



**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](http://staffweb.legis.state.ia.us/lfb/docs/Admin_Rules/arfiscal_notes.htm).*

**ACCOUNTANCY EXAMINING BOARD - DEPARTMENT OF COMMERCE**

**ARC 3982B**

- Rule Summary** The proposed amendments make the following changes:
- Adopt new definitions for terms used in Chapter 15.
  - Clarify requirements for issuance of a certificate as a CPA.
  - Allow the use of the services of a test administrator.
  - Establish requirements for reinstatement of a lapsed certificate or license, and a lapsed firm permit.
  - Adopt new mandatory continuing education requirements.
  - Adopt new guidelines for record retention.
  - Adopt provisions for confidentiality of complaint and investigative information received from the Public Company Accounting and Oversight Board (PCAOB) created by the Sarbanes-Oxley Act of 2002.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

**DEPARTMENT OF ADMINISTRATIVE SERVICES**

**ARC 4008B and ARC 4009B**

**Rule Summary** These amendments are proposed to update the description of the Department's organizational structure.

**Fiscal Impact** No fiscal impact.

**ARC 3981B**

**Rule Summary** This amendment is proposed to eliminate the authority of the Director to initiate waivers on the Director's own motion.

**Fiscal Impact** No fiscal impact.

**ARC 4011B**

**Rule Summary** The amendments change the start and end dates for customer council member terms, from the current period of July through June, to the new period of September through August. In addition, the Department of Administrative Services (DAS)

**Table of Contents:**

Accountancy Examining Board – p. 1  
Department of Administrative Services – p. 1  
Agriculture and Land Stewardship – p. 2  
Alcoholic Beverages Division – p. 3  
Banking Division – p. 3  
Department for the Blind – p. 3  
Dental Examiners Board – p. 3  
Department of Education – p. 4  
Educational Examiners Board – p. 5  
Department of Elder Affairs – p. 5  
Engineering Examining Board – p. 5  
Environmental Protection Commission – p. 6  
Ethics and Campaign Disclosure Board – p. 6  
Department of Human Services – p. 7

Department of Inspections and Appeals – p. 9  
Insurance Division – p. 9  
Iowa Finance Authority – p. 10  
Latino Affairs Division – p. 10  
Department of Management – p. 10  
Department of Natural Resources – p. 11  
Professional Licensure Division – p. 12  
Department of Public Health – p. 12  
Department of Public Safety – p. 15  
Racing and Gaming Commission – p. 15  
Department of Revenue – p. 16  
Soil Conservation Division – p. 17  
Department of Transportation – p. 17  
Utilities Division – p. 17

## Administrative Rules – Fiscal Impact Summaries

March 4, 2005

2

customer complaint resolution process that must be approved by the customer councils is being changed to specify general standards rather than listing each specific step and time frame in the rules. The specific procedure for resolving customer complaints will be approved for each DAS enterprise by the respective customer council.

**Fiscal Impact** No fiscal impact.

### ARC 3979B

**Rule Summary** The amendment corrects a cross reference to Chapter 7, "Contested Cases" in rule 11-40.13(8A), which provides for the content of the notice of offset that is part of the judicial offset procedures. The cross reference in this rule presently refers to a chapter of rules of the former Department of General Services that was rescinded effective 6/16/04.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

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## DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

### ARC 4027B

**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 4026B

**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.

### ARC 3965B

**Rule Summary** Makes two changes relating to standards for motor vehicle fuel, antifreeze, oxygenate octane enhancers, and raffinate natural gasoline:

- Updates the reference to standards established by the American Society for Testing and Materials (ASTM) from January 1, 2000, to January 1, 2005; however, the amendment proposes to delay the enforcement date of the ASTM standard relating to diesel fuel lubricity until October 1, 2005.
- Reduces the maximum amount of methyl tertiary butyl ether (MTBE) allowed in motor vehicle fuel from two percent to one-half of one percent by volume. This change is due to statutory requirements in Chapter 214A.18, Code of Iowa.

**Fiscal Impact** The fiscal impact cannot be determined, as petroleum companies nationwide will incur the majority of the expenses. Most of the costs have been or will be incurred due to the national scope of the ASTM standards and the need for uniformity of fuel.

STAFF CONTACT: Debra Kozel (Ext. 16767)

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## Administrative Rules – Fiscal Impact Summaries

March 4, 2005

3

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### DEPARTMENT OF COMMERCE ALCOHOLIC BEVERAGES DIVISION

#### ARC 3992B

**Rule Summary** The current rule, which was adopted on December 6, 2000, allows an industry member of alcoholic beverages to have an ownership interest in a retail establishment provided that the interest is sufficiently remote so as to not violate the legislative intent of Iowa's tied-house law. The Iowa Supreme Court declared the rule null and void. The proposed amendment returns the language contained in the rule to the language prior to the 2000 rulemaking pursuant to the Court's ruling in the case, Dave Auen, et. al. v. Alcoholic Beverages Division of the Iowa Department of Commence.

**Fiscal Impact** No fiscal impact. The amendment will not have a fiscal impact to the State since any liquor licenses, wine permits or beer permits, with a remote industry member ownership interest, were issued pursuant to the rule.

STAFF CONTACT: Ron Robinson (Ext. 16256)

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### DEPARTMENT OF COMMERCE BANKING DIVISION

#### ARC 4021B

**Rule Summary** The amendments update existing rules, change the Banking Board to the Banking Council with advisory capacity only, and make language consistent with the reorganization of the Division of Banking, which reflects title and duty changes of some of its positions.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

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### DEPARTMENT FOR THE BLIND

#### ARC 3984B

**Rule Summary** The amendments prohibit dangerous weapons on the premises at the Department for the Blind and clarify disciplinary actions the Department may take in regard to a blind vendor.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270)

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### DENTAL EXAMINERS BOARD - DEPARTMENT OF PUBLIC HEALTH

#### ARC 3976B

**Rule Summary** Proposed amendments authorize a registered dental assistant to provide intraoral suctioning under the general supervision of a dentist. These amendments will facilitate sealant programs, especially in public health programs.

**Fiscal Impact** No fiscal impact.

#### ARC 3973B

**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 could constitute a basis for disciplinary action when committed by another individual regulated by the Board.

## Administrative Rules – Fiscal Impact Summaries

March 4, 2005

4

**Fiscal Impact** No fiscal impact.

### ARC 3977B

**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 3975B

**Rule Summary** Proposed amendments allow the Board to issue a temporary permit authorizing the permit holder to practice dentistry or dental hygiene on a short-term basis in the State at a specific location to provide volunteer services. Also, specifies eligibility requirements and permit limitations.

**Fiscal Impact** Minimal fiscal impact. The amendments specify a \$25 application fee for a temporary permit to provide volunteer services. The Board anticipates issuing fewer than 100 permits per year, generating revenue less than \$2,500 per year.

### ARC 3979B and 3974B

**Rule Summary** Mandatory reporting of acts of omissions - Terminated.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

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## DEPARTMENT OF EDUCATION

### ARC 3983B

**Rule Summary** Amends the rules related to rule-making to align with uniform rules on petitions and with Section 25B.6, Code of Iowa.

**Fiscal Impact** No fiscal impact.

### ARC 3978B

**Rule Summary** New rules required to implement Senate File 445 (School Infrastructure Financing Act), enacted in 2003. Adds definitions and provides an application process to expend supplemental school infrastructure funding for new construction or for payments for bonds for new construction issued against supplemental school infrastructure funding.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270)

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## Administrative Rules – Fiscal Impact Summaries

March 4, 2005

5

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### EDUCATIONAL EXAMINERS BOARD

#### ARC 4006B

**Rule Summary** Corrects a cross-reference to Chapter 12, which has been rescinded.

**Fiscal Impact** No fiscal impact.

#### ARC 4007B

**Rule Summary** Changes a requirement for the Behind-the-Wheel authorization to align with the rules of the Department of Transportation (DOT). The rules currently require a clear driving record for the previous four years. The amendment would reduce the requirement to two years.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270)

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### DEPARTMENT OF ELDER AFFAIRS

#### ARC 3875B and 4022B

**Rule Summary** Terminated - Proposed rules on the supervision of self-administration and partial delegation of medication in adult day services programs.

**Fiscal Impact** No fiscal impact.

#### ARC 3878B and 4034B

**Rule Summary** Terminated - Proposed rules on the supervision of self-administration and partial delegation of medication in assisted living programs.

**Fiscal Impact** No fiscal impact.

#### ARC 3874B and 4035B

**Rule Summary** Terminated - Proposed rules on the supervision of self-administration and partial delegation of medication in elder group homes.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

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### ENGINEERING EXAMINING BOARD - DEPARTMENT OF COMMERCE

#### ARC 3988B

**Rule Summary** The amendments clarify the Board's rules regarding the seal and certification block requirements used to identify all engineering and land surveying documents issued by a licensee for use in Iowa. The amendments assist licensees and staff in the determination of the seal and certification block requirements.

**Fiscal Impact** No fiscal impact. This is a clarification of an existing rule.

STAFF CONTACT: Ron Robinson (Ext. 16256)

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## Administrative Rules – Fiscal Impact Summaries

March 4, 2005

6

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### ENVIRONMENTAL PROTECTION COMMISSION – DEPARTMENT OF NATURAL RESOURCES

#### ARC 4005B

**Rule Summary** Adopts federal Environmental Protection Agency (EPA) revisions to the nonattainment New Source Review (NSR) provisions and the Prevention of Significant Deterioration (PSD) provisions. The Department of Natural Resources (DNR) is implementing State air permitting programs for NSR and PSD for major sources.

**Fiscal Impact** No fiscal impact to the State. Owners and/or operators of major sources of air pollution that construct a new emission source or make modifications at an existing facility that will trigger the requirement for a PSD review are affected by this rulemaking. Currently, there are approximately 300 major sources in Iowa that are already impacted by potential PSD review. The proposed changes should be beneficial to industry as the federal rule allows for more flexibility in PSD review and reduces the regulatory burden. Currently, the DNR does not charge a fee to process a PSD permit application. The time needed for the applicant to complete a permit application and associated ambient air modeling is significant. Due to the different needs of each application, it is difficult to estimate the fiscal impact to affected sources of air pollution. The changes to the PSD and nonattainment NSR programs will have little, if any, impact to the general public or environmental quality.

#### ARC 4003B

**Rule Summary** Adds the Chemplex Superfund site located near Clinton as a protected groundwater source.

**Fiscal Impact** No fiscal impact.

#### ARC 4004B

**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 3999B

**Rule Summary** Clarifies when advisory opinions from the Board may be requested by governmental agencies.

**Fiscal Impact** No fiscal impact.

#### ARC 4000B

**Rule Summary** Clarifies the procedures to be followed by the Board's Executive Director and Legal Counsel when requesting consent to sell goods or services to a person subject to regulatory authority of the Board.

**Fiscal Impact** No fiscal impact.

## Administrative Rules – Fiscal Impact Summaries

March 4, 2005

7

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**ARC 3997B**  
**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 3996B**  
**Rule Summary** Permits a State party committee to receive contributions from a corporation, insurance company, or financial institution when such funds are placed in a building fund.

**Fiscal Impact** No fiscal impact.

**ARC 3998B**  
**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 3995B**  
**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 3994B**  
**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 4001B**  
**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)

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### DEPARTMENT OF HUMAN SERVICES

**ARC 4016B**  
**Rule Summary** Rescinds Chapter 186 and replaces it with a new Chapter to cover Community Care services provided under the Child Welfare redesign. Also, provides appeal rights for customers who have exhausted the dispute resolution process of the provider agency.

**Fiscal Impact** No fiscal impact. The Community Care contractor will have the opportunity to earn a maximum of \$3.0 million during the 23-month contract period, which will be paid from the existing budget for Child Welfare.

## Administrative Rules – Fiscal Impact Summaries

March 4, 2005

8

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		<b>ARC 4017B</b>
<b>Rule Summary</b>	Implements annual Cost of Living Adjustments (COLA) in the State Supplementary Assistance (SSA) Program, as required by Federal law. The increase is 2.7%.	
<b>Fiscal Impact</b>	Estimated fiscal impact to the State General Fund of \$51,000 in FY 2005 and \$104,000 in FY 2006. Funding for FY 2005 has been included in the budget. In addition, SSA clients will have an increase in their costs for services of \$147,000 in FY 2005 and \$282,000 in FY 2006. These increased client costs are offset by increases in the income they receive from their Supplemental Security Income payments, which also receive the COLA.	
		<b>ARC 4018B</b>
<b>Rule Summary</b>	Establishes an Iowa Refugee Services Foundation, a not-for-profit entity to promote the welfare and self-sufficiency of noncitizen refugees.	
<b>Fiscal Impact</b>	No fiscal impact.	
		<b>ARC 3966B and 3968B</b>
<b>Rule Summary</b>	Increases the allowance for heating and cooling and telephone costs for Food Assistance eligibility. The Food Assistance Program is 100% federally funded.	
<b>Fiscal Impact</b>	No fiscal impact to the State General Fund. Estimated increase in federal funds of \$800,000 in FY 2005 and \$2.4 million in FY 2006.	
		<b>ARC 3967B</b>
<b>Rule Summary</b>	Allows the Medicaid Program to accept a faxed signature.	
<b>Fiscal Impact</b>	No fiscal impact.	
		<b>ARC 4014B</b>
<b>Rule Summary</b>	Adds the definition of “immediately” as it relates to when mandatory reporters are required to report suspected abuse of dependent adults.	
<b>Fiscal Impact</b>	No fiscal impact.	
		<b>ARC 4013B and 4019B</b>
<b>Rule Summary</b>	Changes remove the requirement that children receiving family-centered supervision services also must be receiving a treatment service funded by the Department or another funding source.	
<b>Fiscal Impact</b>	Minimal fiscal impact. There may be additional costs for purchasing supervision for children who have a need but are not currently receiving the service because of existing requirements. The savings for therapy and skill development are expected to offset this cost because some children who currently are receiving these services will receive only supervision.	
		<b>ARC 4015B</b>
<b>Rule Summary</b>	Changes align the State’s Adoption Subsidy rules with federal law and regulations governing the Title IV-E Adoption Assistance Program.	
<b>Fiscal Impact</b>	Minimal fiscal impact.	

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

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## Administrative Rules – Fiscal Impact Summaries

March 4, 2005

9

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### DEPARTMENT OF INSPECTIONS AND APPEALS

#### ARC 3948B

**Rule Summary** The proposed rule change conforms Iowa's hospital licensing rules with recent federal regulatory changes impacting the state's critical access hospitals (CAHs). The proposed amendments will allow CAHs to dedicate no more than 10 beds to inpatient psychiatric or rehabilitation services without jeopardizing their 25-bed inpatient limitation imposed by the Centers for Medicare & Medicaid Services (CMS).

**Fiscal Impact** No fiscal impact.

#### ARC 3949B

**Rule Summary** The proposed rules clarify and simplify the process by which licensed long-term care facilities may be nominated and selected for a Governor's Award for Quality Care. Additionally, the proposed rules include two new criteria to be used in screening potential nominees – outstanding or unresolved complaint investigations and outstanding audit findings.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Douglas Wulf (Ext. 13250)

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### INSURANCE DIVISION - DEPARTMENT OF COMMERCE

#### ARC 4025B

**Rule Summary** The new chapter supplements existing regulations on life insurance policies in order to accommodate the development of universal life insurance policies. This amendment makes several changes to the documents insurers are required to give to purchasers.

**Fiscal Impact** No fiscal impact.

#### ARC 4024B

**Rule Summary** The rule change amends chapter 37 to conform with the National Association of Insurance Commissioners (NAIC) Model Regulation to implement the Medicare Supplement Insurance Minimum Standards Model Act, and bring Iowa into compliance with the Medicare Prescription Drug, Improvement and Modernization Act of 2003.

**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.

## Administrative Rules – Fiscal Impact Summaries

March 4, 2005

10

### ARC 4023B

**Rule Summary** This rule change amends the rule regarding the issuance of a commercial lines license of authority for insurance producers. The amendment codifies a recent change in Division business practices to bring the Division in line with uniform licensing practices as adopted by the National Association of Insurance Commissioners (NAIC). The rule relates to the information that is printed on an insurance producer license.

**Fiscal Impact** No fiscal impact.

### ARC 4036B

**Rule Summary** The proposed rules are intended to reinstate a rule which was erroneously rescinded in 1999. The unintentional effect of the rescission may have required life insurance producers to undergo the Iowa securities licensing process to provide variable annuities to employers' qualified retirement plans when the federal Securities Act of 1933 exempts such variable annuities.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

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## IOWA FINANCE AUTHORITY

### ARC 4020B

**Rule Summary** Adds a new chapter 22, "Iowa Aftercare Services Rent Subsidy Program" to the Authority's rules. Chapter 22 contains the rules to implement and administer the program established by the Authority and the Department of Human Services (DHS).

**Fiscal Impact** No fiscal impact. The Authority expects to receive \$100,000 in federal funds from DHS for this program in FY 2005.

STAFF CONTACT: Russell Trimble (Ext. 14613)

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## LATINO AFFAIRS DIVISION – DEPARTMENT OF HUMAN RIGHTS

### ARC 4030B

**Rule Summary** This rule creates a qualification mechanism for Spanish language interpreters working for administrative agencies, health, social services and the courts. The rule change is intended to improve access to social, medical, and judicial services by limited English proficient Iowans.

**Fiscal Impact** Fiscal impact of less than \$50,000. Approximately \$243,000 in federal funds have been secured for the implementation of an "Interpreter Certification" process. After interpreter qualification mechanism is implemented a fee structure will be used to sustain administrative and evaluative processes for the Program. The Latino Affairs Division estimates that the program should be self sustaining within three to five years.

STAFF CONTACT: Sam Leto (Ext. 16767)

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## DEPARTMENT OF MANAGEMENT

### ARC 3943B

**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:

## Administrative Rules – Fiscal Impact Summaries

March 4, 2005

11

- Expand definitions to clarify terminology and 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.
- Strike 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)

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### NATURAL RESOURCES DEPARTMENT

**Rule Summary** Establishes rules for compliance and inspection of excursion boats for gambling. The boats are no longer under navigation and are designated as moored vessels. **ARC 4031B**

**Fiscal Impact** Minimal fiscal impact.

**Rule Summary** Allows nonresident deer hunters to purchase preference points for any-sex deer licenses in years they choose not to hunt in Iowa. The cost is \$10. **ARC 4032B**

**Fiscal Impact** It is estimated the Department of Natural Resources will save \$20,000 per year from not having to refund license fees to nonresident hunters that do not receive a license.

**Rule Summary** Provides the Natural Resource Commission flexibility for developing rules for special deer hunts in parks and recreation areas. **ARC 4033B**

**Fiscal Impact** The rule will generate less than \$50,000 in license revenue to the Fish and Wildlife Trust Fund annually. The rule will also reduce deer damage to crops and natural vegetation and deer-vehicle collisions, but the fiscal impact cannot be determined.

**Rule Summary** Makes the following changes regarding a Groundwater Hazard Statement: **ARC 4002B**

- Restricts the instances in which a groundwater hazard statement must be filed in order to more closely mirror the requirements of the Declaration of Value form.
- Allows for the electronic filing of groundwater hazard statements if and when the county recorders implement an electronic filing system.
- Eliminates the need to forward a copy of the statement to the Department of Natural Resources (DNR) if a private burial site is the only item disclosed.

**Fiscal Impact** The changes will reduce the number of filings of a Groundwater Hazard Statement to the DNR by a County Recorder. If electronic filing is implemented by the County Recorders, the proposed rule change will allow for additional cost savings. The total cost savings to the DNR and the County Recorders is expected to be less than \$100,000 per year.

STAFF CONTACT: Debra Kozel (Ext. 16767)

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## Administrative Rules – Fiscal Impact Summaries

March 4, 2005

12

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### PROFESSIONAL LICENSURE DIVISION - DEPARTMENT OF PUBLIC HEALTH

#### ARC 4010B

**Rule Summary** Eliminates references to a specific testing vendor, modifies licensure by endorsement, adds specific training requirements and other changes as required by legislation passed during the 2004 Legislative Session, 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 who are not licensed who provide services. It is unknown how many individuals will require certification or will provide unlicensed services.

#### ARC 3985B

**Rule Summary** Adopts criteria for licensee discipline and civil penalties associated with unlicensed individuals and businesses in the practice or business of mortuary science. Also, adds a statement to require written permission from an authorized individual to be in the preparation room, deletes the statement regarding the transit permit in 100.10a.

**Fiscal Impact** No fiscal impact.

#### ARC 3980B

**Rule Summary** Proposed amendments clarify physician and physician assistant supervisory responsibility.

**Fiscal Impact** No fiscal impact.

#### ARC 3947B

**Rule Summary** Board of Athletic Training Examiners - Proposed amendments implement 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)

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### DEPARTMENT OF PUBLIC HEALTH

#### ARC 3963B

**Rule Summary** Proposed amendment provides 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.

## Administrative Rules – Fiscal Impact Summaries

March 4, 2005

13

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		<b>ARC 3970B</b>
<b>Rule Summary</b>	Proposed amendment updates the rules that regulate the operation and design and construction of swimming pools and spas.	
<b>Fiscal Impact</b>	Minimal fiscal impact. The revision includes fee increases for registration of swimming pools and spas, and for plan review for construction and reconstruction. The increase in revenue is anticipated to be \$12,000 to \$14,000.	
		<b>ARC 3964B</b>
<b>Rule Summary</b>	Proposed amendment makes technical changes, adds language to meet federal compatibility requirements, amends for clarification, adds language for disciplinary reasons, and amends to add new x-ray operator category.	
<b>Fiscal Impact</b>	Minimal fiscal impact. The new category of operator will affect only three to five people in the first few years because the Program is new and only offered at four facilities nationwide. Mammography fees were added for the accreditation process and this is \$200 per facility every three years. This process is already performed by agency staff and will not require additional FTEs.	
		<b>ARC 3969B</b>
<b>Rule Summary</b>	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 paramedic specialist; and brings discipline in line with other professions with extensive clarifications.	
<b>Fiscal Impact</b>	Minimal fiscal impact.	
		<b>ARC 3962B</b>
<b>Rule Summary</b>	Proposed amendment updates and standardizes definitions 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 document references.	
<b>Fiscal Impact</b>	No fiscal impact.	
		<b>ARC 3961B</b>
<b>Rule Summary</b>	Proposed amendment standardizes definitions and reporting language for the regulatory oversight of the use of the flashing light used by emergency medical providers.	
<b>Fiscal Impact</b>	No fiscal impact.	
		<b>ARC 3960B</b>
<b>Rule Summary</b>	Proposed amendment standardizes definition language for the rules that provide trauma care facility self-designated guidelines.	
<b>Fiscal Impact</b>	No fiscal impact.	
		<b>ARC 3959B</b>
<b>Rule Summary</b>	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.	

## Administrative Rules – Fiscal Impact Summaries

March 4, 2005

14

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**Fiscal Impact** No fiscal impact.

**ARC 3958B**

**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 3957B**

**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 3954B**

**Rule Summary** Proposed amendment establishes the quality improvement committee for the trauma system.

**Fiscal Impact** No fiscal impact.

**ARC 3956B**

**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.

**Fiscal Impact** No fiscal impact.

**ARC 3953B**

**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.

**Fiscal Impact** No fiscal impact.

**ARC 3952B**

**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.

**Fiscal Impact** No fiscal impact.

**ARC 3955B**

**Rule Summary** Pursuant to HF 2464 (Defibrillator Grant Program Act), this rule establishes and implements an Automated External Defibrillator Grant Program, which provides matching funds to local boards of health, community organizations, or cities.

## Administrative Rules – Fiscal Impact Summaries

March 4, 2005

15

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**Fiscal Impact** For FY 2005, HF 2577 (Healthy Iowans Tobacco Trust Act) provided an appropriation of \$250,000 for the Program.

**Rule Summary** Amendments recognize long-term care hospitals and rehabilitation hospitals as defined by federal regulations. Also, the amendments provide clarification that the conversion of a long-term care or rehabilitation hospital to a general acute hospital or to a different type of specialty hospital is a permanent change in bed capacity and requires a Certificate of Need (CON). **ARC 3951B**

**Fiscal Impact** Minimal fiscal impact. It is not anticipated that a conversion of a specialty hospital to a general hospital would occur often, if at all. The CON cost for such a conversion is the filing fee, which equals three-tenths of one percent of the capital cost of the proposal with a maximum fee of \$21,000.

**Rule Summary** Proposed amendment allows a hospital that has deleted beds for the purpose of receiving designation as a Critical Access Hospital to reestablish the deleted beds at a later time without obtaining a Certificate of Need (CON), providing the number of beds reestablished does not exceed the number of beds maintained prior to the deletion. **ARC 3950B**

**Fiscal Impact** Minimal fiscal impact. It is not anticipated that a conversion of a specialty hospital to a general hospital would occur often, if at all. The CON cost for such a conversion is the filing fee, which equals three-tenths of one percent of the capital cost of the proposal.

STAFF CONTACT: Lisa Burk (Ext. 17942)

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### DEPARTMENT OF PUBLIC SAFETY

**Rule Summary** Updates the rule regarding the Iowa Sex Offender Registry, including an opportunity for public comment on rules adopted by emergency in July, for the elimination of risk assessments for Registry purposes, and providing that all registrants will be placed on the Department of Public Safety Sex Offender Registry web site. **ARC 3987B**

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

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### RACING AND GAMING COMMISSION

**Rule Summary** Provides minor changes and adds clarification language related to occupational and vendor licensing, harness racing, and thoroughbred and quarter horse racing. **ARC 3986B**

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Douglas Wulf (Ext. 13250)

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## Administrative Rules – Fiscal Impact Summaries

March 4, 2005

16

### DEPARTMENT OF REVENUE

#### ARC 3993B

**Rule Summary** Rescinds and replaces Chapter 1 with new rules governing the administrative aspect of the State Board of Tax Review in order to update current administrative procedures and to delete obsolete rules and language. Rescinds and replaces Chapter 2 with new rules governing the practice and procedures regarding appeals to the State Board of Tax Review. The rules are replaced in order to conform to current practice before the State Board of Tax Review, provide a clear understanding of the requirements for appeal to the State Board from a decision by the Director of the Department, and to allow the Department and the taxpayer to seek judicial review of a decision or order of the State Board of Tax Review pursuant to SF 2296 (Tax Policy Administration Act), Section 3, 2004 Iowa Acts.

**Fiscal Impact** No fiscal impact.

#### ARC 4029B

**Rule Summary** These rules set forth amendments that clarify existing rules and remove obsolete rule provisions relating to Iowa withholding tax. These amendments are proposed to clean up existing rules.

**Fiscal Impact** No fiscal impact.

#### ARC 3971B

**Rule Summary** These rules implement SF 2290 (New Jobs and Income Program and the New Capital Investment Program Act), 2004 Iowa Acts, which make changes to tax credits for eligible businesses approved under the new jobs and income program, enterprise zone program, eligible development business program and the new capital investment program.

**Fiscal Impact** The tax credits will reduce General Fund revenues by the following amounts:

- FY 2005 - \$1.0 million
- FY 2006 - \$1.4 million
- FY 2007 - \$1.4 million
- FY 2008 - \$1.6 million
- FY 2009 - \$1.8 million

The tax credit will continue to increase until a maximum of \$2.6 million is reached in FY 2014.

#### ARC 3972B

**Rule Summary** Adds a new subparagraph (c) to implement SF 2296 (Tax Policy Administration), specifies estates that do not have an Iowa inheritance or estate tax due are not required to file an Iowa inheritance tax return if specific criteria are met.

Specifies that for estates with decedents who died on or after July 1, 2004, the time period in which the Department must obtain an appraisal of real property is now 60 days instead of 30 days from the date the return is filed with the Department.

Adds a new unnumbered paragraph to implement SF 2167 (Probate and Trust Law), specifying new types and procedures for filing a disclaimer of interest in an estate, for estates with decedents dying on or after July 1, 2004.



## Administrative Rules – Fiscal Impact Summaries

March 4, 2005

17

The amendments also update the implementation clauses.

**Fiscal Impact** No fiscal impact. The amendments implement recent legislative changes to the Code of Iowa dealing with Iowa inheritance tax. The changes alter the areas of disclaimer and specify that no tax due inheritance tax returns need to be filed with the Department.

STAFF CONTACT: Ron Robinson (Ext. 16256)

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### SOIL CONSERVATION DIVISION – DEPARTMENT OF AGRICULTURE & LAND STEWARDSHIP

**ARC 3945B**

**Rule Summary** Changes rules to meet federal regulations as mandated by the United States Office of Surface Mining, Reclamation, and Enforcement. The 2002 Code of Federal Regulations (CFR) serves as the baseline for Iowa program rules that includes Iowa's Revegetation Success Standards and Statically Valid Sampling Techniques. Adopting the rules maintains the Soil Conservation Division's primacy for coal regulation and abandoned mine programs.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

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### DEPARTMENT OF TRANSPORTATION

**ARC 3944B**

**Rule Summary** Adopts changes to the Federal Motor Carrier Safety Regulations and Hazardous Materials Regulations in 49 C.F.R. (Code of Federal Regulations), adopted under IAC Chapter 520.1(1)"a" and 520.1(1)"b" and Chapter 520.5.

**Fiscal Impact** The fiscal impact cannot be determined. The proposed federal regulatory changes may impact motor carrier operations, equipment maintenance, and reporting requirements.

**ARC 3991B**

**Rule Summary** Amends rule 761—529.1(327B) to reflect the current version of federal rules.

**Fiscal Impact** No fiscal impact.

**ARC 3946B**

**Rule Summary** Modifies existing methods of distributing funds to providers of motorcycle rider education. Distribution will be based on moneys available after administration costs are deducted and applied on a per pupil course completion ratio.

**Fiscal Impact** No fiscal impact. The rule only modifies the distribution of funds.

STAFF CONTACT: Mary Beth Mellick (Ext. 18223)

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### UTILITIES DIVISION - DEPARTMENT OF COMMERCE

**ARC 3990B**

**Rule Summary** The Utilities Board (Board) is proposing to update and reorganize its contested case procedural rules in Chapter 7. In addition, it proposes to move all rules applicable only to rate cases, tariff filings, and rate regulation election by rural electric

## Administrative Rules – Fiscal Impact Summaries

March 4, 2005

18

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cooperatives to new Chapter 26 without making any changes to those rules. The Board proposes a new rule 26.1 setting forth the scope of the Chapter. The Board proposes to defer consideration of the Chapter 26 rules for a separate rulemaking docket. The Board also proposes to move the rule regarding service of documents and required number of copies currently in Chapter 1 to Chapter 7.

**Fiscal Impact** No fiscal impact.

### **ARC 4028B**

**Rule Summary** The amendments are to comply with eligibility criteria for the Lifeline and Link-up programs recently established by the Federal Communications Commission, including certification and verification procedures.

**Fiscal Impact** No fiscal impact. Utilities already administer these universal service programs to customers. The changes merely provide for certification and verification procedures as required by the Federal Communications Commission. The Board has requested utilities file information concerning any increased costs that might occur if the rules are adopted with their comments.

### **ARC 3989B**

**Rule Summary** Current subrule 199 IAC 22.23(2) requires customer authorization of a change in telecommunications service provider. The Board regularly waives this rule in cases where a provider acquires the customers of another provider by sale or transfer of assets. The proposed rule creates a self-certification process to be used by providers instead of seeking a waiver of the customer authorization rule. The new procedure would protect consumers by requiring advance notice to the Board and to affected customers.

**Fiscal Impact** No fiscal impact. Telecommunications service providers acquiring the customers of another provider may find the new self-certification procedure is less costly than seeking a waiver of the Board's rule requiring customer authorization.

STAFF CONTACT: Ron Robinson (Ext. 16256)

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