



Fiscal Services Division

ADMINISTRATIVE RULES – FISCAL IMPACT SUMMARIES

August 5, 2014

Iowa Code section 17A.4(4) 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 <https://www.legis.iowa.gov/law/administrativeRules/arrc/fiscalImpact>

Table of Contents			
Agency	Page	Agency	Page
Treasurer of the State	1	Department of Public Safety	10
Department of Human Services	1	Department of Revenue	10
Economic Development Authority	3	Department of Transportation	11
Board of Educational Examiners	4	Department on Aging	11
Department of Education	5	Department of Agriculture and Land Stewardship	13
Department of Inspections and Appeals	6	Homeland Security and Emergency Management	13
Iowa Finance Authority	7	Natural Resource Commission	14
Labor Services Division	8	Secretary of State	14
Nursing Board	9	Workers' Compensation Division	15
Professional Licensure Division	9		

Treasurer of State

ARC 1464C

Rule Summary Updates rules to comply with Iowa law and reflects changes in the market related to public funds for custodial agreements.

Agency Stated Authority: Iowa Code section 12B.10C.

Fiscal Impact **Agency Response:** No fiscal impact to the State. Updates required provisions for inclusion in public funds for custodial agreements.

LSA Response: The LSA concurs.

STAFF CONTACT: Ron Robinson (515-281-6256) ron.robinson@legis.iowa.gov

Department of Human Services

ARC 1554C

Rule Summary Creates new accreditation standards for crisis response services. Mental Health and Disability Services (MHDS) regions are required to offer basic crisis response services. As funding is available additional crisis response services are to be provided in the MHDS regions.

Agency Stated Authority: Iowa Code sections 225C.6 and 331.397 and 2014 Iowa Acts, House File 2379 (Crisis Stabilization Licensure Exemption).

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

Administrative Rules – Fiscal Impact Summaries

August 5, 2014

2

	<u>ARC 1553C</u>
Rule Summary	Clarifies the training requirements for Home and Community-Based Services (HCBS) Brain Injury (BI) providers and direct service staff. Agency Stated Authority: Iowa Code section <u>249A.4</u> .
Fiscal Impact	Agency Response: Minimal or no fiscal impact. LSA Response: There will be an administrative cost to the HCBS BI Waiver providers as they will require their staff to complete the BI training. However, this was a previous requirement of the BI Waiver service provision.
	<u>ARC 1518C & 1519C</u>
Rule Summary	Increases the fee schedule rates for Emergency Medical Service (EMS) providers by 10.0% from the rate that was in effect on June 30, 2014. Agency Stated Authority: Iowa Code chapter <u>249A</u> and <u>House File 2463</u> (FY 2015 Health and Human Services Appropriations Act), sections 41 and 45.
Fiscal Impact	Agency Response: This change is estimated to cost the General Fund \$239,000 in FY 2015 and \$254,000 in FY 2016. LSA Response: Funding for this change was provided in the FY 2015 Health and Human Services Appropriations Act.
	<u>ARC 1520C & 1521C</u>
Rule Summary	Allows Community Mental Health Centers (CMHCs) the choice of being reimbursed for services provided to recipients of medical assistance at 100.0% of the reasonable costs of the services or in accordance with an alternative reimbursement rate methodology established by the Medicaid managed care contractor for mental health services and approved by the Department of Human Services. Agency Stated Authority: Iowa Code chapter <u>249A</u> and <u>House File 2463</u> (FY 2015 Health and Human Services Appropriations Act), sections 39-40, 45, and 61-62.
Fiscal Impact	Agency Response: No fiscal impact. LSA Response: A new alternative reimbursement methodology was created to expedite payments to providers. It is expected that if providers choose to switch to this new methodology it will be budget neutral.
	<u>ARC 1556C</u>
Rule Summary	Requires Child Development Home providers to maintain accurate and accessible emergency contact information for the children in care. Agency Stated Authority: Iowa Code chapter <u>237A</u> .
Fiscal Impact	Agency Response: No fiscal impact. LSA Response: The LSA concurs.
	<u>ARC 1555C</u>
Rule Summary	Updates rules to comply with Iowa Code section <u>237A.4A</u> that requires the Department to complete annual inspection of child development homes. The DHS is required to check 100.0% of child development homes in the fiscal year that begins July 1, 2013, and succeeding years. Current administrative rules date from 2009 and

reflect the requirement that the Department check 20.0% of child development homes annually.

Agency Stated Authority: Iowa Code section 237A.4A.

Fiscal Impact Agency Response: No fiscal impact.

LSA Response: This change is updating administrative rules to match the current practice so there is no fiscal impact.

ARC 1522C & 1523C

Rule Summary Provides a rate increase for Group Foster Care to begin the process of equalizing Group Foster Care rates between all providers. The rate increase raises the reimbursement floor to bring all providers to the highest paid provider in each of the three service categories.

Agency Stated Authority: Iowa Code section 237.3 and HF 2463 (FY 2015 Health and Human Services Appropriations Act), sections 43 and 45.

Fiscal Impact Agency Response: This change is estimated to cost the General Fund \$3.5 million in FY 2015 and FY 2016.

LSA Response: Funding for this change was provided in the FY 2015 Health and Human Services Appropriations Act.

ARC 1524C & 1525C

Rule Summary Expands the Child Care Assistance (CCA) service criteria to allow a parent to work part-time and attend school part-time for at least 28 hours in the aggregate and remain eligible for CCA.

Agency Stated Authority: Iowa Code section 234.6 and HF 2463 (FY 2015 Health and Human Services Appropriations Act), Division XV, section 96.

Fiscal Impact Agency Response: This change is estimated to cost the General Fund \$1.7 million in FY 2015 and FY 2016.

LSA Response: Funding for this change was provided in the FY 2015 Health and Human Services Appropriations Act.

STAFF CONTACT: Jess Benson (515-281-4611) jess.benson@legis.iowa.gov

Economic Development Authority

ARC 1540C

Rule Summary Updates rules for the Iowa Economic Development Region initiatives. Changes include adding and revising definitions, revising the application process to be competitive rather than open-window, and making technical corrections. Repeals the transfer of Region Funding Assistance to the Small Business Development Centers (SBDCs) and the Iowa Business Resource Centers.

Agency Stated Authority: Iowa Code section 15E.231 as amended by SF 2359 (Economic Development Program Changes Act).

Fiscal Impact Agency Response: No fiscal impact.

LSA Response: The LSA concurs. The SBDCs last received Region Funding Assistance from the Grow Iowa Values Fund FY 2012.

Emergency Rule

Rule Summary: Establishes rules for the STEM Internship Program. The Program requires a dollar for dollar match from the business sponsoring the internship and is capped at \$5,000 per internship and \$100,000 per business. The Iowa college students participating in the Program must have a STEM declared major as defined by the Act. Applications are submitted to the IEDA and are scored by the Technology Commercialization Committee on criteria that covers the following:

- The extent that the student is involved in a substantive experience closely related to the student's STEM field of study.
- The quality and sufficiency of the explanation of the employer's anticipated workforce needs and of the student's potential for prospective employment with the employer or another Iowa employer following graduation.
- The extent that the internship duties require independent judgment, creativity, and intelligence to complete and contribute to business goals or processes.
- The extent that the internship will have a positive impact on the student's skills, knowledge, and abilities.
- The extent that the internship pays more than twice the minimum wage.
- Whether applications will be accepted by the employer from more than one private college, university, or community college.
- Whether the application establishes that all relevant internship considerations, including necessary funding, were addressed by the employer in advance.

Applications will need to score at least 65 points and meet all other business and student eligibility criteria in the rules to receive funding.

Agency Stated Authority: Iowa Code section 15.106A and 2014 Iowa Acts HF 2460 (FY 2015 Economic Development Appropriations Act).

Fiscal Impact **Agency Response:** The program has a \$1.0 million appropriation and all funds will be expended.

LSA Response: House File 2460 provided a new \$1.0 million General Fund appropriation to fund this program and included intent language that indicated \$1.0 million in additional funding is to be provided the following fiscal year.

STAFF CONTACT: Kenneth Ohms (515-725-2200) kenneth.ohms@legis.iowa.gov

Board of Educational Examiners

ARC 1543C

Rule Summary Allows the Board of Educational Examiners the option to set a case for hearing if there is probable cause of a violation of the Code of Professional Conduct and Ethics. Factors are included for the Board to consider in deciding whether to set a case for hearing.

Agency Stated Authority: Iowa Code section 272.2.

Fiscal Impact **Agency Response:** The amendment will not require any State expenditures.

LSA Response: No fiscal impact.

Administrative Rules – Fiscal Impact Summaries

August 5, 2014

5

ARC 1552C

Rule Summary Expands the issuance of a substitute authorization to include the elementary classroom rather than just in middle school, junior high school, or high school. Adds an exception to the authorization for driver's education classrooms.

Agency Stated Authority: Iowa Code section 272.31.

Fiscal Impact **Agency Response:** The proposed amendment will not require additional State expenditures.

LSA Response: No fiscal impact.

ARC 1551C

Rule Summary Permits the school business official authorization to be valid for two years from the date of issuance, rather than the date of employment.

Agency Stated Authority: Iowa Code section 272.31.

Fiscal Impact **Agency Response:** The proposed amendment will not require any additional State expenditures and will not increase revenue for the agency.

LSA Response: No fiscal impact.

ARC 1542C

Rule Summary Adds an experience requirement to convert the Initial School Administration Manager Authorization to a Standard School Administration Manager Authorization. The conversion requires a verification by the supervising administrator that the applicants met the necessary competencies and skills. Aligns the conversion requirements to the requirements to convert an initial teaching or initial administrator license.

Agency Stated Authority: Iowa Code section 272.2.

Fiscal Impact **Agency Response:** The amendment will not require any State expenditures.

LSA Response: No fiscal impact.

STAFF CONTACT: John Parker (515-725-2249) john.parker@legis.iowa.gov

Department of Education

ARC 1527C

Rule Summary Permits school districts and accredited nonpublic schools the authority to grant secondary credit to students in 7th and 8th grade. The course must meet all components listed in subrule 12.5(5) for the specific curricula area. Removes the requirement that the course be in a curricula area of English or language arts, mathematics, science, or social studies.

Agency Stated Authority: Iowa Code section 256.7(5) and SF 2230 (Education Department Code Corrections).

Fiscal Impact **Agency Response:** There is no fiscal impact of this rule.

LSA Response: No fiscal impact.

ARC 1529C

Rule Summary Establishes rules for the Workforce Training and Economic Development Program that provides revenue for each community college to address the workforce development needs of the State. The primary focus is providing training and retraining of Iowa workers in the targeted areas of advanced manufacturing; information technology and insurance; alternative and renewable energy; and life sciences.

- The rules specify that 70.0% of funds must be used to support projects in the targeted areas.
- In addition to providing general guidelines for funded projects, the rules also specify funding used for several existing programs, including the Accelerated Career Education (ACE) Program, the Iowa Jobs Training Act (Iowa Code chapter 260F), career academies, the Pathways for Career and Employment (PACE) Program, and the GAP Tuition Assistance Program.
- Any project using more than \$1.0 million in funding requires prior approval by the Board of Education.
- Community colleges must submit annual plans and progress reports for approval by the Board.
- Sanctions for default or noncompliance are specified.

Agency Stated Authority: Iowa Code section 256.7(5).

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs. The rules implement Iowa Code section 260C.18A. The General Assembly has provided an annual appropriation for this program since FY 2012. For FY 2015, the program received a \$15.1 million appropriation from the Skilled Worker and Job Creation Fund.

ARC 1528C

Rule Summary Requires an applicant for a school bus driver's authorization to undergo a biennial physical examination by a certified medical examiner. The examiner must be listed on the National Registry of Certified Medical Examiners instead of by a licensed physician or surgeon, osteopathic physician or surgeon, osteopath, qualified doctor of chiropractic, licensed physician assistant, or advanced registered nurse practitioner.

Agency Stated Authority: Iowa Code chapter 285.

Fiscal Impact **Agency Response:** There is no fiscal impact to the State.

LSA Response: No fiscal impact.

STAFF CONTACTS: John Parker (515-725-2249) john.parker@legis.iowa.gov
Robin Madison (515-281-2570) robin.madison@legis.iowa.gov

Department of Inspections and Appeals

ARC 1547C

Rule Summary Extends the time to verify the conviction or entry of a record of founded abuse by current employees from 48 hours to seven calendar days. Modifies or removes some of the requirements for admission and retention of participants in an Adult Day Services Program.

These changes are identical to those originally published on May 28, 2014, as ARC 1472C.

Agency Stated Authority: Iowa Code sections 231B.2(1), 231C.3(1) and 231D.2(2), and HF 2365 (Health Facilities Technical Changes) and SF 347 (Nursing Home Conditional Employment)

Fiscal Impact **Agency Response:** No fiscal impact to the State. The rules are technical in nature and extend the period of time that employers may verify the conviction or entry of a record of founded abuse by current employees.

LSA Response: The LSA concurs.

STAFF CONTACT: Dw ayne Ferguson (515-281-6561) dwayne.ferguson@legis.iowa.gov

Iowa Finance Authority

ARC 1539C

Rule Summary Amends rules on the Shelter Assistance Fund (SAF) as follows:

- Clarifies the activities eligible for funding from the SAF. This includes removing homelessness prevention as an eligible operating expense, adding hotel or motel vouchers, and meals and food for shelter residents. Also, adds definitions for eligible services and evaluation of services for the homeless using the Homeless Management Information System (HMIS) pursuant to 2011 Iowa Acts, chapter 130 (FY 2012 Economic Development Appropriations Act).
- Aligns SAF rules with the federal Emergency Solutions Grant (ESG) Program.
- Strikes the possibility of requiring matching funds for SAF funds. Permits the Iowa Finance Authority (IFA) to designate an uncapped portion of SAF funds to be used as matching funds for the ESG Program. However, these funds cannot then be used as matching funds for other grants.
- Adds provisions to requirements placed on recipients.
- Makes technical changes.

Agency Stated Authority: Iowa Code section 16.41.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

Emergency Rule

Rule Summary Amends the Military Home Ownership Program to expand it to veterans of the Persian Gulf Conflict, revise “Participating Lender” to mean one participating in the IFA First Mortgage Financing Home Buyer Program, add a definition for Facilitating Lender, and clarify the rules regarding when an IFA program may not be required to be used.

Agency Stated Authority: Iowa Code sections 17A.3(1)“b,” 16.5(1)“r,” 16.5(1)“m,” and 16.54(5). Senate File 303 (Home Base Iowa Act).

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: House File 2463 (FY 2015 Health and Human Services Appropriations Act) appropriated \$2.5 million from the General Fund (an increase of \$900,000 compared to FY 2014) to the Department of Veterans Affairs for this program and the IFA determines the eligibility for the qualified loan.

STAFF CONTACT: Kenneth Ohms (515-725-2200) kenneth.ohms@legis.iowa.gov

Labor Services Division

ARC 1531C

Rule Summary Adopts by reference changes to the federal Occupational Safety and Health Administration (OSHA) Standards for electrical protective equipment and electrical power generation, transmission, and distribution. Provisions include:

- Shares information when more than one employer is on site.
- Improves fall protection for employees working from heights.
- Adds new requirements to protect workers from electric arcs.
- Keeps unprotected workers at a safe distance from energized lines.
- Adopts new standards for equipment designed to protect workers from electricity.

The effective date for some of the provisions concerning fall protection, approach distances, and arc flash is April 1, 2015. The U.S. Department of Labor estimates that nationally the rule will prevent about 20 fatalities and 118 serious injuries per year.

Agency Stated Authority: Iowa Code section 88.5.

Fiscal Impact **Agency Response:** The U.S. Department of Labor, OSHA, included an economic analysis in the final rule published in the April 11, 2014, Federal Register, Vol. 79, No. 70. The economic analysis sets forth assumptions and estimated the national annualized cost of compliance for employers with the final rule to be between about \$47.1 million and \$49.5 million.

LSA Response: No fiscal impact to the State. The nationally estimated costs of compliance for employers represents about 0.007% of revenues and 0.06% of profits, on average, across all entities affected, per OSHA.

ARC 1560C

Rule Summary Adopts by reference most of the new American Society of Mechanical Engineers' (ASME) A17.1 safety code for elevators and escalators and the most recent National Electric Code. Exceptions include not allowing the alternative test described in ASME A17.1 (2013) to be a substitute for a full-load safety test once every five years. Additionally, the rules will prohibit the automatic reset of safety devices on escalators and moving sidewalks.

Agency Stated Authority: Iowa Code section 89A.3.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

ARC 1550C

Rule Summary Establishes rule allowing certain utility boilers to be internally inspected once every four years and makes technical changes.

Agency Stated Authority: Iowa Code section 89.14(10).

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

Nursing Board

ARC 1541C

- Rule Summary** Makes the following changes to the Nursing Board:
- Replaces the current mission statement with the new mission statement.
 - Changes the election date of board officers to occur prior to May 1 of each year.
 - Establishes standing committees after May 1 of each year.
 - Alters scheduling requirements for future board meeting dates.
 - Removes the requirement that meetings must be held in Des Moines, Iowa.
 - Eliminates the use of Robert's Rules of Order, replacing them with broader requirements to conduct meetings, and ensuring equal rights and responsibilities for members.
 - Eliminates references to 2001 rescinded rules.
 - Removes licensee notification in the board newsletter.
 - Removes reference to the State General Fund.

Agency Stated Authority: Iowa Code sections 17A.3 and 147.76.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

STAFF CONTACT: Jess Benson (515-281-4611) jess.benson@legis.iowa.gov

Professional Licensure Division

ARC 1558C

- Rule Summary** Makes the following changes to the licensure of marital and family therapists and mental health counselors:
- Revises the examination requirements for a temporary license.
 - Defines the requirements for the counseling theories and supervised counseling practicum educational requirements.
 - Revises requirements for licensure by endorsement.

Agency Stated Authority: Iowa Code section 147.76.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

ARC 1559C

- Rule Summary** Clarifies the exam requirements for physical therapy applicants that fail the exam. Revises and updates the continuing education requirements for physical therapy and occupational therapy licensees.

Agency Stated Authority: Iowa Code section 147.76.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

STAFF CONTACT: Jess Benson (515-281-4611) jess.benson@legis.iowa.gov

Department of Public Safety

ARC 1557C

Rule Summary Updates rules regarding the adoption of the 2014 edition of the National Electrical Code (NEC), with specified exceptions.

Agency Stated Authority: Iowa Code section 103.61 requires the Electrical Examining Board to adopt rules that set minimum standards set forth in the most current publication of the NEC issued and adopted by the national fire protection association.

Fiscal Impact **Agency Response:** There are some additional costs in some of the new requirements, but there also are some cost savings so the overall impact is anticipated to be minimal.

LSA Response: The LSA concurs.

STAFF CONTACT: Jennifer Acton (515-281-7846) jennifer.acton@legis.iowa.gov

Department of Revenue

ARC 1545C

Rule Summary Eliminates references to inheritance and estate taxes that were repealed and makes modifications coupled with federal tax changes including:

- Amending various rules and subrules to eliminate references to the repealed Iowa estate tax and generation skipping transfer tax.
- Revising the date to January 1, 2014, for the Iowa credit that is coupled with federal changes to the credit for increasing research activities for Iowa individual income tax and for Iowa corporation income tax.
- Stating that the Iowa estate tax only applies for deaths occurring prior to January 1, 2005.
- Stating that the generation skipping transfer tax only applies for deaths occurring prior to January 1, 2005.

These rule changes are identical to those published as ARC 1469C on May 28, 2014.

Agency Stated Authority: Iowa Code sections 421.14 and 422.68 and HF 2435 (Internal Revenue Code Update).

Fiscal Impact **Agency Response:** No fiscal impact to the State.

LSA Response: The LSA concurs. Congress has not enacted any tax changes since January 1, 2013, so the date changes in the Act have no impact on Iowa taxes. The Iowa estate tax and the Iowa generation-skipping tax are both estate taxes that were made inoperative by federal estate tax changes. The two Iowa taxes no longer apply and do not generate revenue, so their repeal has no impact. Iowa's existing inheritance tax will still be in place.

ARC 1544C

Rule Summary Clarifies examples of when candy is subject to sales and use tax and when it is not.

Agency Stated Authority: Iowa Code section 423.3(57)b.

Fiscal Impact **Agency Response:** The amendment merely changes listed examples of taxable candy. There is no fiscal impact to the State.

LSA Response: The LSA concurs.

STAFF CONTACT: Dwayne Ferguson (515-281-6561) dwayne.ferguson@legis.iowa.gov

Department of Transportation

ARC 1516C

Rule Summary Rescinds Chapter 122 “Keep Iowa Beautiful Program.” This Program was funded by an income tax check off, and was repealed in 2010.

Agency Stated Authority: Iowa Code sections [307.10](#) and [307.12](#).

Fiscal Impact **Agency Response:** No fiscal impact. The income tax check off to raise program funds was rescinded. All funds associated with the program were expended on projects.

LSA Response: The LSA concurs.

ARC 1526C

Rule Summary Amends Chapter 634 and 604 pertaining to parent-taught driver education. Implements Iowa Code section [321.178A](#) that established procedures allowing parents to obtain approval from the Department of Transportation to instruct students in approved driver’s education courses. Outlines the application process and certificates of completion. Establishes a procedure to allow third parties to receive approval for courses used by teaching parents. Updates language to accommodate rule changes. Sets minimum course curriculum requirements.

Agency Stated Authority: Iowa Code sections [307.10](#), [307.12](#), and [321.178A](#).

Fiscal Impact **Agency Response:** Implements parent-taught driver education as required by Iowa Code section [321.178A](#). Although there will be an increased burden to administer this program, the DOT expects it can be managed within existing budget and FTE positions.

LSA Response: The LSA concurs.

STAFF CONTACT: Adam Broich (515-281-8223) adam.broich@legis.iowa.gov

Department on Aging

ARC 1532C

Rule Summary Removes reference to Iowa Aging Program Instructions (IAPIs), moves definitions to this chapter, and alters the definition of “area plan” to align with the Older Americans Act and current practice.

Agency Stated Authority: Iowa Code chapter [231](#) and section [17A.3](#).

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

ARC 1533C

Rule Summary Removes reference to IAPIs.

Agency Stated Authority: Iowa Code chapter [231](#) and section [17A.3](#).

Administrative Rules – Fiscal Impact Summaries

August 5, 2014

12

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

ARC 1534C

Rule Summary Removes reference to IAPIs, alters the requirements of Area Agencies on Aging regarding submission of affirmative action plans. Clarifies client projections provided by Area Agencies on Aging.

Agency Stated Authority: Iowa Code chapter 231 and section 17A.3.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

ARC 1535C

Rule Summary Makes the following changes:

- Updates references from Long-Term Care Resident Advocate to Long-Term Care Ombudsman.
- Changes references of Volunteer Long-Term Care Ombudsman to Certified Volunteer Long-Term Care Ombudsman.
- Amends the training requirement for Certified Volunteers from 24 to 12 hours, corrects code references, and moves definitions from this chapter to a different chapter.
- Changes reference from personal records to social records, makes technical corrections to align with Iowa Code, removes reference to Resident Advocate Committees, and defines who is responsible for review of a Certified Volunteer.

Agency Stated Authority: Iowa Code chapter 231 and section 17A.3

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

ARC 1536C

Rule Summary Strikes the Chapter relating to Resident Advocate Committees. The Chapter is no longer necessary or applicable to the operations of the Iowa Department on Aging or the Office of the State Long-Term Care Ombudsman due to the elimination of the Program.

Agency Stated Authority: Iowa Code chapter 231 and section 17A.3.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

ARC 1537C

Rule Summary Requires the Aging and Disability Resource Center Options Counselors to submit to background checks, serve as mandatory reporters, adhere to mandatory reporter training rules and regulations, and meet minimum qualifications to serve as an options counselor.

Agency Stated Authority: Iowa Code chapter 231 and section 17A.3.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

STAFF CONTACT: Jess Benson (515-281-4611) jess.benson@legis.iowa.gov

Department of Agriculture and Land Stewardship

ARC 1546C

Rule Summary Updates a reference to the federal regulations for the Federal Wholesome Meat Act that was revised March 7, 2013.

Agency Stated Authority: Iowa Code chapter 189A.

Fiscal Impact **Agency Response:** No fiscal impact to the State.

LSA Response: The LSA concurs.

STAFF CONTACT: Debra Kozel (515) 281-6767 deb.kozel@legis.iowa.gov

Department of Homeland Security and Emergency Management

ARC 1538C

Rule Summary Implements changes enacted in HF 644 (E911 Surcharge Equalization) and HF 307 (Establishing the Department of Homeland Security and Emergency Management), that included imposing a \$1.00 surcharge for both the wireline and wireless E911 programs and reinstating the wireless carrier cost recovery for Phase 1 services. The Acts also clarified the payment distribution process and required improved data collection and reporting processes to the General Assembly. The changes took effect July 1, 2013, and the first report is due to the General Assembly July 1, 2014.

Agency Stated Authority: Iowa Code chapter 34A.

Fiscal Impact **Agency Response:** The \$1.00 per month, per access line for wireline will generate an estimated \$12.0 million annually based on 1.3 million wireline subscribers. This is an additional \$3.5 million annually for the 14 counties that were charging less than \$1.00 prior to the enactment of the legislation. The increase for the wireless surcharge from \$0.65 to \$1.00 per month, per wireless communication device number will generate an estimated \$6.4 million per calendar quarter in wireless surcharge revenue based on 2.3 million wireless subscribers. This is an increase per calendar quarter of \$2.0 million. The increased wireless surcharge revenue is being used to provide additional funds for local public safety answering points (PSAPs).

LSA Response: The LSA concurs. The LSA is required to provide quarterly reports to the Government Oversight Committee on the revenue generated from the wireless surcharge and how the money is distributed.

The First Calendar Quarter 2014 (January through March) report showed revenue total of \$6.9 million. Of this amount, the funds were distributed as follows:

- \$62,500 for administrative costs.
- \$43,700 for wireless service provider Phase 1 cost recovery.
- \$597,000 for wireline transport costs.
- \$3.2 million for the 115 PSAPs.
- \$3.0 million deposited in the Wireless Surcharge Carryover Fund that is used for network capacity increases and PSAP improvement projects.

For additional information, the following links provide the most recent Government Oversight Committee report and the fiscal note for HF 644.

<https://www.legis.iowa.gov/docs/publications/SD/2014/25912/25912.pdf>

https://www.legis.iowa.gov/docs/FiscalNotes/85_1422HZv0_FN.pdf

STAFF CONTACT: Jennifer Acton (515-281-7846) jennifer.acton@legis.iowa.gov

Natural Resource Commission

ARC 1530C

Rule Summary Adopts a reduced speed zone (five miles per hour) on the Mississippi River adjacent to the City of Clayton.

Agency Stated Authority: Iowa Code section 462A.32(2).

Fiscal Impact **Agency Response:** No fiscal impact to the State. The city of Clayton will enforce the speed limit and designate the area with buoys approved by the Natural Resource Commission.

LSA Response: The LSA concurs.

STAFF CONTACT: Debra Kozel (515) 281-6767 deb.kozel@legis.iowa.gov

Secretary of State

ARC 1549C

Rule Summary Conforms the rules to reflect the 2014 enactment of HF 2366 (Election Administration and City Elections).

Agency Stated Authority: Iowa Code sections 47.1, 17A.3, 50.20, and chapter 53.

Fiscal Impact **Agency Response:** No fiscal impact to the State.

LSA Response: The rules will have no impact on the State General Fund. However, the rules will result in estimated statewide savings for county funds as follows:

- \$126,000 from not requiring a third envelope for absentee ballots for gubernatorial elections beginning with FY 2015 and every four years after FY 2015.
- \$11,000 from not requiring a third envelope for absentee ballots for primary elections beginning with FY 2014 and every two years after FY 2014.
- \$241,000 from not requiring a third envelope for absentee ballots for presidential elections beginning with FY 2017 and every four years after FY 2017.

The savings for cities and schools cannot be determined since the number of absentee ballots mailed for those elections is not available. The savings will be for city and county funds since they reimburse the counties for election administration.

ARC 1548C

Rule Summary Establishes uniformity in the treatment of digital ballot images captured by the various voting systems certified for use in the State by the Iowa Board of Examiners for Voting Systems. These amendments also adopt standards for use of the Unisyn OpenElect Voting Central Scan (OVCS) central count tabulator.

Agency Stated Authority: Iowa Code sections 47.1, 17A.3, 50.12, and 52.5.

Fiscal Impact **Agency Response:** No fiscal impact to the State.

LSA Response: The LSA concurs.

Administrative Rules – Fiscal Impact Summaries

August 5, 2014

15

STAFF CONTACT: Ron Robinson (515-281-6256) ron.robinson@legis.iowa.gov

Workers' Compensation Division

ARC 1517C

Rule Summary Updates references to payroll tax withholdings for purposes of determining weekly Workers' Compensation payments.

Agency Stated Authority: Iowa Code section 86.8.

Fiscal Impact **Agency Response:** No fiscal impact.

LSA Response: The LSA concurs.

STAFF CONTACT: Kenneth Ohms (515-725-2200) kenneth.ohms@legis.iowa.gov
