



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 AGRICULTURE AND LAND STEWARDSHIP

ARC 4075B

Rule Summary Makes rule changes regarding the importation of animals for all livestock species. Changes include:

- Recognizes the movement of swine within an interstate production system as required by the federal government.
- Eliminates prior permit requirements for all feeder swine and feeder heifers. Permits are restricted to cervidae and for livestock and poultry originating from states with less than a disease free status for selected diseases.
- Provides regulations for animals entering from states which have had a diagnosis of Avian Influenza (H5 and H7), Exotic Newcastle Disease, and Vesicular Stomatitis. These situations were previously handled through Executive Orders.
- Provides a regulation prohibiting the importation of feral swine and select African rodents and prairie dogs.
- Recognize electronic certificates of veterinary inspection and animal identification approved by the National Animal Identification System

Fiscal Impact Minimal fiscal impact to the State. The rules impact producers or importers of animals into Iowa, however, the fiscal impact cannot be determined.

STAFF CONTACT: Debra Kozel (Ext. 16767)

EDUCATIONAL EXAMINERS BOARD

ARC 4070B

Rule Summary Changes requirements for the Teacher Intern Program (alternative licensure) to allow more flexibility and innovation. Extends the program to grades 7 and 8 (previously grades 9 through 12). Adds a provision for licensure of a teacher intern who has not completed the internship year.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270)

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DEPARTMENT OF ELDER AFFAIRS

ARC 4055B

Rule Summary Amendment clarifies the types of assistance provided in adult day services; clarifies the roles and responsibilities of the programs and participants, and provides consistency of medication policies and monitoring of programs in the area of medication administration and storage.

Fiscal Impact No fiscal impact.

ARC 4054B

Rule Summary Amendment clarifies the types of assistance provided in assisted living programs; clarifies the roles and responsibilities of the programs and participants, and provides consistency of medication policies and monitoring of programs in the area of medication administration and storage.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

ENGINEERING AND LAND SURVEYING EXAMINING BOARD

ARC 4078B

Rule Summary This amendment is intended to clarify the Board's rules regarding the fees for reinstatement of a lapsed license and the end date for late renewals.

Fiscal Impact No fiscal impact.

ARC 4077B

Rule Summary These amendments are intended to clarify the Board's rules regarding the definitions of various professional development activities and the calculation of professional development hours. These amendments also increase the maximum allowable professional development hours (PDH) for independent study from six PDH per biennium to ten PDH per biennium.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

ENVIRONMENTAL PROTECTION COMMISSION – DEPARTMENT OF NATURAL RESOURCES

ARC 4059B

Rule Summary Changes rules related to air pollution:

- Adds a definition of "untreated" for wood and vegetative products.
- Clarifies the variance rules.
- Clarifies rules regarding licensing requirements for engineers submitting construction permit applications.
- Adds office address for mailing a notification of ownership change for construction permits.
- Reduces the number of copies of Title V applications required.
- Reduces the number of copies of Acid Rain applications required.
- Specifies the notification requirements for changes in facilities ownership subject to voluntary operating permit requirements.

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- Makes date modifications to reference the most recent date for which changes to 40 Code of Federal Regulations were published.
- Adopts by reference four recently promulgated federal National Emission Standards for Hazardous Air Pollutants (NESHAPS).

Fiscal Impact Minimal fiscal impact to the State as this adopts federal emission standards for hazardous air pollutants. Owners and operators are required to adopt federal requirements; therefore, there is a minimal fiscal impact to industry. A potential cost savings may be experienced by businesses as the federal rules include a de-listing of four compounds previously classified as “Volatile Organic Compounds” and one compound previously classified as a “Hazardous Air Pollutant”. As the compounds are no longer regulated, some businesses may no longer require construction or operating permits, or emission control equipment.

ARC 4061B

Rule Summary Implements the requirement for Best Available Retrofit Technology (BART) provisions of the federal Regional Haze rule. Requires owners or operators of stationary sources meeting the eligibility criteria for BART to submit source identification and emission unit description information to the Department of Natural Resources (DNR). The Department will review the information to determine whether each stationary source of air pollution meets the requirements for being considered BART-eligible. Stationary sources not reasonably anticipated to cause or contribute to any visibility impairment in any federal mandatory Class I area would be notified by the Department that they are exempt from further action under BART. An additional rulemaking will begin in the spring of 2005 to address BART exemption determinations and engineering analyses. The federal Clean Air Act mandates the BART provisions.

Fiscal Impact Minimal fiscal impact to the State. Based on a preliminary survey, the DNR anticipates there are 40 stationary sources that will be required to complete the BART Eligibility Certification form referenced in this rule. It is estimated that completing the form would take one to two days at a cost of \$500 to \$750 per stationary source. Total costs for the 40 stationary sources are estimated between \$20,000 and \$30,000.

ARC 4060B

Rule Summary Specifies conditions that must be met for a city to use the revised exemption for a controlled burning of a demolished building.

Fiscal Impact Minimal fiscal impact to the State. It is estimated that cities that burn a demolished building will save approximately \$2,700 per house, but demolition contractors will experience a potential loss of revenue for the same amount. It is estimated landfills will lose revenue of approximately \$1,000 per house. Increased burning of demolished buildings could increase cardiovascular and respiratory health problems due to the air emissions.

ARC 4062B

Rule Summary Consolidates referenced requirements and planning procedures for solid waste comprehensive planning.

Fiscal Impact No fiscal impact.

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ETHICS AND CAMPAIGN DISCLOSURE BOARD

ARC 4046B
Rule Summary Clarifies the Board's code of ethics that members and staff of the Board may attend and participate in a presidential caucus.

Fiscal Impact No fiscal impact.

ARC 4044B
Rule Summary Places into rule the current Board policies concerning the filing of Iowa Election Campaign Fund reports by the State political parties.

Fiscal Impact No fiscal impact.

ARC 4043B
Rule Summary Clarifies that under the State campaign laws and Board rules on campaigning, the definition of "candidate" includes judges and judicial employees who are required to stand for retention.

Fiscal Impact No fiscal impact.

ARC 4045B
Rule Summary Consolidates four current Board rules into two rules and reflects current Board policies on campaign committee dissolutions.

Fiscal Impact No fiscal impact.

ARC 4083B
Rule Summary Requires the Board to adopt a new rule prohibiting the misuse of public property by officials and employees of the executive branch as well as candidates for statewide office.

Fiscal Impact No fiscal impact.

ARC 4041B
Rule Summary Clarifies the prohibition on executive branch officials and employees receiving an honorarium from restricted donors.

Fiscal Impact No fiscal impact.

ARC 4042B
Rule Summary Permits a lobbyist who is also a candidate for State office to make campaign contributions to the lobbyist's own campaign during a legislative session.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Sam Leto (Ext. 16764)

IOWA FINANCE AUTHORITY

ARC 4071B
Rule Summary This rule will provide a refund from the Iowa Finance Authority to borrowers under the Home and Community-Based Services Revolving Loan Fund, for those loans that are repaid within five years of the loan closing. The Authority will refund one-half of the

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permanent loan commitment fee if the borrower repays its loan within the five-year period.

Fiscal Impact The Iowa Finance Authority received an appropriation of \$2.0 million for this Program for FY 2005. Assuming the entire \$2.0 million is loaned out in FY 2005, and assuming all the loans are repaid within five years of the loan closing, the Finance Authority will refund a total of \$20,000 (1.0% x \$2.0 million in loans) starting in FY 2010.

STAFF CONTACT: Russell Trimble (Ext. 14613)

DEPARTMENT OF HUMAN SERVICES

ARC 4076B

Rule Summary Limits the use of family-centered services during the time a child is placed in emergency shelter care or foster group care. Also, clarifies ineligibility of Rehabilitative Treatment Services (RTSS) while a child is placed in a Psychiatric Medical Institution for Children (PMIC).

Fiscal Impact Minimal fiscal impact. The annualized State savings is an estimated \$72,000, which is based on 17 children receiving 20 fewer units of service each month. In July 2004, 17 children in shelter care received 40 or more units of family-centered services.

STAFF CONTACT: Lisa Burk (Ext. 17942)

LABOR SERVICES DIVISION – DEPARTMENT OF WORKFORCE DEVELOPMENT

ARC 4067B

Rule Summary The amendments are intended to update the rules, ensure safety, clarify any ambiguity, make rules more in accord with accepted engineering standards and practices, and implement the purposes of Chapter 89, Code of Iowa (Boilers and Unfired Steam Pressure Vessels). These amendments are proposed to clarify that aluminum boiler technology is improved and safe, as regulated by the American Society of Mechanical Engineers (ASME) Code Cases, and to eliminate confusion resulting from conflict between Chapter 207 and the ASME Boiler and Pressure Vessel Code in the requirements for 30 psi expansion tanks.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Russell Trimble (Ext. 14613)

NATURAL RESOURCE COMMISSION – DEPARTMENT OF NATURAL RESOURCES

ARC 4084B

Rule Summary Specifies times that portable blinds must be removed from Game Management Areas to one hour after sunset instead of one half hour.

Fiscal Impact Minimal fiscal impact.

ARC 4085B

Rule Summary Creates the Gladys Black Eagle Refuge in Marion County. Signs will be posted identifying the refuge area during the late fall and winter when eagles are present. The area will be available for public access during the remainder of the year.

Fiscal Impact No fiscal impact.

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	ARC 4091B
Rule Summary	Establishes dates for hunting seasons for waterfowl hunting seasons and opens areas previously closed to hunt Canadian geese.
Fiscal Impact	Additional hunting areas will generate some additional license income to the Department of Natural Resources (DNR), but is expected to be less than \$100,000. Many hunters are existing hunters that will hunt more frequently. No additional expenses are expected for the DNR because of the changes. Increased economic impact to local communities is expected; however, this amount cannot be determined.
	ARC 4086B
Rule Summary	Changes language related to tagging requirements for nonresident deer hunters. This language will now be consistent with tagging requirements for resident deer hunters.
Fiscal Impact	No fiscal impact.
	ARC 4090B
Rule Summary	Establishes zones and license quotas for the 2006 spring turkey season. Allows turkey hunters flexibility in their choice of licenses and removes the lower age limit for youth turkey season hunters.
Fiscal Impact	Minimal fiscal impact. Slight increase in turkey hunting license sales, but less than \$100,000.
	ARC 4087B
Rule Summary	Opens new zones for turkey hunting and increases license quotas for fall turkey hunting season. Permits the use of dogs in fall turkey hunting licenses.
Fiscal Impact	This change will increase turkey hunting license sales. If all licenses are purchased, it would generate additional income to the Fish and Wildlife Trust Fund, but less than \$100,000. No additional expenses are anticipated.
	ARC 4088B
Rule Summary	Establishes antlerless-only deer license quotas for the 2005-2006 deer season. Clarifies requirements to distinguish between antlered and antlerless deer and lengthens the January deer season.
Fiscal Impact	Antlerless license quotas are similar to last year. If all licenses are sold there will be a slight increase in revenue to the Fish and Wildlife Trust Fund.
	ARC 4089B
Rule Summary	Allows extended trapping on selected marshes designated by the DNR. Adds bobcat and wolf to the list of species with a continuously closed season.
Fiscal Impact	Minimal fiscal impact. License fee revenue will be minimal to the DNR. Additional trapping opportunities will provide some additional income to trappers, however, that amount cannot be determined.

STAFF CONTACT: Debra Kozel (Ext. 16767)

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PHARMACY EXAMINERS BOARD - DEPARTMENT OF PUBLIC HEALTH

ARC 4047B

Rule Summary Amends the reference library requirements for general pharmacies to include the "Iowa Pharmacy Law and Information Manual."

Fiscal Impact No fiscal impact to the State. There will be a cost to pharmacies that currently do not maintain the Manual. The current cost of the Manual is \$150. The Iowa Pharmacy Association provides the Manual to member pharmacies at no additional cost. It is estimated that 200 (20.0%) of currently licensed pharmacies do not maintain the Manual, which would result in a fiscal impact of \$30,000.

ARC 4051B

Rule Summary Provides for the off-site preview and verification by a pharmacist of patient-specific drugs or devices ordered for a patient when hospital pharmacy is closed.

Fiscal Impact No fiscal impact.

ARC 4048B

Rule Summary Amendments clarify the intent regarding electronic prescriptions and electronic signatures. The new rule 21.7 establishes requirements and limitations regarding electronically-prepared prescriptions, including requirements for utilization of security paper when an electronically-signed prescription is to be printed and delivered to the pharmacy for dispensing. Rule 21.9 is amended to provide for electronic signature on a prescription transmitted to the pharmacy via fax.

Fiscal Impact No fiscal impact.

ARC 4049B

Rule Summary Amendments eliminate the list of drugs authorized to be included in an emergency drug supply provided by a pharmacy for a home health agency or hospice and provide that the pharmacy and the agency determine the drugs to be included in the emergency drug supply.

Fiscal Impact No fiscal impact.

ARC 4050B

Rule Summary Amendments change the requirements for recovery contracts to include timely notification to the professional's or technician's employer if participation in the recovery program is due to illegal use, abuse, or diversion of drugs, including controlled substances. Also, amends program provider contract requirements regarding timely submission to the Board of periodic administrative and expenditure reports.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

PROFESSIONAL LICENSURE DIVISION - DEPARTMENT OF PUBLIC HEALTH

ARC 4072B

Rule Summary Proposed amendments for Dietitians define licensure status as active or inactive, defines the process for license reactivation and reinstatement, changes from pre- and post-continuing education audits prior to licensure to post-continuing education audits

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following licensure, adds grounds for disciplinary action, and establishes fees for reactivation.

Fiscal Impact No fiscal impact to the State. No estimate was provided for how much revenue would be generated by reactivation fees; however, it is anticipated to be minimal.

ARC 4073B

Rule Summary Proposed amendments adopt a new discipline rule that provides the Board governing Dietitians the ability to discipline a licensee for breach of an agreement or contact with the Impaired Practitioner Program.

Fiscal Impact No fiscal impact.

ARC 4037B

Rule Summary Proposed amendments for Respiratory Care Practitioners define licensure status as active or inactive, defines the process for license reactivation and reinstatement, changes from pre- and post-continuing education audits prior to licensure to post-continuing education audits following licensure, adds grounds for disciplinary action, and establishes fees for reactivation.

Fiscal Impact No fiscal impact to the State. No estimate was provided for how much revenue would be generated by reactivation fees; however, it is anticipated to be minimal.

ARC 4038B

Rule Summary Proposed amendments for Respiratory Care Practitioners adopt a new discipline rule that provides the Board with the ability to discipline a licensee for breach of an agreement or contact with the Impaired Practitioner Program.

Fiscal Impact No fiscal impact.

ARC 4039B

Rule Summary The proposed amendments adopt new chapters for the Board of Interpreters for the Hearing Impaired, which was established pursuant to SF 2298 (FY 2005 Omnibus Appropriations Act).

Fiscal Impact Minimal fiscal impact. Senate File 2298 provided \$60,000 and 1.0 FTE position from the General Fund for duties related to the Board in FY 2005. This will be partially offset by revenues generated from licensure fees. It is estimated that \$10,000 in fees will be collected in FY 2005.

ARC 4040B

Rule Summary No information was provided.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

DEPARTMENT OF PUBLIC HEALTH

ARC 4081B

Rule Summary Amendments authorize the Department to accept required reportable diseases by secure electronic means in addition to the current specified methods of mail, phone, or fax. Also, adds information regarding reportable cancers and how these are to be reported.

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Fiscal Impact No fiscal impact.

ARC 4082B

Rule Summary Proposed amendment updates the rules that regulate the operation and design and construction of swimming pools and spas.

Fiscal Impact 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 annually.

ARC 4079B

Rule Summary Proposed amendment makes technical changes, adds language to meet federal compatibility requirements, amends for clarification, adds language for disciplinary reasons, and amends by adding a new x-ray operator category.

Fiscal Impact 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 of \$200 per facility every three years were added for the accreditation process. This process is already performed by agency staff and will not require additional FTEs.

ARC 4080B

Rule Summary Proposed amendment allows a hospital that has closed beds for the purpose of receiving designation as a Critical Access Hospital to reestablish the closed 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 bed reduction.

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)

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (IPERS)

ARC 4074B

Rule Summary The proposed rule implements new contribution rates for sheriffs and deputy sheriffs effective July 1, 2005, as recommended by the IPERS' actuary. The rates for the protection class remain the same.

Fiscal Impact Fiscal impact cannot be determined. The amount of wages that will be paid through each fiscal year is not fully known until the end of the fiscal year. The number of employees in each class is also not fully known until the end of the fiscal year. However, assuming no material changes in the total number of sheriffs/deputy sheriffs or covered compensation, the estimated impact on affected employees and employers is as follows:

Contributions for Sheriff Group FY 2005	\$9,564,874
Percentage decrease in contribution rate	.670%
Contributions for Sheriff Group FY 2005 (revised)	\$9,500,790
Total decrease	\$64,085

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Member decrease	\$32,043
Employer decrease	\$32,043

STAFF CONTACT: Ron Robinson (Ext. 16256)

DEPARTMENT OF PUBLIC SAFETY

ARC 4056B

Rule Summary The current rule regarding requirements for use, storage, and handling of explosives, which requires compliance with the provisions of the 1992 edition of the Explosives Materials Code, is amended to also require compliance with the provisions of the 2001 edition of the Code related to blasting in proximity to dwellings and other structures.

Fiscal Impact No fiscal impact.

ARC 4057B

Rule Summary The current rule regarding requirements for use, storage, and handling of explosives, which requires compliance with the provisions of the 1992 edition of the Explosives Materials Code, is amended to also require compliance with the provisions of the 2001 edition of the Code related to blasting in proximity to dwellings and other structures.

Fiscal Impact No fiscal impact.

ARC 4066B

Rule Summary Chapter 23 is repealed and replaced with a new Chapter 141. Emergency rules regarding use of the digital equipment are adopted through normal rulemaking. Also includes other general editing, updating, and cleanup of existing rules.

Fiscal Impact No fiscal impact.

ARC 3482B

Rule Summary This rule would establish minimum training standards for all fire fighters in Iowa engaged in “structural” fire fighting, which is defined as fire fighting in a hazardous environment, for which a fire fighter needs personal protective equipment and a self-contained breathing apparatus.

Fiscal Impact The estimated impact of the regulatory analysis assumes that approximately 9,000 fire fighters need to be trained at the Fire Fighter I level which will require 450 training sequences accommodating 20 students apiece. Each training sequence costs approximately \$3,200, resulting in approximately \$1.4 million in tuition costs. This number may be lower, since it is unknown how many fire fighters have completed some portion of the Fire Fighter I training. Some cost provisions in the Regulatory Analysis will be offset with funding from the Volunteer Fire Fighter Training Fund.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

REAL ESTATE COMMISSION - DEPARTMENT OF COMMERCE

ARC 4052B

Rule Summary The proposed rules are intended to clarify and establish procedures for the investigation, hearing, and enforcement of violations of Section 543B.1 Code of Iowa, pertaining to actions against unlicensed persons.

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Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

REAL ESTATE APPRAISER EXAMINING BOARD - DEPARTMENT OF COMMERCE

ARC 4063B

Rule Summary The proposed rules cover the new education requirements imposed by the Appraiser Qualifications Board for persons seeking certification as certified residential and certified general appraisers after January 1, 2008.

Fiscal Impact No fiscal impact to the State. Persons entering the profession, after January 1, 2008, will have to complete more education including an associate's degree or equivalent or a Bachelors degree or equivalent.

STAFF CONTACT: Ron Robinson (Ext. 16256)

DEPARTMENT OF REVENUE

ARC 4058B

Rule Summary The proposed rules implement HF 102 (2005 Bonus Depreciation and Expensing Changes), which provide special filing provisions for taxpayers who made adjustments on their 2003 Iowa Income Tax Return for the disallowance of 50.0% bonus depreciation and increased Section 179, Code of Iowa, expensing . HF 102 allows taxpayers to include the additional depreciation and increased Section 179, Code of Iowa, expensing on their 2004 tax return, instead of filing an amended 2003 return.

Fiscal Impact General Fund revenues will be reduced by \$2.3 million for FY 2005 and \$1.3 million for FY 2006.

STAFF CONTACT: Ron Robinson (Ext. 16256)

SOIL CONSERVATION DIVISION – DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

ARC 4069B

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)

DEPARTMENT OF TRANSPORTATION

ARC 4068B

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.

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

Rule Summary This proposed rule (ARC 3888b) was previously published as a Notice of Intended Action in the December 22, 2004 Bulletin. Because the Department added a new subrule on first aid kits, the Department has terminated ARC 3888B and is renoting the rule. Requires the DOT to adopt rules requiring railroads in the State to provide reasonable and adequate access to first aid or medical treatment for employees injured in the course of employment. **ARC 4053B**

Fiscal Impact No fiscal impact to the State. The impact on railroads should be minimal in most situations, since railroads already provide reasonable medical care and adequate access to first aid or medical treatment, including first aid kits, for employees injured on the job.

STAFF CONTACT: Mary Beth Mellick (Ext. 18223)

UTILITIES DIVISION - DEPARTMENT OF COMMERCE

Rule Summary The proposed rules require designated eligible telecommunications carriers (ETCs) to provide quality of service reporting to the Board regarding services supported by the Universal Service Fund. **ARC 4064B**

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)
