



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 3776B, 3775B

Rule Summary These amendments are pursuant to SF 2179 (Iowa Ethics and Campaign Disclosure Board Act), which transfers authority from the Department to the Ethics and Campaign Disclosure Board to adopt rules specifying the method by which employees may obtain agency consent for the sales of goods or services to individuals, associations, or corporations subject to the regulatory authority of the Department as specified under Section 68B.4, Code of Iowa. Administrative Rule 11-66.2(68B) is rescinded and has been replaced by rules adopted by the Iowa Ethics and Campaign Disclosure Board. Regulatory agencies continue to specify the method by which officials may obtain agency consent. The rule regarding the method by which Department officials may obtain consent has been added to Chapter 1.

Fiscal Impact No fiscal impact.

ARC 3783B

Rule Summary The amendments update and correct cross references as the final step in the Department's conversion of the rules of the departments that were merged into the Department of Administrative Services.

Fiscal Impact No fiscal impact.

ARC 3784B

Rule Summary The purpose of this amendment is to eliminate the mandatory requirement to use a state contract for the purchase of airline tickets. The State will negotiate nonexclusive contracts for air travel, the use of which will be optional for state agencies and their employees. This change will allow an agency the flexibility to direct its employees to purchase tickets from the source determined by the agency to be the best value.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

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DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

ARC 3822B

Rule Summary Establishes that a laboratory analysis for aflatoxin B1 accompany shipments of whole cottonseed being sold in Iowa for animal feed use,

Fiscal Impact There are no costs to the Department or to the State of Iowa. The industry costs are unknown because some distributors may already be analyzing whole cottonseed for aflatoxin B1 as required by several other states.

ARC 3823B

Rule Summary Requires agricultural liming material that consists mostly of egg shells to be stored in a structure that prevents exposure to precipitation. This prevents soil contamination.

Fiscal Impact There are no costs to the Department or to the State of Iowa. The industry costs are unknown because individual producers may already have an enclosure for egg shell liming material or may need to construct an enclosure.

STAFF CONTACT: Debra Kozel (Ext. 16767)

CREDIT UNION DIVISION - DEPARTMENT OF COMMERCE

ARC 3821B

Rule Summary Chapter 189-17 (533) describes commercial paper purchased for investment by a state credit union for its own account. The proposed rules mirror the investment and deposit activities in which a credit union is authorized to engage for federally chartered credit unions.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

DENTAL EXAMINERS BOARD - DEPARTMENT OF PUBLIC HEALTH

ARC 3778B

Rule Summary Proposed amendments require a dental hygiene examinee who fails a clinical examination for licensure on the second attempt to complete proof of additional formal education or clinical experience that is a minimum of 40 hours in length and approved in advance by the Dental Hygiene Committee.

Fiscal Impact Minimal fiscal impact. There are less than a dozen applicants each year who fail the clinical dental hygiene examination two times. Remedial education has always been required, and the proposed amendment only formally codifies the length of the remedial education program.

ARC 3779B, 3777B

Rule Summary Proposed amendments specify requirements related to the obligation of all licensees and registrants to make mandatory reports of any acts or omissions that may constitute a basis for disciplinary action when committed by another person regulated by the Board.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

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DEPARTMENT OF ECONOMIC DEVELOPMENT

ARC 3810B

Rule Summary Conforms the state administrative rules with published federal guidance on the Emergency Shelter Grants Program and makes technical and language changes.

Fiscal Impact No fiscal impact.

ARC 3809B

Rule Summary Conforms the state administrative rules with published federal guidance on the Homeless Shelter Operation Grants Program and makes technical and language changes.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Russell Trimble (Ext. 14613)

EDUCATIONAL EXAMINERS BOARD

ARC 3770B

Rule Summary Corrects a reference to Chapter 12, which has been rescinded and replaced by Chapter 25.

Fiscal Impact No fiscal impact.

ARC 3769B

Rule Summary Clarifies and strengthens requirements for secondary mathematics teaching endorsement.

Fiscal Impact No fiscal impact.

ARC 3771B

Rule Summary Changes the requirement that behind-the-wheel driving instructors have a clear driving record for four years. Requirement is shortened to two years to align with Department of Transportation requirements.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270)

DEPARTMENT OF ELDER AFFAIRS

ARC 3808B

Rule Summary Proposed amendment makes technical changes to the rules that relate to monitoring, civil penalties, complaints, and investigation for Elder Group Homes, Adult Day Services, and Assisted Living Programs.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

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ENVIRONMENTAL PROTECTION COMMISSION - DEPARTMENT OF NATURAL RESOURCES

ARC 3806B

- Rule Summary** Air pollution rule changes include:
- Modifies two existing exemptions from construction permitting to allow the burning of untreated seeds, pellets, and other vegetative materials in residential heating units.
 - Makes date modifications to reference the most recent date changes to 40 Code of Federal Regulations.
 - Adopts 15 recently promulgated federal rules related to National Emission Standards for Hazardous Air Pollutants Standards (NESHAPS).
 - Makes other minor corrections and updates the rules.
 - Clarifies record keeping requirements and reporting of continuous monitoring information, exemptions from continuous monitoring requirements, and requests for extensions of time to install monitoring equipment are applicable to all owners and operators who are required to install continuous monitors.

Fiscal Impact No fiscal impact.

ARC 3805B

- Rule Summary** Establishes a new classification (and some water quality criteria for the classification) and the protocol for assessing stream reaches for cold water aquatic life uses. Includes:
- Modifies the nomenclature for cold water aquatic life stream use designations. The labels of “Tier I” and “Tier II” changed to “Type 1” and “Type 2”.
 - Removes the chemical criteria for Class B (CW2) based on comments from the federal Environmental Protection Agency.
 - Modifies the definition of the “Cold water aquatic life—Type 2 (Class B (CW2))” designated use. The Notice identified Class B (CW2) streams as only those streams possessing cold water attributes that contribute to the base flow of a Class B (CW1) stream and did not account for the streams that contribute to the flow of streams other than Class B (CW1). Thus, a Class B (CW2) stream can be designated regardless of the classification of the water body to which it flows.

Fiscal Impact Estimated cost to the Department of Natural Resources (DNR) is \$15,000 to \$20,000 for monitoring and data assessment. The fiscal impact to regulated facilities will not be triggered until a future rule-making is approved that establishes new designated uses for a few stream reaches that receive municipal discharge. Three to four facilities may be affected.

ARC 3807B

Rule Summary Prohibits the DNR from taking enforcement action against persons maintaining manure management plans on crop production land not owned or rented by them that has had excessive application of commercial nitrogen and/or phosphorus where manure has been applied.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

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ETHICS AND CAMPAIGN DISCLOSURE BOARD

		ARC 3786B
Rule Summary	Places into rule the procedure for a Board Member to request consent to sell goods and services to a person subject to the regulatory authority of the Board.	
Fiscal Impact	No fiscal impact.	
		ARC 3788B
Rule Summary	Renumbers current rules on the imposition of civil penalties for late-filed campaign disclosure reports.	
Fiscal Impact	No fiscal impact.	
		ARC 3791B
Rule Summary	Requires state parties and candidates to use the Board assigned committee ID numbers when reporting transactions between parties and candidates.	
Fiscal Impact	No fiscal impact.	
		ARC 3790B
Rule Summary	Clarifies that a federal PAC is permitted to make contributions to Iowa state committees by filing a verified statement of registration in lieu of registering as an Iowa state PAC	
Fiscal Impact	No fiscal impact.	
		ARC 3789B
Rule Summary	Reflects the statutory prohibition on executive branch officials, employees, and candidates for statewide office from receiving loans from executive branch lobbyists except under certain circumstances.	
Fiscal Impact	No fiscal impact.	
		ARC 3785B
Rule Summary	Places into rule the current requirement to disclose information on executive branch lobbyist registration statements. Also reflects implementation of electronic filing for executive branch lobbyist's registration via the Internet.	
Fiscal Impact	No fiscal impact.	
		ARC 3787B
Rule Summary	Clarifies record retention of filed executive branch lobbying reports and accessibility via the Internet.	
Fiscal Impact	No fiscal impact.	
		ARC 3793

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Rule Summary Establishes a whistleblower protection provision for employees who in good faith provide information/file complaints with the Board.

Fiscal Impact No fiscal impact.

ARC 3792

Rule Summary Clarifies that a person requesting a waiver from the Board's rules that impose a civil penalty for a late-filed report may file a letter stating reasons why a waiver should be granted.

Fiscal Impact No fiscal impact

STAFF CONTACT: Sam Leto (Ext. 16764)

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION - DEPARTMENT OF PUBLIC DEFENSE

ARC 3817B

Rule Summary The proposed rule describes requirements of the comprehensive plan for homeland security, disaster response, recovery, mitigation, and emergency resource management for the State.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

DEPARTMENT OF HUMAN SERVICES

ARC 3767B

Rule Summary Pursuant to HF 2134 (Medicaid Savings Act), expands the quality assurance fee charged to Intermediate Care Facilities for the Mentally Retarded (ICF/MR) to the two State Resource Centers. The expansion is retroactive to October 1, 2003.

Fiscal Impact Fiscal impact is an estimated net increase in federal revenue to the Medical Assistance Program of \$3.6 million for FY 2005. The estimated net savings was included in the FY 2005 budget.

ARC 3768B

Rule Summary Allows a deduction for medical expenses in the Food Assistance Program for expenses related to the Medicare prescription drug discount card. This is intended to prevent a reduction in Food Assistance benefits due to the Medicare discount card. This rule change is required by federal law.

Fiscal Impact No fiscal impact.

ARC 3766B

Rule Summary Makes changes to how the Medicaid for Employed Persons with Disabilities (MEPD) premiums are applied. Allows for a refund under certain circumstances.

Fiscal Impact No fiscal impact.

ARC 3773B

Rule Summary Allows children enrolled in the Healthy and Well Kids in Iowa (*hawk-i*) Program to change health plans if there is a substantial change in the health plan's provider network. Currently, children may only change every 12 months.

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Fiscal Impact Minimal fiscal impact. Children will only be allowed to switch in areas where there is another managed care plan available. The managed care plan rates are the same.

ARC 3765B

Rule Summary Implements changes in the process for collecting past due child support obligations due to federal changes in the process for using federal income tax refunds to collect past due support. In addition, implements a federal option intended to increase collections.

Fiscal Impact Estimated net increase in federal revenue of \$155,000 for FY 2005. This includes an increase of \$59,000 in revenue to the Family Investment Program.

STAFF CONTACT: Jennifer Vermeer (Ext. 14611)

INSURANCE DIVISION - DEPARTMENT OF COMMERCE

ARC 3827B

Rule Summary Rescinds an existing rule pertaining to the use of credit information in personal insurance due to passage of 2004 Iowa Acts, SF 2257 (Credit Information Use in Personal Insurance).

Fiscal Impact No fiscal impact.

ARC 3802B

Rule Summary The proposed rule strengthens the oversight of public self-funded pooling arrangements including filing and registration guidelines, surplus requirements and financial reporting.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (IPERS)

ARC 3828B

Rule Summary The rulemaking completes the transfer of the remaining rules formerly shared with the Iowa Department of Personnel. They also implement amendments to Chapter 97B, Code of Iowa, relating to the reorganization of IPERS.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

LABOR SERVICES DIVISION – DEPARTMENT OF WORKFORCE DEVELOPMENT

ARC 3812B

Rule Summary Adopts changes to federal occupational safety and health regulations. The federal changes create an alternative set of guidelines for decompression chambers in commercial diving, revoke the respiratory protection standard relating to tuberculosis, and delete two recordkeeping provisions whose implementation was previously delayed.

Fiscal Impact Minimal fiscal impact. Those who may be affected by the rule change are employers whose employees have potential exposure to tuberculosis and who are currently not operating in full compliance of the new standard. According to the Division of Labor

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Services, many employers may already be operating in full or partial compliance of the new standards.

STAFF CONTACT: Russell Trimble (Ext. 14613)

LANDSCAPE ARCHITECTURAL EXAMINING BOARD – DEPARTMENT OF COMMERCE

ARC 3816B

Rule Summary The rule clarifies the Board's processes for reinstatement of a lapsed registration and the continuing education hours required for reinstatement.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

DEPARTMENT OF MANAGEMENT

ARC 3811B

Rule Summary The proposed amendments to rules and sub-rules in Chapter 1 and Chapter 8 are to implement the Department's public records policy. Amendments are as follows:

- Expand definitions to clarify terminology.
- Describe Department policy.
- Detail the record retention requirements of the Department.
- Describe the records that may be accessed and those to be withheld.
- Specify record request procedures, requirements, and duties of both the Department and requestor.
- Establish fees and detail when such fees will apply.
- Striking obsolete references to subrules that have been rescinded or are no longer valid.

Fiscal Impact No fiscal impact since the fees are already in place and are now consolidated in one chapter.

STAFF CONTACT: Ron Robinson (Ext. 16256)

MEDICAL EXAMINERS BOARD - DEPARTMENT OF PUBLIC HEALTH

ARC 3826B

Rule Summary Proposed amendments provide updates and clarifications relating to the Board's administrative and regulatory authority.

Fiscal Impact No fiscal impact.

ARC 3824B

Rule Summary The Board has granted waivers in the past of the seven-year requirement for taking the United State Medical Licensing Examination (USMLE) licensure examination when a physician holds specialty board certification from the American Board of Medical Specialties or the American Osteopathic Association. The proposed amendment allows applicants who meet the alternative to no longer file an application for a waiver.

Fiscal Impact No fiscal impact.

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ARC 3825B

Rule Summary Proposed amendments open the Iowa Physician Health Program (IPHP) to any applicants for licensure or licensees of the Iowa Board of Medical Examiners. Also, clarifies how the Board and the IPHP will handle confidentiality issues for IPHP participants under various circumstances, such as if a licensee in the IPHP may have violated the contract, the Board receive information that a licensee in the Program may have violated the grounds for eligibility, or a licensee in the Program allegedly violates the law and the Board files charges against the licensee.

Fiscal Impact Minimal fiscal impact. There are approximately 25 licensed acupuncturists in Iowa and it is unlikely more than a few will end up in the IPHP. Since the Program was founded eight years ago, no acupuncturists have applied. The information sharing will not result in additional costs.

STAFF CONTACT: Lisa Burk (Ext. 17942)

PHARMACY EXAMINERS BOARD - DEPARTMENT OF PUBLIC HEALTH

ARC 3800B

Rule Summary Rules identify individuals required to maintain pharmacy technician registration and provide for the denial of an application for registration in specified circumstances.

Fiscal Impact Minimal fiscal impact. Requiring health professionals assisting with the technical functions of pharmacy practice to register is expected to impact less than 300 individuals per year. The biennial registration is \$33.00. Authorizing the Executive Secretary/Director to deny an application for registration under specific circumstances may relieve the demand on the Board's time for preliminary review of those applications. However, of the approximate 2,500 applications processed annually, less than 2.0% have been identified to fit the criteria established in this rule.

ARC 3798B

Rule Summary Proposed amendments make changes to pre-licensure internship requirements by increasing the credit granted for college-based clinical training programs to 1,250 hours, and requires the remaining 250 hours be obtained in traditional pharmacy practice sites. Also, provides that the 250 hours of traditional training may be obtained at a rate not to exceed 10 hours per week, concurrent with academic training. Also, establishes criteria for nontraditional internships and requires that a pharmacist serving as preceptor shall be licensed in good standing in the state where the internship is to be served.

Fiscal Impact No fiscal impact.

ARC 3801B

Rule Summary Identifies information required to be included on the label affixed to a prescription drug container dispensed by a pharmacist. The amendment provides for dual identification of the dispensed drug using both a brand name and the generic name pursuant to identified circumstances and criteria.

Fiscal Impact No fiscal impact.

ARC 3794B

Rule Summary Clarifies the requirements for transmission by an authorized prescriber's agent of a prescription drug order to the pharmacy and prohibits the dispensing of a prescription drug if the pharmacist knows or should have known that the order was issued for

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other than a legitimate medical purpose, including if the order was issued solely on the basis of an Internet questionnaire or telephone consultation and without a valid pre-existing patient-practitioner relationship.

Fiscal Impact No fiscal impact.

Rule Summary Proposed amendment adds a registered pharmacist-intern to the list of those to whom an authorized pharmacist may delegate the administration of influenza and pneumococcal vaccines to adults. An authorized pharmacist is required to provide direct personal supervision when delegating such administration to a registered pharmacist-intern. **ARC 3795B**

Fiscal Impact No fiscal impact.

Rule Summary Adds reverse distributors to the list of entities required to maintain registration under the Iowa Uniform Controlled Substance Act. **ARC 3796B**

Fiscal Impact No fiscal impact.

Rule Summary Proposed amendment permits an emergency medical services program to enter into a contract for payment to a provider pharmacy of reasonable fees and charges for services not limited to non-product pharmacy services. **ARC 3799B**

Fiscal Impact No fiscal impact for the State. There may be a potential fiscal impact on pharmacies or emergency medical services programs, which is expected to be minimal. The proposed amendment will permit pharmacies to provide more extensive services to emergency medical services and to charge reasonable fees for those services. Emergency medical services programs will be able to contract for more extensive pharmacy services from the experts in the field of pharmaceutical products and care.

Rule Summary Clarifies the meaning of a computer-to-computer transmission of a prescription drug order and clarifies that only an authorized prescriber may initiate a computer-to-computer transmission of a prescription drug order. **ARC 3797B**

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

PROFESSIONAL LICENSURE DIVISION - DEPARTMENT OF PUBLIC HEALTH

Rule Summary Board of Chiropractic Examiners - Proposed amendment defines physiotherapy educational requirements. **ARC 3764B**

Fiscal Impact No fiscal impact.

Rule Summary Cosmetology Board - Proposed amendments eliminate reference to a specific testing vendor, modify licensure by endorsement, adds specific training requirements and other changes as required by legislation passed during the 2004 Legislative Session, **ARC 3815B**

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adds fees for certification of specific procedures, and adds civil penalty language regarding unlicensed practicing persons.

Fiscal Impact Fiscal impact cannot be determined. Any fiscal impact will be due primarily to licensees who choose to offer services that require certification. Fees are \$25 per certification. Other costs will be in penalties to individuals that are not licensed who provide services. It is unknown how many individuals will require certification or will provide unlicensed services.

ARC 3781B

Rule Summary Board of Nursing Home Administrators - Proposed amendments change the appointment period from one year to six months as provided by the Code of Iowa, adopts a new license renewal rule that includes a mandatory reporter training requirement, and adds provisions for duplicate and reissued certificate and wallet cards and associated fees.

Fiscal Impact Minimal fiscal impact for licensees that need mandatory reporter training. These courses are often offered at low or no cost.

ARC 3774B

Rule Summary Board of Physician Assistants Examiners - Proposed amendments clarifies physician and physician assistant supervisory responsibility.

Fiscal Impact No fiscal impact.

ARC 3814B

Rule Summary Board of Athletic Training Examiners - Proposed amendments adopt changes to rules resulting from legislative changes relating to definitions, mandatory licensure, and the ability to obtain a temporary license to practice for a transition period between July 1, 2004, and July 1, 2007. In addition, there are changes to update language relating to the national certification association and service standards.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

DEPARTMENT OF PUBLIC HEALTH

ARC 3839B

Rule Summary Proposed amendment provides for model rules for quarantine and isolation that may be adopted by local boards of health. The Department reports the amendment is the result of multiple requests from local public health agencies.

Fiscal Impact There is minimal fiscal impact to develop and distribute these rules to local public health agencies; however, the fiscal impact of assisting these agencies in the event of a public health emergency or disaster cannot be determined, as the cost would depend on the type and severity of the emergency or disaster-related event.

ARC 3838B

Rule Summary Proposed amendment standardizes and updates document references and definition language for emergency medical providers; allows out-of-state students to do clinical and field experience in Iowa; lengthens the time period for testing to two years following training classes; increases certification fees for endorsements and

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	paramedic specialist; and brings discipline in line with other professions with extensive clarifications.
Fiscal Impact	Minimal fiscal impact.
	ARC 3837B
Rule Summary	Proposed amendment updates and standardizes definition and rule language for the regulatory oversight of emergency services care; defines scope of practice for providers; adds paramedic specialist service level designation; and updates documents references.
Fiscal Impact	No fiscal impact.
	ARC 3836B
Rule Summary	Proposed amendment standardizes definition and reporting language for the regulatory oversight of the use of the while flashing light used by emergency medical providers.
Fiscal Impact	No fiscal impact.
	ARC 3835B
Rule Summary	Proposed amendment standardizes definition language for the rules that provide trauma care facility self-designated guidelines.
Fiscal Impact	No fiscal impact.
	ARC 3834B
Rule Summary	Proposed amendment standardizes definition language for the rules that provide trauma protocol guidelines, and updates trauma care facility categorization level terminology and protocol terminology and references.
Fiscal Impact	No fiscal impact.
	ARC 3833B
Rule Summary	Proposed amendment standardizes definition language for the rules that provide trauma registry guidelines for data reporting by trauma care facilities and ambulance services. Also, updates trauma care facility categorization level terminology and trauma date references.
Fiscal Impact	No fiscal impact.
	ARC 3832B
Rule Summary	Proposed amendment standardizes definition language for the rules that provide trauma training and education requirements for trauma care facility and emergency medical personnel. Also, updates trauma care facility categorization level terminology and emergency medical personnel terminology and training requirements.
Fiscal Impact	No fiscal impact.
	ARC 3831B
Rule Summary	Proposed amendment establishes the quality improvement committee for the trauma system.

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Fiscal Impact No fiscal impact.

Rule Summary Proposed amendment standardizes definition language for the rules that provide regulatory oversight for the Iowa Enforcement Automated External Defibrillator Program and eliminates law enforcement training program references, as well as references to the Public Access to Defibrillation (PAD) Program.

ARC 3830B

Fiscal Impact No fiscal impact.

Rule Summary Proposed amendment standardizes definition language for the rules that provide the guidelines for the emergency medical services system development grant funding, and adds definitions that further clarify the funding, as well as eliminates unnecessary rule language.

ARC 3829B

Fiscal Impact No fiscal impact.

Rule Summary Proposed amendment standardizes definition language for the rules relating to the Love Our Kids Grant, which is a competitive grant funding program involved in the development, promotion, and implementation of injury prevention and education initiatives for Iowa children.

ARC 3840B

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

RACING AND GAMING COMMISSION

Rule Summary Specifies a definition for moored barge.

ARC 3772B

Fiscal Impact No fiscal impact.

STAFF CONTACT: Douglas Wulf (Ext. 13250)

DEPARTMENT OF REVENUE

Rule Summary Increases the penalty for the violation of being in possession of more than 2,000 unstamped cigarettes; clarifies that a refund of tax paid on fuel used in the extraction and processing of natural deposits is allowable if used in motor vehicles, whether registered or not registered; provides a definition for “counterfeit cigarettes;” increases the statute of limitations for the Department to examine taxpayer records from 2 to 3 years; lengthens the time taxpayers are required to maintain records from 2 to 3 years; expands the time banks are required to maintain records of cigarette stamp transactions from 2 to 3 years; and makes numerous changes to clean-up outdated cigarette and tobacco tax penalty language.

ARC 3804B

Fiscal Impact The fiscal impact cannot be determined. It is unknown how many retailers are currently violating the cigarette stamp requirement.

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ARC 3820B

Rule Summary Section 421.7, Code of Iowa, requires the Director of the Department of Revenue to determine the interest rate for each calendar year. The Director has determined that the rate of interest on interest-bearing taxes arising under Title XVI shall be 6.0% for the calendar year 2005 (0.5% per month). The Department will also pay interest at the 6.0% rate on refunds.

Fiscal Impact No fiscal impact. Since the interest rate remains unchanged there is no benefit or detriment from the previous year's rate.

ARC 3819B

Rule Summary The rules set forth amendments that clarify existing rules and remove obsolete rules or rule provisions. The amendments clean up the existing rules pertaining to Individual Income Tax, Corporation Tax, and Fiduciary Income Tax.

Fiscal Impact No fiscal impact.

ARC 3803B

Rule Summary These rules set forth amendments relating to the Iowa Educational Savings Plan Trust (HF 2553 – College Savings Iowa Act) and the Franchise Tax Credit (Banking Division Reorganization Act). These rules also set forth amendments based on 2004 Iowa Acts, SF 2298 (FY 2005 Omnibus Appropriations Act), section 250, relating to the Property Rehabilitation Tax Credit. Finally, these rules set forth amendments relating to the elimination of the franchise tax allocation to cities and counties based upon 2003 Iowa Acts, SF 453 (Reinvention Act).

Fiscal Impact General Fund revenues will be reduced by \$130,000 in FY 2005 and \$175,000 in FY 2006 due to the changes in HF 2553 (College Savings Iowa Act) relating to the Iowa Educational Savings Plan Trust. The revenue reduction will increase marginally in subsequent years as overall Program participation increases.

Also, General Fund revenues will be increased by \$8.8 million for FY 2005 due to the changes in SF 453 (Reinvention Act) relating to the repeal of the franchise tax distribution to cities and counties. Starting in FY 2006, \$7.0 million of franchise tax revenues will be transferred from the General Fund to the Community and Attractions Tourism Fund.

ARC 3818B

Rule Summary The proposed new chapters are intended to implement HF 683, division XIV, chapter 2, of the 2003 Iowa Acts of the First Extraordinary Session (Streamlined Sales and Use Tax Act). The newly-drafted rules are intended to accomplish three things: 1) To explain the changes to Iowa Sales and Use Tax law made by HF 683; 2) To preserve the existing interpretation of portions of Iowa Sales and Use Tax law which the Streamlined Sales and Use Tax Act does not change; and, 3) To remove from the new rules references to Sales and Use Tax law as it existed prior to July 1, 2004, the effective date of the Streamlined Sales and Use Tax Act.

Fiscal Impact Fiscal Impact cannot be determined. The rule implements legislation which changes the definition of the word "food", a "large ticket" exemption under Iowa Sales and Use Tax law. Some food items which were once taxable are clearly not now taxable and vice versa. Taxation/exemption of other food items is questionable as is the

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taxation/exemption of certain medical devices given the requirements of uniformity laid out by HF 683. Due to these uncertainties, the fiscal impact cannot be determined.

STAFF CONTACT: Ron Robinson (Ext. 16256)

SECRETARY OF STATE

ARC 3762B

Rule Summary These proposed rules provide a definition of what constitutes a vote for all voting systems in use in Iowa and provide clarification of procedures for recounts.

Fiscal Impact No fiscal impact.

ARC 3763B

Rule Summary These proposed rules implement changes to procedures for receiving and counting absentee ballots, and provide a training curriculum for absentee ballot couriers. The proposed rules also provide county commissioners of elections with direction in handling absentee ballots returned by anonymous or unauthorized persons.

Fiscal Impact Minimal fiscal impact.

ARC 3780B

Rule Summary This Chapter contains procedures for distributing Help America Vote Act (HAVA) grant funds to Iowa counties. These rules are intended to implement 2004 Iowa Acts, Senate File 2298, Iowa Code section 47.1 and the Help America Vote Act, Public Law 107-252.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Douglas Wulf (Ext. 13250)

STATE PUBLIC DEFENDER - DEPARTMENT OF INSPECTIONS AND APPEALS

ARC 3813B

Rule Summary Conforms the rules to statutory changes in HF 2138 (State Public Defender Practices Act) or reflects current practice.

Fiscal Impact Minimal fiscal impact.

STAFF CONTACT: Beth Lenstra (Ext. 16301)

WORKERS' COMPENSATION DIVISION – DEPARTMENT OF WORKFORCE DEVELOPMENT

ARC 3782B

Rule Summary These amendments modify the existing rules regarding discovery in, scheduling of and admissibility of evidence in workers' compensation contested cases.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Russell Trimble (Ext. 14613)
