMENTAL PROTECTION COMMISSION

ARC 6704B

Rule Summary: Makes the following changes for animal feeding operations and open feedlots that are required to submit manure management plans:

- Limits the application of liquid manure, process wastewater, or settled open feedlot effluent to 100 pounds of available nitrogen per acre to land that is planted on soybeans or will be planted on soybeans during the next crop season.
- Prohibits this type of application unless the Environmental Protection Commission determines that scientific data exists to justify an alternative action. This provision is effective beginning May 14, 2013. Specifies that the Commission publish a notice in the Iowa Administrative Bulletin that the evidence has been reviewed prior to the prohibition.

Fiscal Impact: No fiscal impact to the State. The financial impact to the producer is unknown although additional costs could be incurred. This includes transporting manure a further distance, the possible purchase of new equipment to apply manure at reduced rates, and potential development of alternative manure management plans or nutrient management plans.

<u>Agency</u>	<u>Page</u>	<u>Agency</u>	<u>Page</u>
Environmental Protection Commission	1	Department of Education (DE)	9
Utilities Division – Commerce	2	Homeland Sec. and Emerg. Management	9
Department of Economic Development	2	Insurance Division – Commerce	9
Department of Revenue	2	Labor Services Division – IWD	10
Department of Public Health (DPH)	3	Board of Medicine – DPH	10
IA Ethics and Campaign Disclosure Bd.	3	Prof. Licensing and Regulation-Commerce	11
Dept. of Inspections and Appeals (DIA)	4	Professional Licensure Division – DPH	11
Board of Educational Examiners – DE	4	Real Estate Appraiser Examining Board	12
Natural Resource Commission	5	State Public Defender – DIA	12
Department of Human Services	7	Department of Transportation	13
Dept. of Agriculture and Land Steward.	8	Workers' Compensation Division – IWD	13

Administrative Rules – Fiscal Impact Summaries

May 13, 2008

2

ARC 6596B

Rule Summary: Revises the Risk-Based Corrective Action (RBCA) Tier 2 software model. Evaluates public water supply wells. Revises the planning process for corrective action at high risk leaking underground storage tank sites. Revises enforcement rules.

Fiscal Impact: No fiscal impact to the Department. The Iowa Underground Storage Tank Fund provides funding to eligible owners and operators to comply with Department rules.

STAFF CONTACT: Debra Kozel (Ext. 16767)

UTILITIES DIVISION – DEPARTMENT OF COMMERCE

ARC 6707B

Rule Summary Establishes an electronic filing requirement, identifies exceptions from the requirement, and specifies procedures for the electronic filing system currently under development by the Iowa Utilities Board. The Board has identified late summer of 2008 as the tentative launch period for the new system.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

DEPARTMENT OF ECONOMIC DEVELOPMENT

ARC 6705B

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)

DEPARTMENT OF REVENUE

ARC 6746B

Rule Summary Provides corrections and clarifications to the practice and procedure for the conduct of appeals before the Iowa Property Assessment Appeal Board.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

Administrative Rules – Fiscal Impact Summaries

May 13, 2008

3

DEPARTMENT OF PUBLIC HEALTH

ARC 6690B

Rule Summary Provides a \$500 work-related deduction from eligibility income calculations for the AIDS Drug Assistance Program (ADAP).

Fiscal Impact The total estimated annual cost is \$250,000 for the 25-30 individuals expected to be eligible. An increase in the federal Ryan White Part B Grant and the federal ADAP supplemental award will provide funds for the increased cost.

ARC 6711B

Rule Summary Updates regulations relating to radioactive materials and related technology and equipment to comply with the Nuclear Regulatory Commission and the Food and Drug Administration (FDA). Addresses technology advances and other updates.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Phillip Kauffman (Ext. 52062)

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

ARC 6729B

Rule Summary Provides that a campaign committee using the Board's electronic filing system will not be assessed a civil penalty if the report is filed late as a result of the electronic filing system not properly functioning.

Fiscal Impact Minimal fiscal impact. The Board may save money as a result of decreased paperwork and staff time needed for filing these civil penalties.

ARC 6730B

Rule Summary Changes the period of time that fines are assessed for late lobbyist reports for the Executive Branch. The second and subsequent delinquencies apply to a report covering any quarter of the year the lobbyist is registered. Occurrences by calendar year are no longer a factor.

Fiscal Impact Minimal fiscal impact. Fine amounts are unchanged and the total number of penalties assessed annually are minimal.

ARC 6731B

Rule Summary Permits the Board to retain the \$2.00 per civil penalty assessed for late-filed reports that are not waived by the Board or a Court. The Board plans to use the \$2.00 for printing and postage of mailings to bring persons into compliance.

Fiscal Impact Minimal fiscal impact. Approximately \$300 would be withheld from the State General Fund.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

Administrative Rules – Fiscal Impact Summaries

May 13, 2008

4

DEPARTMENT OF INSPECTIONS AND APPEALS

ARC 6708B
Rule Summary Adopts the federal 2005 Food and Drug Administration Food Code with Supplements and updates certain licensing fees. Various changes were made in response to comments from the industry and public.

Fiscal Impact No fiscal impact. The licensing fees are already in effect prior to updating Code of Iowa language per the passage of SF 601 (FY 2008 Standing Appropriations Act).

ARC 6710B
Rule Summary Requires the Department of Inspections and Appeals to be notified within 24 hours when a health care facility experiences circumstances such as an injury, assault, or natural disaster. Clarifies the factors considered in determining the class of violation by the Department.

Fiscal Impact No fiscal impact.

ARC 6691B
Rule Summary Strikes the sunset date for hospitals to establish procedures for the authentication of standing orders from a physician. Current language is inconsistent with HF 528 (Hospital Regulation Act).

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

BOARD OF EDUCATIONAL EXAMINERS – DEPARTMENT OF EDUCATION

ARC 6714B
Rule Summary Changes the requirements for seeking an endorsement to permit applicants to apply directly to the Board of Educational Examiners, instead of seeking permission from an institution of higher education. The change reflects current practice.

Fiscal Impact No fiscal impact.

ARC 6715B
Rule Summary Eliminates the requirement that applicants for an endorsement secure a recommendation from a college or university. The change reflects current practice.

Fiscal Impact No fiscal impact.

ARC 6743B
Rule Summary Changes the Class G license, for those needing to complete a school guidance counseling practicum or internship, from two years to one year in length.

Fiscal Impact No fiscal impact.

Administrative Rules – Fiscal Impact Summaries

May 13, 2008

5

ARC 6726B
Rule Summary: Eliminates language allowing an individual to teach English as a Second Language (ESL) without an endorsement if the individual first obtained a license to teach before an ESL endorsement was offered or required.

Fiscal Impact: No fiscal impact.

ARC 6724B
Rule Summary: Eliminates language allowing an individual to teach Talented and Gifted without an endorsement if the individual first obtained a license to teach before a Talented and Gifted endorsement was offered or required.

Fiscal Impact: No fiscal impact.

ARC 6735B
Rule Summary: Eliminates language allowing an individual to teach business courses without an endorsement if the individual first obtained a license to teach before a business endorsement was offered or required.

Fiscal Impact: No fiscal impact.

ARC 6716B
Rule Summary: Adds sexual orientation and gender identity to the list of classes protected from discrimination in the Code of Conduct and Ethics, making the Code consistent with statute.

Fiscal Impact: No fiscal impact.

ARC 6719B
Rule Summary: Adds sexual orientation and gender identity to the list of classes protected from discrimination in the Code of Rights and Responsibilities, making the Code consistent with statute.

Fiscal Impact: No fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270)

NATURAL RESOURCE COMMISSION

ARC 6702B
Rule Summary: Brings the evaluation of proposals for the Public Lake Program into conformity with the Department of Natural Resources's activities associated with lake restoration, impaired waters, and watershed improvement projects; the process for applicants will also be simplified.

Fiscal Impact: No fiscal impact to the State.

ARC 6701B
Rule Summary: Changes the dates restricting public access to wildlife refuges from September 10 through December 31 to September 1 through January 31. Redefines the Rathbun Area to include Appanoose, Lucas, and Wayne Counties

Fiscal Impact: Minimal fiscal impact of less than \$100,000 to replace the signs.

Administrative Rules – Fiscal Impact Summaries

May 13, 2008

6

ARC6695B

Rule Summary: Establishes cabin rental fees at Prairie Rose State Park, lodge rental fee at Lake Darling State Park, and establishes Honey Creek Resort State Park as a park that will be managed by the Central Group Companies.

Fiscal Impact: Minimal fiscal impact. For Prairie Rose the estimated annual cabin rental revenue is \$18,000 and for Lake Darling the estimated annual lodge rental is \$36,000 for a total of \$54,000.

ARC6697B

Rule Summary: The rules make the following changes to the waterfowl and coot hunting season:

- Adjusts hunting dates.
- Removes the two-day September Canada Goose season.
- Adds an urban Canada Goose zone around Cedar Falls and Waterloo.
- Adds parents and grandparents to the list of people eligible to hunt Canada geese on a landowner's farm in areas closed to Canada geese hunting.
- Defines persons eligible to hunt during the youth waterfowl season.

Fiscal Impact: No fiscal impact to State.

ARC6700B

Rule Summary: Makes the following hunting rule changes:

- Changes the reporting deadline to midnight of the day after the animal is tagged rather than the day it is killed to provide adequate time to report the harvest if a hunter recovers an animal the day after it is killed.
- Clarifies that transportation tags and harvest report tags are two separate tags.
- Adds online registration through the Electronic Licensing System of Iowa (ELSI) as a method for tenants to register for free licenses.

Fiscal Impact: Minimal fiscal impact to pay for the changes made to the ELSI for the tenant registration change.

ARC6698B

Rule Summary: Clarifies the language that defines persons eligible for free landowner tenant licenses for spring wild turkey hunting season.

Fiscal Impact: No fiscal impact.

ARC6696B

Rule Summary: Clarifies the language that defines persons eligible for free landowner tenant licenses for the fall wild turkey hunting season.

Fiscal Impact: No fiscal impact.

Administrative Rules – Fiscal Impact Summaries

May 13, 2008

7

ARC6699B

- Rule Summary:** Makes changes to resident deer hunting season:
- Clarifies that it is illegal to carry another person's license.
 - Changes the closing date for the late muzzleloader season to January 10.
 - Clarifies that youth hunters can continue to use their license if they are unsuccessful.
 - Removes the season extension established by emergency rules.

Fiscal Impact: No fiscal impact to the State.

ARC6703B

- Rule Summary:** Makes the following changes related to hunting:
- Adds Harrison, Monona, Pottawattamie, and Woodbury counties to the area open for taking bobcat.
 - Increases the quota from 400 to 500 for river otters and from 150 to 200 for bobcats.
 - Eliminates the restrictions on beaver trapping in Linn County.
 - Clarifies that all furbearers must be immediately dispatched or released back into the wild and cannot be kept in pens or enclosures.

Fiscal Impact: No fiscal impact to the State.

STAFF CONTACT: Debra Kozel (Ext. 16767)

DEPARTMENT OF HUMAN SERVICES

ARC 6685B and 6686B

Rule Summary Clarifies that both federal and State Earned Income Tax Credit (EITC) payments are exempt as income for the Family Investment Program (FIP), Federal Medical Assistance Percentage (FMAP)-related Medicaid, and Child Care Assistance eligibility and are exempt as a resource in the month of receipt and the following month for FIP and for the FMAP-related programs that consider resources.

Fiscal Impact No fiscal impact.

ARC 6687B

Rule Summary Implements the annual adjustments to eligibility and payment levels in the State Supplementary Assistance (SSA) Program that are necessary to meet the federal "pass-along" requirements that increase the personal needs allowance for residents of residential care facilities.

Fiscal Impact Changes are estimated to cost the General Fund \$100,000 in FY 2009 and 2010. Funding has been provided in SF 2425 (FY 2009 Health and Human Services Appropriations Bill). Residential care facilities will receive an increase in the maximum per diem from \$26.50 to \$26.95. People eligible for the dependent person allowance will receive an increase in the monthly maximum benefit from \$317 to \$325. The payment to family-life home providers will increase from \$697 to \$708 per month.

Administrative Rules – Fiscal Impact Summaries

May 13, 2008

8

ARC 6748B
Rule Summary Clarifies the qualifications for staff providing area education services, local education services, or infant and toddler services. The Centers for Medicare and Medicaid Services (CMS) have ruled that certain personnel must be licensed by the Iowa Department of Public Health, not solely by the Department of Education, to claim Medicaid reimbursement for the services, as required by federal law.

Fiscal Impact No fiscal impact.

ARC 6723B
Rule Summary Removes requirements that a member must request the month of retroactive eligibility for the IowaCare Program at the time of application or before the eligibility determination and would automatically receive retroactive eligibility after eligibility is determined.

Fiscal Impact Changes are estimated to cost the IowaCare Account \$157,000 State dollars in FY 2009 and FY 2010. It is estimated that 100 members would receive assistance with retroactive eligibility. Funding has not been provided for this rule change.

ARC 6688B
Rule Summary Makes technical changes governing the administration of federal Social Services Block Grant (SSBG) funds.

Fiscal Impact No fiscal impact.

ARC 6725B
Rule Summary Limits “wrap around” funding for the child care funding to programs that provide core services.

Fiscal Impact No fiscal impact to the State; individual providers may be impacted.

ARC 6689B
Rule Summary Allows the Preparation for Adult Living (PAL) Program to pay for start-up allowances of initial costs for living independently after foster care.

Fiscal Impact No fiscal impact. The DHS plans to use existing funds for the PAL Program for the costs.

STAFF CONTACT: Jess Benson (Ext. 14611) Phillip Kauffman (Ext. 52062)

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

ARC 6744B
Rule Summary Adds definitions for pesticide applicators to include an aerial applicator and certified commercial applicator. Requires pesticide containment when a spray component is being repaired or drained. Adds recordkeeping requirements.

Fiscal Impact Minimal fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

Administrative Rules – Fiscal Impact Summaries

May 13, 2008

9

DEPARTMENT OF EDUCATION

ARC 6740B

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 6741B

Rule Summary Clarifies that a student re-enrolling after dropping out does not have immediate eligibility for interscholastic athletics if the student was failing one or more courses prior to dropping out. Prohibits schools from allowing students to compete without reasonably reliable proof of eligibility. Clarifies participation of foreign exchange students in interscholastic athletics and other provisions.

Fiscal Impact No fiscal impact.

ARC 6742B

Rule Summary Changes the number and type of charter schools allowed. Adds a deadline for approval of charter school applications by school boards. Adds a process for renewal or revocation of existing grants.

Fiscal Impact No fiscal impact.

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

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIV. – DEPT. OF PUBLIC SAFETY

ARC 6745B

Rule Summary Updates the disaster recovery plan from the previous version dated September 1, 2004, to March 20, 2008.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

INSURANCE DIVISION – DEPARTMENT OF COMMERCE

ARC 6734B

Rule Summary Terminates a previously noticed rule relating to Pharmacy Benefit Managers. The Division plans to re-notice the proposed rules at a later date.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

Administrative Rules – Fiscal Impact Summaries

May 13, 2008

10

LABOR SERVICES DIVISION – IOWA DEPARTMENT OF WORKFORCE DEVELOPMENT

ARC 6718B

Rule Summary Incorporates the most recent version of the American Society of Mechanical Engineers codes, removes obsolete and unnecessary provisions, and includes statutory changes enacted in HF 369 (Elevator Code Updates Act) and SF 2154 (Elevator Language Update Act).

Fiscal Impact Minimal fiscal impact. Statutory changes made small expansions in the coverage of Chapter 89A, Code of Iowa, that addresses elevators. Changes will result in a small number of additional inspections and permits each year.

STAFF CONTACT: Ron Robinson (Ext. 16256)

BOARD OF MEDICINE – DEPARTMENT OF PUBLIC HEALTH

ARC 6737B

Rule Summary Increases from seven to 10, the number of years an individual applying for a medical license has to successfully complete the United States Medical Licensing Examination (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination (COMLEX) before a waiver is required.

Fiscal Impact Minimal fiscal impact based on possible administrative savings and the opportunity for a physician to initiate a medical practice earlier.

ARC 6736B

Rule Summary Permits a physician with a permanent license from a United States jurisdiction to practice as a resident physician in Iowa when enrolled in an Iowa resident training program.

Fiscal Impact Minimal fiscal impact with the decreased cost of a resident physician license in lieu of a permanent license of \$3,500. An estimated 10 physicians will utilize this opportunity.

ARC 6738B

Rule Summary Updates the Board's pain rules to meet current national standards and to establish standards of practice for the proper assessment and treatment of acute pain.

Fiscal Impact No fiscal impact.

ARC 6739B

Rule Summary Clarifies the elements of a physical, mental, or clinical competency evaluation that the Board of Medicine may order for a person licensed by the Board.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Phillip Kauffman (Ext. 52062)

PROFESSIONAL LICENSING AND REGULATION BUREAU – DEPARTMENT OF COMMERCE

ARC 6712B

Rule Summary Allows the Professional Licensing Bureau's newsletter to include articles from other Bureaus within the Iowa Division of Banking in the Department of Commerce.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

PROFESSIONAL LICENSURE DIVISION – DEPARTMENT OF PUBLIC HEALTH

ARC 6694B

Rule Summary Incorporates existing language from administrative rules common to the 19 professional boards in the Professional Licensure Division.

Fiscal Impact No fiscal impact.

ARC 6709B

Rule Summary Updates rules to reflect current practices in mortuary science. Includes new rules on funeral establishments and cremation establishments.

Fiscal Impact No fiscal impact.

ARC 6717B

Rule Summary Restores the acceptance of current Board of Certification for continuing education documentation during an audit.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Phillip Kauffman (Ext. 52062)

Administrative Rules – Fiscal Impact Summaries

May 13, 2008

12

REAL ESTATE APPRAISER EXAMINING BOARD – DEPARTMENT OF COMMERCE

ARC 6713B

- Rule Summary** Makes the following changes:
- Designates the National Registry of the Appraisal Subcommittee as the primary source for determining good standing in the State of Iowa.
 - Adds a work product review to the requirements for reciprocal applicants. Increases the fee needed to process these reviews.
 - Increases the fees to administer the new version of the qualifying examination.
 - Establishes a fee for temporary practice permits.

Fiscal Impact Approximately 200 applicants may apply for a work product review annually. This rule increases the fee by \$350 generating an increase in revenue of \$70,000.

Approximately 75 applicants apply for temporary practice annually. This rule implements a fee of \$150 generating an increase in revenue of \$11,250.

Of the total increases in revenue from this rule, the Board retains 85.0% or \$69,000, and the State General Fund would increase by \$12,000 annually.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

STATE PUBLIC DEFENDER – DEPARTMENT OF INSPECTIONS AND APPEALS

ARC 6733B

Rule Summary Reflects statutory rate increases included in SF 575 (FY 2008 Justice System Appropriations Subcommittee Act). Amends the rules to reflect current practice.

Fiscal Impact The rate increase was projected to increase expenditures by \$900,000 in FY 2008 and has been included in the appropriations to the Office of the State Public Defender.

ARC 6732B

Rule Summary Increases the mileage reimbursement rate paid to court-appointed attorneys in all cases and removes the cap on claims for court-appointed attorneys in termination of parental rights proceedings under Chapter 600A, Code of Iowa.

Fiscal Impact The mileage reimbursement rate increase is projected to increase FY 2008 expenditures by \$30,000 and FY 2009 expenditures by \$77,000. These costs are paid primarily by the appropriation from the General Fund. The Office of the State Public Defender did not request an increase in the FY 2009 General Fund appropriation or a supplemental FY 2008 increase.

The elimination of the cap on claims for certain termination of parental rights proceedings is estimated to increase FY 2008 expenditures by less than \$5,000 and FY 2009 expenditures by less than \$10,000. These costs are paid from the Jury and Witness Revolving Fund.

STAFF CONTACT: Beth Lenstra (Ext. 16301)

Administrative Rules – Fiscal Impact Summaries

May 13, 2008

13

DEPARTMENT OF TRANSPORTATION

ARC 6722B

Rule Summary Corrects contact information, ties the valuation of volunteer labor to the current State minimum wage rate in effect when the application is due, and clarifies the process for selecting projects for Keep Iowa Beautiful funding.

Fiscal Impact No State fiscal impact. The change in the valuation of volunteer labor only impacts the amount of match a community can claim on its application. It does not impact the amount of funding a community receives.

ARC 6693B

Rule Summary Extends the enforcement of the Federal Motor Carrier Safety Regulations (FMCSR) and Federal Hazardous Materials Regulations (HMR) to commercial vehicles operated intrastate unless exempted by statute.

Fiscal Impact The fiscal impact cannot be determined. The proposed federal regulatory changes may impact motor carrier operations, equipment maintenance, and reporting requirements. Without conducting an extensive analysis of the impact, this information cannot be determined.

ARC 6692B

Rule Summary Establishes initial fees for 2007 and a fee bracket structure for the Unified Carrier Registration Agreement by citing the current version of the Code of Federal Regulations (CFR) (October 2007) with the Federal Motor Carrier Safety Regulations (FMCSR).

Fiscal Impact The fiscal impact to the State will be revenue neutral. For-hire interstate motor carriers will primarily benefit. The total revenue collected in 2004 from the Single State Registration by all jurisdictions will remain about the same, but will be paid by both for-hire and private interstate motor carriers. The fee structure is set by the FMCSR, and is based on the latest data available (2004).

STAFF CONTACT: Mary Beth Mellick (Ext. 18223)

WORKERS' COMPENSATION DIVISION – IOWA DEPARTMENT OF WORKFORCE DEVELOPMENT

ARC 6721B and 6720B

Rule Summary Adopts the Fifth Edition of the Guides to the Evaluation of Permanent Impairment published by the American Medical Association as the guide for determining "scheduled member" disabilities. Section 85.34, Code of Iowa, provides a list of "scheduled member" injuries and the number of weeks of compensation paid related to each injury.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)
