



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 4123B

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

Fiscal Impact No fiscal impact.

ARC 4103B

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 4107B

Rule Summary This amendment conforms the rules to federal requirements, including:

- Family and Medical Leave Act (FMLA) designated leave will run concurrently with workers' compensation leave when the workers' compensation absence is one that meets the FMLA criteria, whether or not the employee chooses to supplement workers' compensation payments with paid leave.
- The 18-month period of continuation of employer-sponsored health care coverage provided under COBRA is changed to 24 months for employees who leave their jobs to perform military service.
- Clarifies military leave rules. The time of military service is included with the number of hours worked in State employment when determining a veteran's eligibility for FMLA leave based on working 1,250 hours in the past 12 months.

Fiscal Impact No fiscal impact.

ARC 4124B

Rule Summary The rule relates to the disposal of surplus property. The rule incorporates current procedures for inspecting, selecting, and removing personal property that is under the control of the Director from State agencies or from State storage. Additionally, the rule allows the Director to enter into multiple agreements with State agencies or nonprofit entities to dispose of surplus property and to authorize an agency with

Table of Contents:

Department of Administrative Services – p. 1	Labor Services Division – p. 4
Agriculture and Land Stewardship – p. 2	Iowa Lottery Authority – p. 5
Iowa Capital Investment Board – p. 2	Nursing Board – p. 5
College Student Aid Commission – p. 2	Professional Licensure Division – p. 6
Department of Education – p. 3	State Public Defender – p. 7
Educational Examiners Board – p. 3	Department of Public Safety – p. 8
Department of Elder Affairs – p. 3	Board of Regents – p. 8
Ethics and Campaign Disclosure Board – p. 4	Department of Revenue – p. 9
Department of Human Services – p. 4	

Administrative Rules – Fiscal Impact Summaries

May 10, 2005

2

property outside the Des Moines area to conduct an auction to dispose of the property, and deposit the net proceeds in the General Fund.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

ARC 4112B

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 throughout the nation 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)

IOWA CAPITAL INVESTMENT BOARD

ARC 4113B & 4114B

Rule Summary Implements 2005 Iowa Acts, Senate File 114, which provides for changes in the contingent tax credits administered by the Iowa Capital Investment Board relating to investments in the Iowa fund of funds organized by the Iowa Capital Investment Corporation.

Administering the tax credits issued by the Iowa Capital Investment Board will be done by the Department of Revenue pursuant to an Administrative Services agreement between the Department and the Board. The contingent tax credits are limited to \$100 million, with no more than \$20 million being redeemed in any one year. Issuing the tax credit certificates will be part of the normal job duties of the Department in accordance with the Administrative Services agreement.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Russell Trimble (Ext. 14613)

COLLEGE STUDENT AID COMMISSION

ARC 4109B

Rule Summary Makes a variety of changes regarding approval of out-of-state postsecondary schools for operation in Iowa. Expands the definition of and adds criteria the institutions must meet for approval.

NOTE: A similar rules request was previously noticed as ARC 3738B. That rules

Administrative Rules – Fiscal Impact Summaries

May 10, 2005

3

request was terminated and withdrawn by the Commission. The current rules request no longer requires approval by the Iowa Coordinating Council for Post High School Education as was originally proposed. The revised rules request was republished as ARC 3921B and noticed in the January 5, 2005, Iowa Administrative Bulletin. This rules request is identical to ARC 4109B on the agenda for the current meeting.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Mary Shipman (Ext. 14617)

EDUCATION DEPARTMENT

Rule Summary Implements Chapter 1092, Section 5, 2004 Iowa Acts, regarding proscription of sales to regulated persons and groups. **ARC 4099B**

Fiscal Impact No fiscal impact.

Rule Summary Differentiates between the State and federal definitions of “weapon” for purposes of data collection. **ARC 4098B**

Fiscal Impact No fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270)

EDUCATIONAL EXAMINERS BOARD

Rule Summary Updates terms used in the requirements for the home economics endorsement. **ARC 4126B**

Fiscal Impact No fiscal impact.

Rule Summary Rescinds rules for a special education endorsement that contained a sunset date of August 31, 2004. **ARC 4127B**

Fiscal Impact No fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270)

DEPARTMENT OF ELDER AFFAIRS

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. **ARC 4055B**

Fiscal Impact No fiscal impact.

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 **ARC 4054B**

Administrative Rules – Fiscal Impact Summaries

May 10, 2005

4

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)

ETHICS AND CAMPAIGN DISCLOSURE BOARD

ARC 4041B

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

Fiscal Impact No fiscal impact.

STAFF CONTACT: Sam Leto (Ext. 16764)

DEPARTMENT OF HUMAN SERVICES

ARC 4108B

Rule Summary Changes when dependent adult abuse reports are required to be completed from 4 working days for the preliminary report and 10 working days for the complete report to eliminate the preliminary report and requires the complete report to be completed within 20 working days. Requests for extension are limited to three, 30-working day extensions.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

LABOR SERVICES DIVISION

ARC 4121B

Rule Summary The amendments are intended to update fees charged for enforcement of Chapter 89A (Elevators), Code of Iowa. These amendments are proposed in order to reflect economic changes since these rules were last amended and to provide adequate funding for enforcement of the Code Chapter.

Fiscal Impact The Legislative Services Agency (LSA) has not received a fiscal impact statement from the Division, however, in the Administrative Bulletin, the Division states there is no significant fiscal impact.

ARC 4122B

Rule Summary The amendment is intended to facilitate the alteration and inspection of elevators, and proposes to clarify for inspectors, owners, and those responsible for alterations of elevators what changes to an elevator will result in that elevator being deemed a new facility for purposes of the standards it must meet.

Fiscal Impact The LSA has not received a fiscal impact statement from the Division, however, in the Administrative Bulletin, the Division states there is no significant fiscal impact.

STAFF CONTACT: Russell Trimble (Ext. 14613)

Administrative Rules – Fiscal Impact Summaries

May 10, 2005

5

IOWA LOTTERY AUTHORITY

ARC 4097B

Rule Summary The new rules outlaw false and misleading advertising and establish penalties for Monitor Vending Machine (MVM) retailers and MVM premises operators who place advertisements in violation of the rules.

Fiscal Impact The fiscal impact regarding this rule change will vary depending on the number of violations and the amount of sales made by any MVM retailers and premises operators affected.

STAFF CONTACT: Ron Robinson (Ext. 16256)

BOARD OF NURSING - DEPARTMENT OF PUBLIC HEALTH

ARC 4106B

Rule Summary Provides for criminal background checks of new licensees, endorsement applicants, reactivations, and disciplined licensees, as well as provides for a fee to cover costs for checks conducted by the Division of Criminal Investigation (DCI) and the Federal Bureau of Investigation (FBI). The fees will be considered repayment receipts pursuant to Section 8.2, Code of Iowa.

Fiscal Impact No fiscal impact to the State. There will be an estimated 3,500 new licensure applicants, reinstatements, or disciplined licensees that will pay an estimated \$50.00 fee for a criminal history background check, which will generate approximately \$175,000 each year that will be used to offset the cost of conducting the background checks.

ARC 4105B

Rule Summary Increases the nurse license renewal fee by \$7.00 per year for a total fee of \$120.00 for a three-year period. The fee is increased pursuant to Section 147.80, Code of Iowa, in order to set the fee based on the cost of sustaining the Board of Nursing and the actual cost of licensure.

Fiscal Impact It is estimated that the fee increase will generate additional revenues totaling \$251,000 each year. Senate File 2298 (FY 2005 Omnibus Appropriations Act) permits the Board to retain 90.0% of any new fee increase after July 1, 2003, with the remaining 10.0% to be deposited into the General Fund. The General Fund will receive \$25,100.

ARC 4104B

Rule Summary Requires that a nurse must have taken the National Council Licensure Examination (NCLEX) or its predecessor examination in order to be issued a multi-state license and identifies an additional document that verifies legal residency for military personnel.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

Administrative Rules – Fiscal Impact Summaries

May 10, 2005

6

PROFESSIONAL LICENSURE DIVISION - DEPARTMENT OF PUBLIC HEALTH

ARC 4092B

Rule Summary Behavioral Science Examiners - Proposed amendments define licensure status as active or inactive; define the process for license reactivation and reinstatement; change from pre- and post-continuing education audits prior to licensure to post-continuing education audits following licensure; add grounds for disciplinary action; and establish the fee for reactivation.

Fiscal Impact No fiscal impact.

ARC 4093B

Rule Summary Behavioral Science Examiners - Proposed amendment adopts a new discipline rule that provides the Board with the ability to discipline a licensee for breach of an agreement or contract with the Impaired Practitioner Program.

Fiscal Impact No fiscal impact.

ARC 4100B

Rule Summary Mortuary Science Examiners - 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 4101B

Rule Summary Mortuary Science Examiners - Proposed amendments define licensure status as active or inactive; define the process for license reactivation and reinstatement; change from pre- and post-continuing education audits prior to licensure to post-continuing education audits following licensure; add grounds for disciplinary action; and establish the fee for reactivation.

Fiscal Impact No fiscal impact.

ARC 4102B

Rule Summary Mortuary Science Examiners - Proposed amendments adopt a new discipline rule that provides the Board with the ability to discipline a licensee for breach of an agreement or contract with the Impaired Practitioner Program.

Fiscal Impact No fiscal impact.

ARC 4120B

Rule Summary Massage Therapy Examiners - Proposed amendments define licensure status as active or inactive; define the process for license reactivation or reinstatement; change from pre- and post-continuing education audits prior to licensure to post-continuing education audits following licensure; add grounds for disciplinary action; and establish the fee for reactivation.

Fiscal Impact No fiscal impact.

Administrative Rules – Fiscal Impact Summaries

May 10, 2005

7

ARC 4119B

Rule Summary Massage Therapy Examiners - Proposed new subrule to provide the Board with the ability to discipline a licensee for breach of an agreement or contract with the Impaired Practitioner Review Committee; redefines the examination requirements; allows for a student submitted transcript when a school has closed; rescinds continuing education criteria; adopts new continuing education criteria; and rescinds the rule; and address changes in criteria for temporary licensure.

Fiscal Impact No fiscal impact.

ARC 4118B

Rule Summary Nursing Home Administrators Examiners - Proposed amendments define licensure status as active or inactive; define the process for license reactivation and reinstatement; change from pre- and post-continuing education audits prior to licensure to post-continuing education audits following licensure; add grounds for disciplinary action; and establish the fee for reactivation.

Fiscal Impact No fiscal impact.

ARC 4117B

Rule Summary Nursing Home Administrators Examiners - Proposed amendments add a new subrule to provide the Board with the ability to discipline a licensee for breach of an agreement or contract with the Impaired Practitioner Review Committee; to remove the licensure fee method of payment options; and to modify rules to be consistent with 2004 Legislative changes by adjusting requirements relating to administrator experience and practicum requirements.

Fiscal Impact No fiscal impact.

ARC 4094B

Rule Summary Athletic Training Examiners - Adopts a new chapter to implement enabling legislation.

Fiscal Impact No fiscal impact.

ARC 4095B

Rule Summary Athletic Training Examiners - Proposed amendment adopts a new discipline rule that provides the Board with the ability to discipline a licensee for breach of an agreement or contract with the Impaired Practitioner Program.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk Ext. 17942)

STATE PUBLIC DEFENDER

ARC 3813B

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

Fiscal Impact No significant fiscal impact.

STAFF CONTACT: Beth Lenstra (Ext. 16301)

Administrative Rules – Fiscal Impact Summaries

May 10, 2005

8

DEPARTMENT OF PUBLIC SAFETY

ARC 4115B and ARC 4116B

Rule Summary Rules regarding support and anchoring systems for manufactured housing are clarified and one provision, which under very limited circumstances allowed support systems in which pier foundations were not driven below the frost line, has been rescinded.

Fiscal Impact No fiscal impact.

ARC 4125B

Rule Summary Fire Safety requirements for health care facilities are amended to allow, under certain circumstances, the placement of dispensers for alcohol-based hand rub in exit corridors. Nursing facilities, which are not sprinkled, will be required to have a single station battery operated smoke detector in each resident's sleeping room and each public area by May 24, 2006.

Fiscal Impact No fiscal impact.

ARC 3482B

Rule Summary Establishes 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 It is estimated that approximately 9,000 fire fighters will need to be trained at the Fire Fighter I level, which will require 450 training sequences accommodating 20 students each at a cost of approximately \$3,200 for a total of an estimated \$1.4 million. This amount may be offset as it is unknown how many fire fighters have completed some portion of the training already. Some of the other provisions in the Regulatory Analysis will be offset with funding from the Volunteer Fire Fighter Training Fund. Of the \$1.4 million, \$1.1 million will be paid by the State from the Fire Fighter Training and Equipment Fund (based on current appropriation levels) and approximately \$300,000 will be paid by the fire fighters or local fire departments.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

BOARD OF REGENTS

ARC 4111B

Rule Summary Updates the sanctions (fees) for parking violations at Iowa State University (ISU) and adds forging of permits to the list of prohibited offenses.

Fiscal Impact No fiscal impact to the State General Fund.

NOTE: Increasing the fines for parking violations will generate revenue for the ISU Parking System. The Parking System is a self-supporting budget unit and does not receive State General Fund money. The increase in revenue is not expected to be significant.

ARC 4110B

Rule Summary Amends uniform rules of conduct for the Board of Regents universities to assist in educating students and staff regarding prohibited personal conduct and

Administrative Rules – Fiscal Impact Summaries

May 10, 2005

9

consequences related to participating in riots, unlawful assemblies, and failure to disperse at university-sponsored events.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Mary Shipman (Ext. 14617)

DEPARTMENT OF REVENUE

ARC 4129B

Rule Summary The amendments bring Iowa into compliance with the Streamlined Sales and Use Tax Agreement to the extent that its petition for admission into membership as a party to the Agreement will be favorably acted upon and Iowa can join the Agreement's Governing Board. The rule changes involve a definition of "load and leave" delivery of media; the tax holiday on clothing exemption; use of the lowest tax rate within a database; permissible categories of exemptions; a requirement of uniformity in the filing of returns and remittance of funds; allocation of bad debts; purchaser refund procedures; relief from liability for reliance on the Department's taxability matrix; effective dates of taxation rate increases or decreases when certain services are furnished; and with the prospective application of defining "retail sale" to include a lease or rental.

Fiscal Impact Enactment of the rules will not lead to any change in the revenue either collected or spent by this State. Only if the Streamlined Sales and Use Tax Agreement is entered into by the requisite number of states will any change in revenue collected be realized. If the Agreement becomes a reality and Iowa becomes a part of the agreement, the first year in which the Agreement is in effect, Iowa will collect between \$3.0 and \$5.0 million in extra sales and use tax.

STAFF CONTACT: Ron Robinson (Ext. 16256)
