



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.

PHARMACY EXAMINERS BOARD - PUBLIC HEALTH DEPARTMENT

ARC 5739B

Rule Summary Establishes requirements for a continuous quality improvement program to be implemented and maintained in each pharmacy providing pharmaceutical services to patients in Iowa, identifies event to be recorded, processes to be followed upon discovery of a reportable event, event analysis, and response procedures, and record keeping requirements. Also, establishes requirements related to stocking of bulk drug counting machines, establishes a deadline for completion of the pharmacy licensure process, and addresses a pharmacist's refusal to fill a prescription or dispense a drug based on various factors including conscientious objection.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

HUMAN SERVICES DEPARTMENT

ARC 5716B

Rule Summary Makes a change to issue eligibility cards for Medicaid members annually rather than monthly. Additionally, Medicaid members will not have to wait to get their current card before receiving services.

Fiscal Impact By mailing cards annually instead of monthly, the State will save \$428,750 each year in printing and mailing cost and \$60,000 in computer processing costs. The total General Fund impact is a savings of \$488,750.

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ARC 5784B and 5785B

Rule Summary These amendments implement a new program of State assistance to needy individuals who have disaster-related expenses or serious needs that can not be met by other financial assistance. The funding will be used to provide limited financial assistance for repair or replacement of personal property, home repair, and temporary housing for households whose income is under 130.0% of the federal poverty level and have no other source of assistance to meet disaster-related needs. The applications for assistance and investigation of claims will be handled by local emergency management coordinators.

Fiscal Impact Senate File 305, 2007 Iowa Acts, allows the Executive Council to authorize under section 7D.29, Code of Iowa, expenditure of not more than \$1.0 million.

ARC 5768B and 5769B

Rule Summary Students enrolled in an institution of higher education must meet at least one of the student eligibility criteria in order to receive Food Assistance. One way to meet the criteria is to work at least 20 hours each week and be paid wages. Iowa obtained a waiver from Food and Nutrition Service (FNS) that allows averaging hours across weeks to take into account work schedules that fluctuate. This waiver allows students whose work hours vary to qualify as long as they average 20 hours per week.

Fiscal Impact No fiscal impact.

ARC 5770B

Rule Summary These amendments combine several Medicaid provider enrollment forms into a single application and require the use of a national provider number, when available.

Fiscal Impact No fiscal impact.

ARC 5780B

Rule Summary This amendment clarifies the applicability of the rule on the Health Insurance Data Match Program, adds a reference to the HAWK-I Data Use Agreement, and allows substitution of an existing agreement with the Department or its designee.

Fiscal Impact Little of no fiscal impact.

ARC 5773B

Rule Summary Changes the county payment distribution for the State Payment Program. The revised distribution method results in less paperwork for the counties and for the Department.

Fiscal Impact The fiscal impact of \$1.9 million has been within the appropriation for FY 2007.

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AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT

ARC 5774B

Rule Summary Makes the breeder of a foal, in the Iowa-Foaled Program, the owner of the brood mare at the time the foal is dropped. Prior to that time, the breeder of a standardbred or quarter horse foal was the owner at the time of breeding, while the breeder of a thoroughbred foal was the owner at the time the foal was dropped.

Fiscal Impact No fiscal impact.

ARC 5777B

Rule Summary Allows a licensed animal shelter, or a licensed pound, to apply to the Iowa Department of Agriculture and Land Stewardship to become a fostering oversight organization, so it can utilize foster care homes as part of its program for caring for abandoned or surrendered animals.

Fiscal Impact The fiscal impact is minimal to the Department. Most of the oversight will be completed by the licensed animal shelters, or licensed pounds, that are authorized to be a fostering oversight organization.

STAFF CONTACT: Debra Kozel (Ext. 16767)

ENVIRONMENTAL PROTECTION DIVISION - NATURAL RESOURCES DEPARTMENT

ARC 5795B

Rule Summary Makes changes to the public water supply requirements for design and operation to allow minor water main construction projects to progress more quickly. Creates an annual Minor Water Main Construction Permit, which allows for the construction of extensions to and replacement of minor water mains in a public water supply system. These area annual permits that expire on December 31st of each year.

Fiscal Impact Minimal fiscal impact to the State. This rulemaking allows a single minor water main construction permit to be issued to a specific system, which would cover multiple minor water main construction projects during the year with an expiration date of December 31. The amount of fees received for water main construction permits in the past will be similar to the fees collected under this rule change. This rulemaking is primarily for the convenience of the water systems and their customers.

ARC 5793B

Rule Summary The amendments will revise and clarify the criteria for sewer extension construction permit approval and denial provisions. Sewer extension permits are issued by the DNR to allow communities and developers to construct new sanitary sewer collection and conveyance systems and transport the additional domestic, commercial, or industrial wastes to the wastewater treatment facilities for treatment and disposal.

Fiscal Impact No direct fiscal impact to the State by the rule change. Private wastewater system owners may have to plan for wastewater needs sooner than anticipated under the new rule if they are already in non-compliance with environmental standards in order to avoid further impacts to water quality in Iowa's waters.

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ARC 5792B

Rule Summary The primary purpose of this rule change is to adopt federal changes into State rules on land application pollutant limits for chromium and changing the land application pollutant concentration limit for selenium and molybdenum. The federal EPA publishes regulations on application of sewage sludge containing toxic pollutants.

Fiscal Impact No fiscal impact to the State. The amendment is deleting the current land application pollutant limits for chromium and changing the land application pollutant concentration limit for selenium and molybdenum.

ARC 5794B

Rule Summary The purpose of the amendment is to allow more operators the opportunity to qualify for the Grade 4 exam for Public Water Supply Operators. This will replace the number of qualified Iowa operators that are nearing retirement. There is the potential for this rule to affect up to 2,649 certified water operators or 1,853 wastewater operators.

Fiscal Impact Minimal fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

NATURAL RESOURCE COMMISSION - NATURAL RESOURCES DEPARTMENT

ARC 5802B

Rule Summary This amendment adds Hendrickson Marsh and Colo Bog in Story County to the list of areas where nontoxic shot is required and removes several wildlife management areas that were previously exempted from nontoxic shot use. Nontoxic shot is any shot type that does not cause sickness and death when ingested by birds.

Fiscal Impact No fiscal impact.

ARC 5801B

Rule Summary The amendment adds Sedan Bottoms in Appanoose County and the Jemerson Slough Complex in Dickinson County to the list of wildlife refuges. Also removes several areas from the list that are no longer posted as refuges or have not been functioning effectively as waterfowl refuges.

Fiscal Impact No fiscal impact.

ARC 5800B

Rule Summary The amendments adjust the waterfowl and coot season dates. The daily bag limit for Canada geese during the Sept. 1-15 season in the Des Moines and Cedar Rapids-Iowa City zones was increased from three to five. The six hunting areas that are closed to hunting Canada geese were adjusted to provide additional hunting opportunity.

Fiscal Impact No fiscal impact.

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ARC 5799B

Rule Summary These amendments clarify the regulations for reporting the harvest of deer and wild turkey and procedures for landowners and tenants to verify their eligibility for free deer and wild turkey hunting licenses.

Fiscal Impact No fiscal impact.

ARC 5798B

Rule Summary The amendments clarify that the State forests are no longer special zones for resident and nonresident spring turkey hunting. The amendment allows nonresidents to hunt in all four seasons and adjusts the nonresident license quotas to divide the licenses between all four seasons. Nonresidents had not been allowed to hunt during the second season when the number of licenses for residents was limited. The total number of nonresident turkey licenses issued does not change.

Fiscal Impact No fiscal impact.

ARC 5797B

Rule Summary These amendments eliminate the State forest zones during the fall wild turkey season which makes the regulations for the fall season consistent with the spring season. The amendments also add 200 licenses to Zone 5 in western Iowa.

Fiscal Impact No fiscal impact.

ARC 5803B

Rule Summary Makes changes related to resident deer hunting:

- Lists the counties that will be open during the November and January antlerless season.
- Simplifies the language describing who can obtain antlerless deer licenses and when they may be issued.
- Change dates for the youth and special disabled hunter deer season.
- Removes the six shot clip restriction on center-fire rifles for the January antlerless season.
- Adds a requirement that hunters in ground blinds during the shotgun seasons display solid blaze orange on the exterior of the blind.
- Clarifies the procedures used by the depredation program when writing depredation plans and issuing depredation licenses or shooting permits.

Fiscal Impact No fiscal impact.

ARC 5796B

Rule Summary These amendments change the starting date for the cottontail rabbit and squirrel hunting seasons to the Saturday before Labor Day.

Fiscal Impact No fiscal impact.

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ARC 5751B

Rule Summary Includes the reauthorization of general permits that exempt the owners of most private docks from obtaining individual permits and paying administrative fees. Slip and dock permit fees have not been increased since 1986 and the fees currently charged do not cover the Department's administrative costs.

Fiscal Impact Fiscal impact is less than \$100,000. It is estimated the fee increase will generate less than \$100,000 per year, and will be used to pay for related administrative expenditures.

STAFF CONTACT: Debra Kozel (Ext. 16767)

LABOR SERVICES DIVISION, WORKFORCE DEVELOPMENT DEPARTMENT

ARC 5790B

Rule Summary Adopts the most recent platform lift standards of the American Society of Mechanical Engineers.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

REVENUE DEPARTMENT

ARC 5806B

Rule Summary Implements practice and procedures for the conduct of appeals before the Property Assessment Appeal Board and provides a forum for taxpayers to appeal concerns regarding valuations and assessments.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Sam Leto (Ext. 16764)

INSURANCE DIVISION, COMMERCE DEPARTMENT

ARC 5808B

Rule Summary Requires the filing of all insurance policy rates and forms to be by specified electronic means. Also, clarifies that fees would be paid electronically.

Fiscal Impact No fiscal impact.

ARC 5788B

Rule Summary Permits insurance companies that made a premium tax payment, or prepayment, to obtain a refund of part of the tax paid if they can demonstrate an inability to recoup the funds paid via a credit, and meet other eligibility criteria.

Fiscal Impact The estimated fiscal impact to the General Fund is a decrease of less than \$100,000 annually or \$500,000 over 5 years. The premium tax payments are originally deposited in the General Fund.

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ARC 5807B

Rule Summary Requires specific training for insurance producers who wish to sell indexed annuities or indexed life insurance in Iowa. The date by which insurance companies and producers would be expected to be in compliance was changed to January 1, 2008.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Sam Leto (Ext. 16764)

PROFESSIONAL LICENSURE DIVISION, PUBLIC HEALTH DEPARTMENT

ARC 5771B

Rule Summary Board of Optometry - Phases in requirements relating to continuing education with examination to assist in licensee portability.

Fiscal Impact No fiscal impact to the State. There is an increased cost to licensees for this type of continuing education; however, it is minimal and the requirement is being phased in so only a portion of the required continuing education will be with the examination.

ARC 5772B

Rule Summary Behavioral Sciences - Removes supervisor language that is no longer applicable and adds language to endorsement provisions to accept National Credentials Registry verification of credentials.

Fiscal Impact No fiscal impact.

ARC 5775B

Rule Summary Interpreters for the Hearing Impaired - Changes define supervisory requirements for temporary license holders beginning July 1, 2007. The changes are to make licensure requirements consistent with recent Code of Iowa changes.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

ADMINISTRATIVE SERVICES DEPARTMENT

ARC 5791B

Rule Summary Deletes unused definitions. Changes the definition of “quorum” so that only a simple majority is needed for customer council voting; modify the process for filling mid-year vacancies on the Councils; and allow increases or reductions in rates throughout the year as recommended by the Department, and voted on by the respective Council.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Sam Leto (Ext. 16764)

EDUCATION DEPARTMENT

ARC 5766B

Rule Summary Clarifies the definition of “parent” and clarifies that a child’s education records may be transmitted between appropriate agencies without parental consent.

Fiscal Impact No fiscal impact.

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ARC 5767B

Rule Summary Provides secondary students in a Department of Human Services institution (Cherokee and Independence mental health institutes, Eldora State Training School, and Iowa Juvenile Home at Toledo) the same access to Post-Secondary Educational Options (PSEO) dual-credit courses as any other Iowa secondary student and provides funding.

Fiscal Impact Assuming ten students per year will access courses on a full-time basis, the estimated fiscal impact is projected to be an annual cost to the State of \$30,000.

ARC 5789B

Rule Summary Establishes rules concerning each school district having a qualified, licensed teacher librarian and a definition of and standards for an Articulated Sequential Kindergarten through Grade 12 Media Program to implement changes made to Section 256.11(9), Code of Iowa.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270) Dwayne Ferguson (Ext. 16561)

ETHICS AND CAMPAIGN DISCLOSURE BOARD

ARC 5788B

Rule Summary Requires reporting of campaign contributors (monetary and in-kind) to be listed in chronological order based on the date received.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Sam Leto (Ext. 16764)

INTERIOR DESIGN EXAMINING BOARD, PROFESSIONAL LICENSING AND REGULATION BUREAU, COMMERCE DEPARTMENT

ARC 5781B

Rule Summary Creates a new rule to establish professional standards for interior designing. All persons seeking an interior designer registration will be affected.

Fiscal Impact No fiscal impact.

ARC 5782B

Rule Summary Creates new Chapters to establish the Board's authority and grounds for discipline, investigative authority, and initiation of disciplinary proceedings, including sanctions and conditions for reinstatement of suspended licenses.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Sam Leto (Ext. 16764)

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IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

ARC 5804B

Rule Summary Removes the list of Benefit Advisory Committee (BAC) organizations, includes pertinent changes related to the federal Pensions Protection Act of 2006, implements new contribution rates for Special Services members, and other minor clean up and changes related to the new internal business procedures.

Fiscal Impact Fiscal impact cannot be determined.

STAFF CONTACT: Sam Leto (Ext. 16764)

NURSING BOARD, DEPARTMENT OF PUBLIC HEALTH

ARC 5786B

Rule Summary Defines rules regarding issuance of duplicate wallet cards or certificates and temporary licenses.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

PUBLIC SAFETY DEPARTMENT

ARC 5805B

Rule Summary Updates the rules establishing requirements for storage, handling, and use of liquefied petroleum gas (propane) and adoption of the rules in a new Chapter.

Fiscal Impact No fiscal impact.

ARC 5809B

Rule Summary Current Chapter 14, which addresses requirement for employees of the Department to receive reimbursement for small claims concerning damage to personal property while on the job, is replaced with a new Chapter 41. The new Chapter has one substantive change from the current Chapter; it recognizes that the \$150 reimbursement limit per item may be modified by a collective bargaining agreement which covers the employee. This exception is recognized in Section 80.18, Code of Iowa.

Fiscal Impact The fiscal impact for this rule is under \$100,000 annually or \$500,000 over five years. There are very few claims filed or paid. The amount has been less than \$1,000 annually in recent years.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

REAL ESTATE APPRAISER EXAMINING BOARD, PROFESSIONAL LICENSING AND REGULATION BUREAU, COMMERCE DEPARTMENT

ARC 5779B

Rule Summary Corrects typographical errors relating to the official address and reinstatement fees. Adds a reference to a form required by the Board and adds requirements for lapsed licensees and places a time limit for reporting on persons returning from active military duty.

Fiscal Impact No fiscal impact.

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ARC 5783B

Rule Summary Requires Associate Real Estate Appraisers and their Supervisory Certified Appraisers to provide copies of monthly logs to the Board upon request. Also, establishes additional standards for the experience required for initial certification and requires a 7-hour report writing course as a condition for renewal.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Sam Leto (Ext. 16764)

TRANSPORTATION DEPARTMENT

ARC 5776B

Rule Summary As authorized by Sections 321.449 and 321.450, Code of Iowa, the Department is adopting the latest edition (October 2006) of the Code of Federal Regulations concerning the Federal Motor Carrier Safety Regulations and the Federal Hazardous Materials Regulations. Sections 321.449 and 321.450, Code of Iowa, require that a person shall not operate a commercial vehicle on the highways of this State except in compliance with rules adopted by the Department under Chapter 17A, Code of Iowa. The rules must be consistent with the Federal Motor Carrier Safety and Hazardous Materials Regulations.

Fiscal Impact The proposed changes may impact motor carrier operations, equipment maintenance, and reporting requirements. The fiscal impact, however, is unknown.

STAFF CONTACT: Mary Beth Mellick (Ext. 18223)

UTILITIES DIVISION, COMMERCE DEPARTMENT

ARC 5787B

Rule Summary Updates the Utility Board's standards that require natural gas and electric facilities to maintain compliance with the most current safety federal and industry standards.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Sam Leto (Ext. 16764)
