



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.

DEPARTMENT OF ADMINISTRATIVE SERVICES

ARC 3751B

Rule Summary Extends the length of a Department of Administrative Services Customer Council member's term from two years to three years and changes the initial staggering of terms so roughly one-third of the membership of each council is replaced annually.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

ATTORNEY GENERAL

ARC 3725B

Rule Summary Updates the rules for administration of federal grants received by the Crime Victim Assistance Division. Complies with federal grant requirements.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Beth Lenstra (Ext. 16301)

CAPITAL INVESTMENT BOARD

ARC 3740B

Rule Summary Provides for changes in the tax credits for investments in qualifying businesses, community-based seed capital funds and venture capital funds as required by 2004 Iowa Acts, Senate File 443.

Fiscal Impact No fiscal impact. The tax credits under this program are capped.

STAFF CONTACT: Russell Trimble (Ext. 14613)

COLLEGE STUDENT AID COMMISSION

ARC 3738B

Rule Summary Reflects statutory changes to the Tuition Grant Program regarding eligibility for institutions to participate in the Program. The most significant change results in the

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loss of tuition grants to students at for-profit institutions that do not provide matching funds from private institutional sources.

Fiscal Impact No fiscal impact.

Rule Summary **ARC 3739B**
Makes a variety of changes regarding approval of out-of-state postsecondary schools for operation in Iowa. Expands the definition of and adds criteria the institutions must meet for approval. The most significant change is the addition of an advisory committee on postsecondary registration that will make recommendations to the Commission.

Fiscal Impact No fiscal impact.

Rule Summary **ARC 3737B**
Reflects the statutory change that allows the Commission to use wage garnishment to collect student loan debts. The debts collected are federally guaranteed student loans.

Fiscal Impact No fiscal impact to the State General Fund. Loan collection activities are federally funded. Any additional loan funds collected as a result of this change return to the federal government.

STAFF CONTACT: Mary Shipman (Ext. 14617)

DEPARTMENT OF CORRECTIONS

Rule Summary **ARC 3726B**
Amends rules for technical changes and authorizes certain employees of Community-Based Corrections (CBC) District Departments to carry weapons while on duty.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Beth Lenstra (Ext. 16301)

DEPARTMENT OF ECONOMIC DEVELOPMENT

Rule Summary **ARC 3730B**
Makes technical changes and substantive changes in the per project and per unit assistance for housing programs due to a new federal allocation for the American Dream Down Payment Initiative (ADDI) Program. The substantive changes raise the maximum assistance per unit to \$50,000; raise the per project assistance to \$800,000 on rental projects; establish a \$500,000 maximum for housing rehabilitation programs; and require minimum mortgage loan standards for projects using Housing Fund resources.

Fiscal Impact There is no fiscal impact to the State General Fund. The Department of Economic Development estimates it will receive \$1.3 million in Federal funds for this Program for FFY 2004.

STAFF CONTACT: Russell Trimble (Ext. 14613)

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DEPARTMENT OF EDUCATION

ARC 3711B

Rule Summary Updates rules to reflect changes in State and federal law regarding school transportation services; eliminates standards that have no statutory authority. Increases the bus inspection fee from \$15 to \$20, effective July 1, 2005.

Fiscal Impact The fiscal impact is estimated at \$80,000 annually, which represents an increase in the Department's fee revenue resulting from 1) the requirement that all drivers attend an annual in-service for a fee of \$20 and 2) the increase in the bus inspection fee. The impact to individual school districts will be minimal.

STAFF CONTACT: Robin Madison (Ext. 15270)

EDUCATIONAL EXAMINERS BOARD

ARC 3732B

Rule Summary Modifies the requirements of the special education consultant.

Fiscal Impact No fiscal impact.

ARC 3733B

Rule Summary Modifies the requirements for the director of special education. Also clarifies that the authorization includes directors of special education in area education agencies, as well as local school districts.

Fiscal Impact No fiscal impact.

ARC 3731B

Rule Summary Aligns the school social worker Statement of Professional Recognition with the appropriate class of licensure issued by the Iowa Board of Social Work Examiners and recent changes in their rules.

Fiscal Impact No fiscal impact.

ARC 3734B

Rule Summary Aligns licensure rules with teacher quality legislation; eliminates obsolete references to community college licensure; reflects acceptance of college credits from a regionally accredited institution for purposes of license renewal.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270)

DEPARTMENT OF ELDER AFFAIRS

ARC 3750B

Rule Summary Rescinds all rules pertaining to the Older Iowans Legislature (OIL), which will transition into an organization autonomous from the Department of Elder Affairs.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

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ENGINEERING AND LAND SURVEYING BOARD – DEPARTMENT OF COMMERCE

ARC 3727B

Rule Summary Provides guidance in the form of a matrix depicting building type and use when the services of a licensed professional engineer are required or may not be required in connection with new building construction and alterations to existing structures.

Fiscal Impact No fiscal impact.

ARC 3728B

Rule Summary Clarifies the criteria for the reduction of the continuing education requirement for renewal of licensure and to make the rules more consistent with Section 272C, Code of Iowa.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

ENVIRONMENTAL PROTECTION COMMISSION – DEPARTMENT OF NATURAL RESOURCES

ARC 3736B

Rule Summary Conforms Iowa's confined animal feeding operations regulations to amended regulations adopted by the federal Environmental Protection Agency. A considerable portion of the amendments relate to Iowa's administration of the National Pollutant Discharge Elimination System (NPDES), associated definitions and classification of animal feeding operations. The Department intends to utilize general permit procedures for most of the operations that will be required to obtain NPDES permits and does not expect significant additional costs.

Fiscal Impact Minimal fiscal impact.

ARC 3735B

Rule Summary Implements changes to definitions, clarifies need for a construction permit, adds an effective time frame for a construction permit, clarifies Master Matrix requirements and updates practices for determination of groundwater table.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

IOWA FINANCE AUTHORITY

ARC 3757B

Rule Summary Amends the current Chapter 3, Multifamily Housing, by adding a new division (Division III) for rules concerning a gap financing fund. In addition, the existing divisions of chapter 3 are being expanded to allow both for-profit and non-profit participation under the predevelopment loan fund, and to expand the types of available loans under the multifamily loan program.

Fiscal Impact Minimal fiscal impact.

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ARC 3758B

Rule Summary Deletes reference to the dollar amount available for award from the Trust Fund, defines the term “expend” to allow 2004 recipients to apply for 2005 funds and expands the definition of “Housing Assistance Plan” to be more inclusive, provides eligibility requirements for Housing Trust Funds and specifies maximum awards candidates are eligible to receive, provides for a mechanism by which to score applications, reduces the maximum award for the Project-Based Housing Program by over 60.0%.

Fiscal Impact In the past, program funding consisted of an appropriation from the Rebuild Iowa Infrastructure Fund (RIIF) as well as monies set aside by the Iowa Finance Authority. For FY 2005, no appropriation was made from RIIF. IFA has increased its allocation for the Program to partially offset the decrease from RIIF. In total, funding for FY 2005 is approximately \$500,000 less than funding provided in FY 2004. The Program provides one-time grants to qualified entities. The FY 2005 maximum grant amount will be 60.0% less than the maximum awards allowed in FY 2004 due to the decreased funding.

STAFF CONTACT: Russell Trimble (Ext. 14613)

DEPARTMENT OF HUMAN SERVICES

ARC 3724B

Rule Summary Amendment eliminates the requirement that an individual seeking correction or expungement of a child abuse report or a dependent adult abuse report must first exhaust a review process before an appeal hearing is granted. An individual seeking appeal will be directly referred to the Appeals Unit and then on to the Department of Inspections and Appeals for the scheduling of an administrative hearing.

Fiscal Impact No fiscal impact.

ARC 3721B

Rule Summary Pursuant to HF 2350 (Family Investment Program Changes Act), changes the Family Investment Program (FIP) motor vehicle asset requirements to exclude one vehicle rather than specifying a dollar value for the vehicle.

Fiscal Impact Minimal fiscal impact. Estimated increase in FIP payments of \$33,000 for FY 2005 in federal Temporary Assistance to Needy Families Block Grant funds.

ARC 3715B

Rule Summary Pursuant to SF 2298 (FY 2005 Omnibus Appropriations Act), establishes a data-matching program between the Medical Assistance (Medicaid) Program and private health insurance carriers. This will allow DHS to determine if Medicaid recipients have other insurance coverage, which will be billed prior to Medicaid payment.

Fiscal Impact Fiscal impact cannot be determined. A preliminary department estimate of a savings of \$1.5 million was included in the FY 2005 budget.

ARC 3760B

Rule Summary Permits the Food Assistance Program to implement an electronic, Internet-based application.

Fiscal Impact No fiscal impact. This Program is 100% federally funded.

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	ARC 3714B
Rule Summary	Increases the premiums charged to recipients in the Medicaid for Employed Persons with Disabilities (MEPD) Program. The premiums are charged on a sliding fee scale and will increase by 7.3%. The maximum premium increases from \$355 per month to \$381 per month.
Fiscal Impact	Minimal fiscal impact. In FY 2004 an estimated \$774,000 in total MEPD premiums will be collected. This change is estimated to generate an additional \$28,000 in premiums in FY 2005 (State share is \$10,000) and an additional \$56,000 in premiums in FY 2006 (State share is \$21,000).
	ARC 3759B
Rule Summary	Pursuant to HF 2378 (Miller Trust Act), updates the statewide average cost for private nursing facility services and medical institutions figures used in calculating Miller Trusts for the purposes of Medicaid eligibility.
Fiscal Impact	Minimal fiscal impact. This change will have a minimal affect on the number of persons eligible for Medicaid.
	ARC 3716B
Rule Summary	Various technical changes to Medical Assistance (Medicaid) Program rules, including updates to Indirect and Direct Graduate Medical Education and Disproportionate Share Hospitals payments.
Fiscal Impact	No fiscal impact.
	ARC 3717B
Rule Summary	Pursuant to SF 2298 (FY 2005 Omnibus Appropriations Act), amends the calculation of nursing facility reimbursement rates under the Medical Assistance (Medicaid) Program, including reducing the excess payments for direct and non-direct care by 50.0%, and adding an inflation adjustment based on the Health Care Financing Administration/Skilled Nursing Facility Index.
Fiscal Impact	The estimated net savings assumed in SF 2298 was \$700,000. This included a General Fund savings of \$2.7 million due to the reduction in the excess payments for direct and non-direct care, and an increased cost of \$2.0 million from the Senior Living Trust Fund for the inflation adjustment. An inflation factor of 2.6% was applied.
	ARC 3723B, 3722B
Rule Summary	Expands the Medicaid Ill and Handicapped Home and Community-Based Services Waiver to include adults age 21-25 and allows them to receive services similar to the services they received below age 21.
Fiscal Impact	Estimated General Fund savings of \$367,000 in FY 2005 and \$998,000 in FY 2006. It is estimated that this change will affect 15 young adults in FY 2005 and an additional 15 in FY 2006. Currently, individuals are receiving these services through an exception to policy, funded with 100% State funds. By expanding the Waiver, the State will be able to draw federal Medicaid matching funds for a net savings to the State.
	ARC 3328B, 3761B
Rule Summary	Allows the Child Support Recovery Unit to assist parents with changing a support obligation when a child goes to live with the other parent, and if the order directs a change. <i>Notice terminated.</i>

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Fiscal Impact No fiscal impact.

ARC 3718B

Rule Summary Requires that the FY 2005 reimbursement rates for purchase of social service contracts and rehabilitative treatment and support services contracts remain the same as the FY 2004 reimbursement rates.

Fiscal Impact There is no fiscal impact to continue the reimbursement rates at the same level. The Department did not identify how much the increased cost would have been with a rate increase.

ARC 3719B

Rule Summary Requires the FY 2005 reimbursement rate for the State Payment Program remain the same as the FY 2004 reimbursement rate. Requires eligibility for the Program be limited to individuals whose income is at or below 150.0% of the Federal Poverty Level (FPL).

Fiscal Impact There is no fiscal impact to continue the reimbursement rates at the same level. The Department estimates a cost avoidance of \$763,000 to continue same rate in lieu of an increase. The eligibility limitation is estimated to save \$326,000 annually.

ARC 3720B

Rule Summary Limits adoption subsidy for attorney fees and nonrecurring expenses to \$500 per child, eliminates subsidy payments for child care to agreements negotiated by June 30, 2004, and limits payment for child care to the maximum allowable under the Child Care Assistance Program.

Fiscal Impact For FY 2005, the estimated State General Fund savings to the Adoption Subsidy Program will be \$333,000, including \$84,000 in savings from legal fees and \$249,000 in savings from subsidy payments for child care. It is estimated that the change will result in 33 cases that will receive assistance under the Child Care Assistance Program for an estimated net savings in federal funds of \$183,000.

For FY 2006, the estimated State General Fund savings to the Program will be \$582,000, including \$84,000 in savings from legal fees and \$498,000 in savings from subsidy payments for child care. It is estimated that the change will result in 93 cases that will receive assistance under the Child Care Assistance Program for an estimated net saving in federal funds of \$187,000.

STAFF CONTACT: Lisa Burk (Ext. 17942) Jennifer Vermeer (Ext. 14611) Sue Lerdal (Ext. 17794)

INSURANCE DIVISION - DEPARTMENT OF COMMERCE

ARC 3752B

Rule Summary The rule updates IAC 191-1, 3 and 15 to conform to HF 2489 (2004 Insurance Act). The rule clarifies that certain records of the Iowa Insurance Division are not public records. The rule also clarifies the Commissioner's power.

Fiscal Impact No fiscal impact.

ARC 3753B

Rule Summary Amends chapter 37 to conform to the National Association of Insurance Commissioners' (NAIC) model and bring Iowa into compliance with the Medicare

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Modernization Act of 2003. Insurers who sell Medicare supplement policies will be required to modify some existing policies and develop new products for sale on or after January 1, 2006. This amendment gives guidance to insurers on implementing the required changes.

Fiscal Impact

Fiscal impact cannot be determined. This rule will have no fiscal impact on the revenue/expenses of the Iowa Insurance Division. The rule relates to sales practices and form filings by insurers that sell Medicare supplement policies. The Iowa Insurance Division Consumer Affairs Bureau and/or the Producer and Product Regulation Bureau will administer these rules. Currently over 1,500 insurers are licensed in Iowa. Forty-one companies offer Medicare supplement policies. This rule will affect all 41 companies to some degree. Each company that currently offers a Medicare supplement policy with an outpatient prescription drug benefit must amend that policy before January 1, 2006. Each company that desires to sell the new plans, on or after January 1, 2006, must prepare and file its new policy with the Iowa Insurance Division for approval. The rule also implements new outlines of coverage and disclosure notices to consumers. All insurers selling Medicare supplement policies must revise these items.

STAFF CONTACT: Ron Robinson (Ext. 16256)

BOARD OF NURSING - DEPARTMENT OF PUBLIC HEALTH

ARC 3747B

Rule Summary

Amendment simplifies license reactivation processes and eliminates delinquent license status. License becomes inactive if not renewed within 30 days of expiration. A standard fee is set for reactivation. Discipline and continuing education rules are modified to be consistent.

Fiscal Impact

Minimal fiscal impact. The Board of Nursing will see a small increase in revenue due to the standardized fee, which is anticipated to be less than \$50,000 per year.

STAFF CONTACT: Lisa Burk (Ext. 17942)

PETROLEUM UNDERGROUND STORAGE TANK FUND

ARC 3748B

Rule Summary

Allows the UST Board to reimburse owners of aboveground tanks for upgrade or permanent closure costs. The costs are limited to \$25,000 per site and \$100,000 per owner. To be eligible, expenses must be incurred between January 1, 2004, and February 18, 2005.

Fiscal Impact

It is estimated that 940 aboveground tanks will close or be upgraded with an average cost of \$20,000. These reimbursement provisions will increase UST Fund expenses by a maximum of \$18.8 million. The expenses will be paid from balances in the Fund and will occur during FY 2004 through FY 2005.

STAFF CONTACT: Jeff Robinson (Ext. 14614)

PROFESSIONAL LICENSURE DIVISION - DEPARTMENT OF PUBLIC HEALTH

ARC 3756B

Rule Summary

Board of Respiratory Care Examiners - Amendments change continuing education requirements for respiratory care professionals.

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Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

DEPARTMENT OF PUBLIC SAFETY

ARC 3749B

Rule Summary The proposed rule rescinds current chapter of rules adopted under the former Department of Personnel and adopts five new chapters in its place under the Department of Public Safety. Chapter 404, which deals with temporary incapacity, has the fiscal impact associated with it.

Fiscal Impact Based on experience with temporary incapacity claims from members of the Public Safety Peace Officers' Retirement, Accident, and Disability System in FY 2004, the fiscal impact is estimated to be at least \$134,000 per year. Future payouts for sick leave will be at the current value of the members' salary. Payments will be made from the Department's General Fund appropriations.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

BOARD OF REGENTS

ARC 3743B

Rule Summary Revises the rules regarding application fees to attend the Regents universities by consolidating all fees in one rule and stating the specific fee amounts.

Fiscal Impact No fiscal impact.

ARC 3744B

Rule Summary Makes the following changes to Chapter 3 (Personnel Administration) to reflect statutory changes:

- Technical correction to change the Code of Iowa reference from Chapter 19A to Chapter 8A.
- Eliminates the requirement for a public hearing regarding the pay plan.
- Technical correction to eliminate the word "provisional" as it relates to employment appointments.

Fiscal Impact No fiscal impact.

ARC 3745B

Rule Summary Revises the rules regarding notification of tuition increases at the Regents universities to reflect the statutory change that eliminated a specific date for notification.

Fiscal Impact No fiscal impact.

ARC 3746B

Rule Summary Makes various changes to reflect current organization and operation of the Board.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Mary Shipman (Ext. 14617)

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DEPARTMENT OF REVENUE

ARC 3742B

Rule Summary These rules implement 2004 Iowa Acts, HF 2581, First Extraordinary Session (Bonus Depreciation and Expensing Act). This provides that the additional first-year depreciation allowance set forth in section 168(k) of the Internal Revenue Code for assets placed in service after May 5, 2003, but before January 1, 2005, is applicable for Iowa individual, corporation and franchise tax. In addition, the increase in the expensing allowance authorized in section 179(b) of the Internal Revenue Code for tax years beginning on or after January 1, 2003, but before January 1, 2006, is applicable for Iowa individual, corporation and franchise tax.

Fiscal Impact State General Fund revenues will be reduced by \$55.9 million for FY 2005 and \$29.8 million for FY 2006. General fund revenue will increase after FY 2006 because the recent legislative change accelerated the time period that these assets can be depreciated. Now, more depreciation can be taken on the 2003 and 2004 tax returns, and less depreciation will be taken in 2005 and later periods.

However, one of the federal tax bills passed by Congress earlier this month extends Section 179, \$100,000 expensing for the 2006 and 2007 tax years. This would result in roughly \$5.0 million less in State revenues per year, based on the prior fiscal estimate relating to coupling with Section 179 expensing. The majority of the revenue impact involves 50.0% bonus depreciation pursuant to HF 2581. While no data is available on this issue for FY 2006 and beyond, there could be an increase in General Fund receipts.

Regarding the pending court case pertaining to HF 2581, it is impossible to predict the outcome and what the effect would be on the General Fund.

Individual income, corporation income and franchise taxpayers impacted by the rule will experience a savings.

ARC 3754B

Rule Summary These rules remove provisions relating to the University-Based Research Utilization Program Tax Credit and increased Property Rehabilitation Tax Credits due to the Iowa Supreme Court decision in Rants v. Vilsack, which invalidated the enactment of provisions contained in HF 692 (Tax Changes, Grow Iowa Values, Regulatory Reform Act), 2003 Iowa Acts, First Extraordinary Session.

Fiscal Impact State General Fund revenues will be increased by as much as \$2.0 million for FY 2005 and \$10.0 million for FY 2006, since Section 111 of HF 692 capped the amount of credits relating to the University-Based Research Utilization Program Tax Credit. General Fund revenues will be increased by \$500,000 for FY 2006, since Section 90 of HF 683 (Grow Iowa Values Appropriations Act) capped the amount of additional Property Rehabilitation Tax Credits, and this appropriation was contingent on the passage of House File 692.

ARC 3741B

Rule Summary The rules set forth amendments based on SF 443 (Seed Capital Investments), providing tax credits for investments in qualifying businesses, community-based seed capital funds and venture capital funds.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

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IOWA TECHNOLOGY AND TELECOMMUNICATIONS COMMISSION

ARC 3713B

Rule Summary The proposed amendments reflect recent organizational and Section 8.D.13, Code of Iowa changes. The proposed rule would consolidate professional services contracting into existing purchasing rules and would allow the Commission to join a purchasing cooperative/consortium.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

DEPARTMENT OF TRANSPORTATION

ARC 3712B

Rule Summary Section 32 of Senate File 2070 (FY 2005 DOT Omnibus Act) amends Section 326.15, Code of Iowa, to certify the destruction of International Registration Plan (IRP) credentials for motor vehicles registered under Chapter 326, Code of Iowa. The proposed rule amendments allow qualified fleet owners to self-certify the destruction of IRP credentials in lieu of returning the credentials to the DOT to be destroyed. Credentials include license plates, cab cards, and vehicle registration stickers. Definitions for “qualified fleet owner” and “self-certification of IRP credential destruction” were also added, in addition to editorial changes and a new rule concerning fleet deletions.

Fiscal Impact No fiscal impact. The amendments eliminate the need for DOT staff to destroy returned credentials. Qualified fleet owners will save on postage and handling since they will be able to self-certify the destruction of credentials.

STAFF CONTACT: Mary Beth Mellick (Ext. 18223)

UTILITIES DIVISION - DEPARTMENT OF COMMERCE

ARC 3729B

Rule Summary Amends various pipeline permitting and safety rules to update references to federal technical standards, correct inconsistencies, and generally update the rules.

Fiscal Impact No fiscal impact.

ARC 3755B

Rule Summary The Board is rescinding its current level payment plan rules and is adopting new rules that allow utilities more flexibility in establishing computation methods for calculating level payment amounts. This will allow utilities to continue to use current plans, establish a rolling-12 plan, or propose another plan that results in a reasonable payment amount.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)
