



**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).*

**DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP**

**ARC 4196B**

**Rule Summary** Updates the requirements for animals imported into Iowa. Changes include:

- Recognizes the movement of swine within an interstate production system as required by the federal government.
- Updates the definition for transitional swine.
- 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** No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

**DENTAL EXAMINERS BOARD - DEPARTMENT OF PUBLIC HEALTH**

**ARC 4166B**

**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 4165B**

**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.

**Fiscal Impact** No fiscal impact.

<b>Table of Contents:</b>	
Department of Agriculture and Land Stewardship – p. 1	Nursing Board – p. 9
Dental Examiners Board – p. 1	Parole Board – p. 9
Department of Education – p. 2	Pharmacy Examiners Board – p. 9
Educational Examiners Board – p. 2	Real Estate Appraisers Examiners – p. 10
Environmental Protection Commission – p. 3	Professional Licensure Division – p. 10
Ethics and Campaign Disclosure Board – p. 4	Department of Public Health – p. 13
Department of Human Services – p. 4	Department of Public Safety – p. 14
Department of Inspections and Appeals – p. 6	Racing and Gaming Commission – p. 14
Insurance Division – p. 7	Department of Revenue – p. 14
Iowa Finance Authority – p. 7	Department of Transportation – p. 15
Iowa Public Employees Retirement System – p. 8	Utilities Division – p. 16
Medical Examiners Board – p. 8	Volunteer Services Commission – p. 16
Natural Resources Commission – p. 8	

## Administrative Rules – Fiscal Impact Summaries

June 14, 2005

2

### ARC 4167B

**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.

STAFF CONTACT: Lisa Burk (Ext. 17942)

---

### DEPARTMENT OF EDUCATION

### ARC 4143B

**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 4142B

**Rule Summary** Implements SF 445 (School Infrastructure Financing), 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)

---

### EDUCATIONAL EXAMINERS BOARD

### ARC 4197B

**Rule Summary** Establishes a penalty for a licensed teacher who does not hold a valid endorsement for the area in which they are teaching.

**Fiscal Impact** Minimal fiscal impact. The penalty will be \$25 for each month the individual is employed without the proper endorsement. It is estimated that 300 to 400 individuals will be assessed a penalty each year, and the average penalty will be \$50 to \$75 (two to three months). The new penalty will generate between \$15,000 and \$30,000 annually in fee revenue for the Board of Educational Examiners. For FY 2006, the General Assembly has authorized the Board to retain 73.0% of fee revenue, with the remainder deposited to the State's General Fund. The new penalty will result in \$11,000 to \$22,000 of additional revenue for the Board and \$4,000 to \$8,000 in additional General Fund revenue.

### ARC 4147B

**Rule Summary** Establishes a one-year "bridge" license for new teachers needing only one additional year of experience to obtain a standard license. Pertains primarily to parochial school teachers, who are required to complete three years of mentoring, rather than the two years required of public school teachers.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270)

---

## Administrative Rules – Fiscal Impact Summaries

June 14, 2005

3

---

### ENVIRONMENTAL PROTECTION COMMISSION – DEPARTMENT OF NATURAL RESOURCES

#### ARC 4159B

**Rule Summary** Adds definitions for “biodiesel fuel,” “diesel fuel,” “number 1 fuel oil,” and “number 2 fuel oil.”

**Fiscal Impact** No fiscal impact.

#### ARC 4160B

**Rule Summary** Exempts additional equipment and processes from the requirement to obtain an air construction permit. This rulemaking is a result of a workgroup comprised of ten Iowa industrial facilities, the Department of Economic Development, the federal Environmental Protection Agency – Region VII, and the Iowa Air Emissions Assistance Program at the University of Northern Iowa.

**Fiscal Impact** No fiscal impact. As the State does not charge for construction air permits, no fees are collected and the modifications will not have a fiscal impact to the State. There is a potential savings to Iowa businesses as there will be a reduction in record-keeping requirements.

#### ARC 4158B

**Rule Summary** Amends the fugitive dust rule to include ordinary travel on an unpaved public road to include routine traffic and certain road maintenance activities. These activities are exempt from the requirements of the fugitive dust rule.

**Fiscal Impact** No fiscal impact.

#### ARC 4161B

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

**Fiscal Impact** No fiscal impact.

#### ARC 4162B

**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.

#### ARC 4164B

**Rule Summary** The rule change includes updates, clarifications, incorporation of current policy, and new requirements for underground storage tanks and includes:

- Annual inspection of corrosion protection.
- Cathodic protection inspection criteria.
- Visual checks of above ground equipment.
- Line leak detection requirements for unattended stations.
- Time frame for tanks to remain in temporary closure before permanent closure.
- Minimum training requirements for on-site operators.
- Conditions for use of certain tank overfill prevention devices.

## Administrative Rules – Fiscal Impact Summaries

June 14, 2005

4

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

---

### ETHICS AND CAMPAIGN DISCLOSURE BOARD

#### ARC 4170B

**Rule Summary** Clarifies that persons requesting an advisory opinion concerning the application of the ethics and lobbying laws in Chapter 68B, Code of Iowa, are to be referred to the Senate and House Ethics Committees.

**Fiscal Impact** No fiscal impact.

#### ARC 4171B

**Rule Summary** Changes the official committee address from the treasurer to the candidate in case of a candidate's committee, and the chair of a committee for all other types of committees. This relates to the person responsible for filing campaign reports. Also states the Board's policy for electronic submission whenever possible.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Sam Leto (Ext. 16764)

---

### DEPARTMENT OF HUMAN SERVICES

#### ARC 4185B

**Rule Summary** Makes technical changes to reflect the implementation of the Iowa Medicaid Enterprise (the new Medicaid fiscal agent contracts).

**Fiscal Impact** No fiscal impact.

#### ARC 4169B

**Rule Summary** Creates a process for when a county and the State can not resolve a Legal Settlement Dispute for purposes of county financial responsibility of a person at the Mental Health Institutes or the State Resource Centers, or a person receiving Medical Assistance.

**Fiscal Impact** The amount of money considered outstanding receivables should decrease due to the specific time frames required in the legislation enacted in 2004. The State is only responsible for those individuals determined to be a State Case and not for all of the disputes, so the fiscal impact should be negligible.

#### ARC 4184B

**Rule Summary** Requires counties to report existing data for persons served via the County Management Plan for Mental Health, Mental Retardation, and Developmental Disabilities. Although collected separately, the rule requires the counties to report the data on an individual basis to permit analysis for cost projections of future proposed changes, in lieu of the existing aggregate data.

**Fiscal Impact** The Department indicates that the cost would be for changes to the data collection system of less than \$100,000 but does not identify what those would be nor explain the estimated expenditure requirement.

## Administrative Rules – Fiscal Impact Summaries

June 14, 2005

5

---

		<b>ARC 3760B and 4183B</b>
<b>Rule Summary</b>	Food Assistance electronic application form. This rule has been terminated.	
<b>Fiscal Impact</b>	No fiscal impact.	
		<b>ARC 4139B</b>
<b>Rule Summary</b>	Increases the deduction for utility expenses in calculating Food Assistance eligibility to reflect increases in those costs.	
<b>Fiscal Impact</b>	Estimated increase in cost of \$800,000 in FY 2005 and \$2.4 million in FY 2006. The increase is 100% federal funds.	
		<b>ARC 4168B</b>
<b>Rule Summary</b>	Conforms Iowa Medicaid eligibility requirements for inmates to the federal rule. Also allows those with religious objections to not provide their social security number.	
<b>Fiscal Impact</b>	The social security number change has no fiscal impact. The fiscal impact of the rule relating to inmate eligibility cannot be determined. The change will likely allow more inmates to be enrolled, which will result in increased costs in the Medicaid Program for the State match. The amount of the enrollment increase cannot be determined. On the other hand, these costs are currently absorbed by the Department of Corrections and the University of Iowa Hospitals and Clinics' Indigent Care Program. Drawing 2/3 federal matching funds through Medicaid will provide a cost savings in their budgets. The amount, however, cannot be determined.	
		<b>ARC 4134B and 4138B</b>
<b>Rule Summary</b>	Makes technical changes to the Preferred Drug List, which was implemented on January 15, 2005.	
<b>Fiscal Impact</b>	No fiscal impact. These changes update the processes already in place, so there is no fiscal impact due to these changes.	
		<b>ARC 4199B</b>
<b>Rule Summary</b>	Limits the maximum prescription amount to a 30-day supply for the Medicaid Program. Most prescriptions are currently limited to 30 days, however, some are available as a 90-day supply. This limits all to 30 days.	
<b>Fiscal Impact</b>	There will be a one-time cost savings due to the transfer of dually eligible clients (those eligible for both Medicare and Medicaid) to the new Medicare Part D prescription drug benefit on January 1, 2006. The estimated FY 2006 State savings is \$44,000.	
		<b>ARC 4013B and ARC 4133B</b>
<b>Rule Summary</b>	Family-centered services - Terminated.	
<b>Fiscal Impact</b>	No fiscal impact.	
		<b>ARC 4133B and ARC 4135B</b>
<b>Rule Summary</b>	Provides for implementation of the flexible family-centered component of the child welfare redesign.	
<b>Fiscal Impact</b>	Fiscal impact cannot be determined.	

## Administrative Rules – Fiscal Impact Summaries

June 14, 2005

6

### ARC 4137B

**Rule Summary** Clarifies the reporting requirements for mandatory reporters who are staff members or employees of health care facilities and other service providers by providing a definition for “immediately” to mean 24 hours for the purpose of mandatory abuse reporting. Also specifies that all mandatory reporters are required to make a report of suspected abuse directly to the Department’s Central Abuse Registry within 24 hours of becoming aware of an abusive incident.

**Fiscal Impact** No fiscal impact.

### ARC 4198B

**Rule Summary** Adds child determined to be “at risk” of developing a qualified condition to the list of criteria for determining if a child has special needs (a condition of eligibility for the Adoption Subsidy Program), allowing federal match under the Title IV-E Adoption Assistance Program for subsidy expenses. This criteria was removed effective in April 2004, with unintended consequences. Also, eliminates the designation of a specified cost ceiling for legal fees and clarifies that “nonrecurring” expenses are reimbursed up to \$500 and brings the Department into compliance with federal law.

**Fiscal Impact** Fiscal impact cannot be determined. A small number of families opt for an Agreement to Future Adoption Subsidy, including families who have no current financial need or those adopting children who appear to be developing normally at the time of adoption but are at a higher than normal risk for developing problems later in life. It is unknown when or if any of these children will eventually develop qualifying conditions and request a subsidy payment in the future. There is no fiscal impact for the change involving legal fees as these fees are the only expense that falls under the category of nonrecurring expenses.

### ARC 4136B

**Rule Summary** Changes align the State’s Adoption Subsidy rules with federal law and regulations governing the Title IV-E Adoption Assistance Program.

**Fiscal Impact** Minimal fiscal impact.

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

## DEPARTMENT OF INSPECTIONS AND APPEALS

### ARC 4144B

**Rule Summary** The proposed amendments are designed to implement changes made by 2004 Iowa Acts, chapter 1118, concerning who may offer electrical and mechanical amusement devices to the public, providing for limits on the total number of devices allowed to be registered, modifying the fees required for registering the devices, and establishing penalties applicable for underage use of the devices and for other improper uses of the devices. The proposed amendments provide that electrical and mechanical amusement devices that are required to be registered can be located only at a location which has been issued a Class “A,” “B,” “C,” or “D” liquor control license or a Class “B” or a Class “C” beer permit. Persons who have registered an amusement device as of April 28, 2004, that is not located at one of these liquor control or beer permit locations may offer the devices only until July 1, 2005.

**Fiscal Impact** Because the legislation limits the businesses allowed to possess amusement devices, the potential revenue loss from the currently registered individuals and

## Administrative Rules – Fiscal Impact Summaries

June 14, 2005

7

machines is estimated at \$15,000. However, the legislation also increased the distributor fee and adds a new fee for owners. These increases should increase first year revenues by approximately \$430,000 based upon the current number of distributors and owners. The second year's estimates assume that there will be at least six new distributors registered with the Department, as well as 2,500 more machines registered in order to be placed in Iowa establishments (pending availability on the waiting list). Costs associated with registration and enforcement of registered amusement devices are estimated to remain constant at approximately \$425,000 per year (DIA and DCI estimated costs).

STAFF CONTACT: Douglas Wulf (Ext. 13250)

---

### INSURANCE DIVISION - DEPARTMENT OF COMMERCE

#### ARC 4152B

**Rule Summary** 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.

STAFF CONTACT: Ron Robinson (Ext. 16256)

---

### IOWA FINANCE AUTHORITY

#### ARC 4188B

**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 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, a total of \$20,000 (1.0% x \$2.0 million in loans) will be refunded starting in FY 2010.

#### ARC 4189B

**Rule Summary** The proposed amendments revise the debt service coverage requirement, remove maximum loan amounts and add a minimum rehabilitation requirement for certain loans under multi-family housing programs.

**Fiscal Impact** No fiscal impact. The Authority is proposing these rules to expand the loans available for affordable housing preservation and production, and to clarify certain requirements. The loan fees are not being changed by these amendments.

STAFF CONTACT: Russell Trimble (Ext. 14613)

---

## Administrative Rules – Fiscal Impact Summaries

June 14, 2005

8

---

### IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (IPERS)

**ARC 4195B**

**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, an estimate of the 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 2005 (revised)	\$9,500,790
Total decrease	\$64,085
Member decrease	\$32,043
Employer decrease	\$32,043

STAFF CONTACT: Ron Robinson (Ext. 16256)

---

### MEDICAL EXAMINERS BOARD - DEPARTMENT OF PUBLIC HEALTH

**ARC 4132B**

**Rule Summary** Updates and clarifies various definitions and licensure procedures for permanent, resident, special, and temporary licenses. Also, establishes pro-rating, where applicable, for license renewal and a convenience fee for on-line renewal; establishes a process for denying a license, as well as a procedure that allows staff to grant licensure to special licensure applicants under certain circumstances. In addition, expands Board action to injunctive action for licensees who practice in Iowa with an inactive license pursuant to Section 147.83, Code of Iowa, criminal sanctions pursuant to Section 147.86, Code of Iowa, and other available legal remedies.

**Fiscal Impact** Fiscal impact cannot be determined. The State will only incur costs if a physician is alleged to have violated rules and the Board is required to investigate the resulting case and hold a hearing. It is unknown how many of these cases may occur.

STAFF CONTACT: Lisa Burk (Ext. 17942)

---

### NATURAL RESOURCE COMMISSION – DEPARTMENT OF NATURAL RESOURCES

**ARC 4163B**

**Rule Summary** Prohibits target shooting on four wildlife areas managed by the Wildlife Bureau to ensure public safety. Specifies shooting is only allowed at the new shooting range at Summerset State Park.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

---



## Administrative Rules – Fiscal Impact Summaries

June 14, 2005

9

---

### NURSING BOARD - 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** There will be an estimated 3,500 new licensure applicants, reinstatements, or disciplined licensees that will pay an estimated \$50 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 per year for a total fee of \$120 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** The fee increase will generate additional revenues of approximately \$251,000 annually. Senate File 2298 (FY 2005 Omnibus Appropriations Act) permits the Board to retain 90.0% of any new fee increase after July 1, 2004, 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)

---

### PAROLE BOARD

#### ARC 4186B

**Rule Summary** Updates internal references for the rules regarding executive clemency applications.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Beth Lenstra (Ext. 16301)

---

### PHARMACY EXAMINERS BOARD - DEPARTMENT OF PUBLIC HEALTH

#### ARC 4153B

**Rule Summary** Increases fees related to the issuance of new and renewed pharmacist licenses processed between July 1, 2005, and June 30, 2006, including examination, reexamination, and license transfer processing fees. Also, increases fees related to the issuance of new and renewed pharmacy and whole drug licenses, new and renewed pharmacy technician and controlled substances registrations, and new and renewed precursor substances permits processed between July 1, 2005, and June 30, 2006.

## Administrative Rules – Fiscal Impact Summaries

June 14, 2005

10

**Fiscal Impact** The estimated fiscal impact is an increase of \$814,000 in revenues generated from licensure fees paid by those licensed for the practice of pharmacy. Of this, the Board will retain an estimated \$733,000 for activities related to the Board and approximately \$81,000 will be deposited into the General Fund. House File 825 (FY 2006 Health and Human Services Bill) contains codification language to allow the Board to retain and expend 90.0% of revenues generated from any fee increase after July 1, 2005.

### **ARC 4182B and ARC 4181B**

**Rule Summary** Establishes requirements related to the dispensing of Schedule V controlled substance products without a prescription.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

---

## **REAL ESTATE APPRAISER EXAMINING BOARD - DEPARTMENT OF COMMERCE**

### **ARC 4155B**

**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)

---

## **PROFESSIONAL LICENSURE DIVISION - DEPARTMENT OF PUBLIC HEALTH**

### **ARC 4174B**

**Rule Summary** Barber Examiners - Defines licensure status as active or inactive; defines the process for licensure 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 the fee for reactivation.

**Fiscal Impact** No fiscal impact. The reactivation fee is the same as what would have been collected under the old definition of reinstatement and no increase is anticipated.

### **ARC 4173B**

**Rule Summary** Barber Examiners - Amends educational requirements to address refugees; adds an additional requirement for licensure; adds additional specific continuing education criteria; and provides the Board with the ability to discipline a licensee for breach of an agreement.

**Fiscal Impact** No fiscal impact.

### **ARC 4176B**

**Rule Summary** Chiropractic Examiners - Defines licensure status as active or inactive; defines the process for licensure 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 the fee for reactivation.

## Administrative Rules – Fiscal Impact Summaries

June 14, 2005

11

**Fiscal Impact** No fiscal impact. The reactivation fee is the same as what would have been collected under the old definition of reinstatement and no increase is anticipated.

### ARC 4175B

**Rule Summary** Chiropractic Examiners - Removes references to a payment form; removes language that is no longer applicable; provides the Board with the ability to discipline a licensee for breach of an agreement or contract with the Impaired Practitioner Review Committee; and modifies cause for discipline statement regarding advertisements.

**Fiscal Impact** No fiscal impact.

### ARC 4190B

**Rule Summary** Cosmetology Arts and Sciences Examiners - Defines licensure status as active or inactive; defines the process for licensure 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 the fee for reactivation.

**Fiscal Impact** No fiscal impact. The reactivation fee is the same as what would have been collected under the old definition of reinstatement and no increase is anticipated.

### ARC 4191B

**Rule Summary** Cosmetology Arts and Sciences Examiners - Increases the number of continuing education hours required; identifies groups who can offer accepted continuation credits; defines continuation requirements for certification services; clarifies continuation hour requirements; limits self-study continuing education hours allowed; and provides the Board with the ability to discipline a licensee for breach of an agreement or contract with the Impaired Practitioner Review Committee.

**Fiscal Impact** No fiscal impact.

### ARC 4177B

**Rule Summary** Hearing Aid Dispensers Examiners - Defines licensure status as active or inactive; defines the process for licensure 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 the fee for reactivation.

**Fiscal Impact** No fiscal impact. The reactivation fee is the same as what would have been collected under the old definition of reinstatement and no increase is anticipated.

### ARC 4178B

**Rule Summary** Hearing Aid Dispensers Examiners - Requires submitting a supervisor report regarding completion of training for holders of a temporary permit; amends initial licensure language to not require that the examination needs to be taken within 12 months prior to application; clarifies what requirements are for licensure by endorsement; and provides the Board with the ability to discipline a licensee for breach of an agreement or contract with the Impaired Practitioner Review Committee.

**Fiscal Impact** No fiscal impact.

## Administrative Rules – Fiscal Impact Summaries

June 14, 2005

12

---

	<b>ARC 4141B</b>
<b>Rule Summary</b>	Optometry Examiners - Defines licensure status as active or inactive; defines the process for licensure 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 the fee for reactivation.
<b>Fiscal Impact</b>	No fiscal impact. The reactivation fee is the same as what would have been collected under the old definition of reinstatement and no increase is anticipated.
	<b>ARC 4140B</b>
<b>Rule Summary</b>	Optometry Examiners - Removes references to continuing education sponsors; removes requirements to submit a diploma and reference to the payment form; and provides the Board with the ability to discipline a licensee for breach of an agreement or contract with the Impaired Practitioner Review Committee.
<b>Fiscal Impact</b>	No fiscal impact.
	<b>ARC 4145B</b>
<b>Rule Summary</b>	Podiatry Examiners - Defines licensure status as active or inactive; defines the process for licensure 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 the fee for reactivation.
<b>Fiscal Impact</b>	No fiscal impact. The reactivation fee is the same as what would have been collected under the old definition of reinstatement and no increase is anticipated.
	<b>ARC 4146B</b>
<b>Rule Summary</b>	Podiatry Examiners - Changes the licensure chapter to remove references to require diplomas since transcripts are required; provides for applicants to request the Board to retain an incomplete application; adds language to clarify what exams are required; removes payment mechanism to allow for other methods to be used in the future; adds language to allow for journal articles as part of continuing education; and provides the Board with the ability to discipline a licensee for breach of an agreement or contract with the Impaired Practitioner Review Committee.
<b>Fiscal Impact</b>	No fiscal impact.
	<b>ARC 4149B</b>
<b>Rule Summary</b>	Physician Assistant Examiners - Defines licensure status as active or inactive; defines the process for licensure reactivation and reinstatement; changes from pre- and post-continuing education audits prior to licensure post-continuing education audits following licensure; adds grounds for disciplinary action; and establishes the fee for reactivation.
<b>Fiscal Impact</b>	No fiscal impact. The reactivation fee is the same as what would have been collected under the old definition of reinstatement and no increase is anticipated.
	<b>ARC 4148B</b>
<b>Rule Summary</b>	Physician Assistant Examiners - Provides the Board with the ability to discipline a licensee for breach of an agreement or contract with the Impaired Practitioner Review Committee.
<b>Fiscal Impact</b>	No fiscal impact.

## Administrative Rules – Fiscal Impact Summaries

June 14, 2005

13

### ARC 4179B

**Rule Summary** Interpreters for the Hearing Impaired Examiners - No information was provided.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

---

## DEPARTMENT OF PUBLIC HEALTH

### ARC 4192B

**Rule Summary** Updates the newborn metabolic screening fee from \$56 to \$77 for FY 2006. The Iowa Neonatal Metabolic Screening Program is adding funding for a genetic counselor, follow-up coordinator, five public health microbiologists, and a same-day courier service in order to meet the 24/7 standard for metabolic screening testing at the State Hygienic Lab, as well as FTE positions to handle the increased workload experienced with the hiring of the new Medical Geneticist in summer 2004.

**Fiscal Impact** There will be an estimated 38,000 newborns that receive a newborn metabolic screening and one dollar from each screening fee will be transferred to the Department of Public Health to support the State Coordinator for Genetic Service's salary in the amount of \$38,000. Birthing facilities will need adequate notice of the fee increase so fee structures may be prepared in accordance with the change.

### ARC 4194B

**Rule Summary** Changes the definition of licensed child care and deletes the definition of public health nurse; deletes the use of medical waiver and specifies how the medical exemption may be used; and updates the immunization requirements to more accurately reflect the recommendations of the Advisory Committee on Immunization Practices. Also, provides guidelines to higher education institutions on informing post secondary students regarding the risk of Meningococcal Disease and on reporting data to the Department; allows for a faxed and/or photocopy of the immunization certificate; deletes the source of immunizations as a requirement on the certificate; increases from 30 to 60 days the amount of time a local board of health has to report audit data; deletes the language on a transfer student; and updates the provisional and registry usage language.

**Fiscal Impact** Minimal fiscal impact. It is estimated that \$20,000 will be needed to cover the costs to develop and print new materials for school audits, new certificates of immunization, new provisional certificates, and costs associated with training and educating health care providers and school personnel about the rule changes.

### ARC 4193B

**Rule Summary** Implements a program to require individuals who perform renovation, remodeling, and repainting of target housing for compensation to provide an approved lead hazard information pamphlet to the owner and occupant of the housing prior to commencing the work.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

---

## Administrative Rules – Fiscal Impact Summaries

June 14, 2005

14

---

### DEPARTMENT OF PUBLIC SAFETY

#### ARC 4180B

**Rule Summary** Rescinds requirements for written testing in the licensing process for bail enforcement, private investigation, and private security businesses.

**Fiscal Impact** No fiscal impact.

#### ARC 3240B

**Rule Summary** This summary is based on a DRAFT version of the final rule. The proposed rules establish minimum training standards for all fire fighters in Iowa engaged in "structural" fire fighting. Structural fire fighting is defined as fire fighting in a hazardous environment which requires a self-contained breathing apparatus.

**Fiscal Impact** The overall cost is estimated to be \$1.4 million. The estimate assumes 450 training segments with 20 people per segment, at a cost of \$3,200 per segment. Approximately 9,000 fire fighters are expected to complete Fire Fighter I training by July 1, 2010. The cost per year for additional training is estimated to be \$240,000. The Fire Fighter Training Fund offsets tuition costs for training by volunteer firefighters. The FY 2006 budget for the Volunteer Fire Fighter Training Fund is \$699,587, an increase of \$140,000 compared to estimated FY 2005. The Volunteer Fire Fighter Income Tax Check Off has approximately \$52,000 as of May 24, 2005. This money may also be used to offset the additional volunteer fire fighter training costs, however, it is too early to tell exactly how much money will be generated from this check off since it was new on this year's (2004) tax returns. In addition, the Paul Ryan Memorial Fire Fighter License Plate Fund generates approximately \$34,000 per year which is used to offset career and volunteer fire fighter training.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

---

### RACING AND GAMING COMMISSION

#### ARC 4154B

**Rule Summary** Miscellaneous changes for clarification, to allow licensing a jockey or driver under age 18 with parental consent, makes a placing judge and official for harness racing, and clarifies the sex allowance in thoroughbred racing.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Douglas Wulf (Ext. 13250)

---

### DEPARTMENT OF REVENUE

#### ARC 4172B

**Rule Summary** The rules make changes in the stock and debt, income, and cost approaches used by the Department to establish railroad company valuations for property tax purposes. The rules are a result of the court case titled Burlington Northern Railroad Co. vs. Gerald D. Bair, Director of the Department of Revenue of Iowa, and subsequent settlement agreements reached between the Department and the companies on valuation procedures used by the Department to determine the market value of companies for purposes of property taxation.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

---

DEPARTMENT OF TRANSPORTATION

ARC 4130B

**Rule Summary** Amends chapters 605 and 607 to adopt the following: (1) a new school bus endorsement for commercial driver's licenses, to coincide with HF 216 (FY 2006 Motor Vehicle Regulation Act); (2) new federal requirements for persons applying for or renewing hazardous material endorsements; and (3) technical changes to reflect current provisions in HF 216 (FY 2006 Motor Vehicle Regulation Act), including adding an option form that persons with military extensions may use to request retention of driver's licenses, and updating acts or offenses that disqualify a person from operating a commercial motor vehicle.

**School Bus Endorsement:** Recent federal standards require that by September 30, 2005, all school bus drivers are to have a school bus endorsement added to their commercial driver's licenses. The fee for the endorsement is \$10, as specified in HF 216.

**Hazardous Material Endorsement:** Under new federal regulations that implement the U.S.A. Patriot Act, a Transportation Security Administration (TSA) security threat assessment is required when a person applies for or renews a hazardous material endorsement. The assessment is required every five years upon renewal of the license. Currently, over 28,000 persons have hazardous material endorsements in Iowa. An estimated 7,000 renewals will be processed by the DOT annually.

**Fiscal Impact** **School Bus Endorsement:** An estimated increase of between \$90,000 and \$100,000 to the Road Use Tax Fund in FY 2006 only. The revenues include the one-time fee of \$10 collected from approximately 10,000 school bus drivers in Iowa. Programming costs for the DOT are estimated at \$500 (eight hours of programming at \$64.25 per hour), and will be paid from the Motor Vehicle Division's base budget, which includes Primary Road Fund and Road Use Tax Fund moneys.

**Hazardous Material Endorsement:** Minimal fiscal impact to the Road Use Tax Fund. The DOT does not anticipate a decrease in fees collected for hazardous material endorsements due to drivers not being able to meet the new requirements for security threat assessments. The fee for a hazardous material endorsement is \$5, and does not change under the amended rule.

The Department will incur costs of approximately \$14,500 for FY 2006 and beyond. The cost estimate assumes that most of the increased administrative costs will relate to processing renewals and programming. The DOT estimates that in FY 2007 only, the annual costs will decrease due to the switch from four-year driver's licenses to five-year driver's licenses on July 1, 2002. The costs will increase again in FY 2008 and subsequent fiscal years to the FY 2006 level. The costs will be paid from the Motor Vehicle Division's base budget, which includes Primary Road Fund and Road Use Tax Fund moneys.

ARC 4131B

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

**Fiscal Impact** No fiscal impact.

## Administrative Rules – Fiscal Impact Summaries

June 14, 2005

16

### ARC 4151B

**Rule Summary** Amends rule 761-500.9(326) to implement HF 216 (FY 2006 Motor Vehicle Regulation Act). The current rule allows a motor carrier registrant to submit a vehicle schedule to change fleet operations. A temporary authority may be issued to operate a vehicle for the period of time required to process the vehicle schedule. The temporary authority is not to exceed 90 days, but may be extended under certain circumstances. The rule, as amended, reduces the temporary authority to 60 days. Carriers are required to pay for credentials within 30 days of submitting the request so there is ample time for credentials to be distributed and applied to vehicles within the 60-day temporary authority.

**Fiscal Impact** No fiscal impact. The Department will make minor changes to the forms and processing system within budgeted maintenance cost.

STAFF CONTACT: Mary Beth Mellick (Ext. 18223)

---

### UTILITIES DIVISION - DEPARTMENT OF COMMERCE

### ARC 4157B

**Rule Summary** The amendments implement changes to Section 476.1D(1), (2), and (3), as required by HF 277 (Telephone Utility Regulation Act), that was signed by the Governor on March 15, 2005, and is effective on July 1, 2005, clarifying the Board's rules relating to the provision of telecommunications service.

**Fiscal Impact** No fiscal impact.

### ARC 4156B

**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.

STAFF CONTACT: Ron Robinson (Ext. 16256)

---

### VOLUNTEER SERVICE COMMISSION

### ARC 4150B

**Rule Summary** The amendments implement changes to Section 476.1D(1), (2), and (3), as required by HF 277 (Telephone Utility Regulation Act), that was signed by the Governor on March 15, 2005, and is effective on July 1, 2005, clarifying the Board's rules relating to the provision of telecommunications service.

**Fiscal Impact** The Commission will receive \$174,000 in General Funds to provide to the local RSVPs, which is the same amount provided by the Department of Elder Affairs in the past. In addition, the Commission may accept funds and other in-kind services from other federal, State, and private entities; however, it is unknown how much additional funding will be received.

STAFF CONTACT: Ron Robinson (Ext. 16256)

---