



**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).*

**CREDIT UNION DIVISION - COMMERCE DEPARTMENT**

**ARC 5930B**

**Rule Summary** Implements the authority of credit unions organized in accordance with Chapter 533, Code of Iowa, to engage in the activity of offering debt cancellation products.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Douglas Wulf (Ext. 13250)

**ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF**

**ARC 6027B and 6026B**

**Rule Summary** Consolidates and streamlines various administrative provisions pertaining to requirements that apply to all job creation programs administered by Department.

**Fiscal Impact** No fiscal impact.

**ARC 6032B**

**Rule Summary** Changes the Department established due date for community college required reports and 2-year plans, on the use of funds allocated to the colleges by the Department, from April 30 to August 15 of each year. Also adds language to describe how community colleges may utilize funds allocated from in HF 927 (Iowa Power Fund Appropriation Act).

**Fiscal Impact** No fiscal impact. The community colleges were allocated \$2.5 million annually for four years in HF 927 to be deposited in the Workforce Training Economic Development Funds at the community colleges.

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### ARC 6029B

**Rule Summary** Clarifies and expands the definition of “technical services,” adds Habitat for Humanity as another allowable principal mortgage loan provider; and requires separate procurement transactions for contracted services related to the Department’s administration of the Housing Fund.

**Fiscal Impact** No fiscal impact.

### ARC 6031B and 6030B

**Rule Summary** Implements a new Film, Television, and Video Project Promotion Program authorized in HF 892 (Film Promotion and Tax Credits Act). The rules describe the application process, the tax credit benefits available if approved, and the contract administration processes.

**Fiscal Impact** The tax credits and income exclusion contained in HF 892 will reduce net General Fund revenue by the following estimated amounts:

- FY 2008 = \$201,000
- FY 2009 = \$536,000
- FY 2010 = \$786,000

The fiscal impact is projected to increase at the rate of inflation for future fiscal years.

### ARC 6028B

**Rule Summary** Defines how funds appropriated in SF 444 (Council of Governments Act) will be allocated to the former Area XV Council of Governments. The funding will be split between two governments councils effective July 1, 2007.

**Fiscal Impact** No fiscal impact.

### ARC 6033B

**Rule Summary** Defines a “business closure” and a “permanent layoff” and includes a permanent layoff as additional criteria for establishing an enterprise zone as required in HF 648 (Enterprise Zones, Significant Lay-Offs Act).

**Fiscal Impact** Sufficient information is not available to determine how many additional enterprise zones would be created by future unknown layoffs. However, should a county be added each year, FY 2007 through FY 2010, State General Fund revenue would be reduced as follows:

- \$1.2 million in FY 2009
- \$2.9 million in FY 2010
- \$5.1 million in FY 2011
- \$7.7 million in FY 2012
- \$9.1 million in FY 2013
- \$10.0 million in FY 2014
- The reduced revenue will be the greatest at \$10.5 million annually in FY 2015 through FY 2017.

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### ARC 5947B

**Rule Summary** Provides the waiver criteria that the Renewable Fuel Infrastructure Board will use when acting on requests from grantees to waive repayment of grant funds and the 25.0% penalty. The rules have been amended since the notice filing in an effort to clarify the meaning of “temporary waiver”.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

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## PUBLIC HEALTH DEPARTMENT

### ARC 5912B

**Rule Summary** Changes correct references and reflect changes made at the federal level that establish national standards, as well as changes made in coordination with the Nuclear Regulatory Commission. Also, changes address technology advances; makes changes necessary to adequately enforce the rules; and increases fees to cover the cost of program operations.

**Fiscal Impact** A minimal fiscal impact. Various fees for regulated entities are increased slightly to cover increased regulation costs. There will be no fiscal impact for the State as regulation activities are already performed by Department staff and additional staff will not be needed.

### ARC 5915B and 5914B

**Rule Summary** Provides for the administration of the waiver eligible and cost share components of the Brain Injury Services Program within the Department of Public Health.

**Fiscal Impact** An allocation of \$2.4 million was provided for this purpose from the FY 2007 Mental Health/Mental Retardation/Developmental Disabilities/Brain Injury allowed growth appropriation. The allocation is \$2.9 million for FY 2008 as provided in HF 909 (FY 2008 Health and Human Services Appropriations Act).

### ARC 5913B

**Rule Summary** Increases the size of the Abuse Education Review Panel from six members to seven.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

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## IOWA FINANCE AUTHORITY

### ARC 6014B

**Rule Summary** Updates the Low Income Housing Tax Credit Qualified Allocation Plan (“QAP”) to make the tax credit award process easier for developers and low income tenants.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

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## EDUCATION DEPARTMENT

### ARC 5919B

**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. Any costs are attributed to the statutory changes made in HF 2792 (State Standards Act) and this cost has not been itemized.

### ARC 5968B

**Rule Summary** Provides notice that new rules for the Statewide Voluntary Preschool Program, are being filed as emergency rules in ARC 5969B. The notice solicits comments on the new rules.

**Fiscal Impact** See ARC 5969 below for the fiscal impact.

### ARC 5969B

**Rule Summary** Creates a new Chapter, as required by HF 877 (Statewide Voluntary Preschool Program for Four-Year-Olds Act), for implementation of the preschool program. The rules provide definitions, program standards, collaboration requirements, application procedures, and monitoring.

The Program provides 10 hours of instruction by a licensed teacher for four-year-olds that are not participating in a State or federally funded preschool program. The program is to operate through collaboration with appropriate community stakeholders with the school districts managing funding from the State. Funding is appropriated for the initial year that local programs operate, and the second and subsequent years are funded by the Preschool Foundation Aid Formula which uses 60.0% of the previous year's actual preschool enrollment multiplied by the State cost per pupil from the School Foundation Formula to determine the amount of funding each school district will receive. Funding comes entirely from the State General Fund and does not contain a property tax component. Funding for the preschool program is not to be commingled with funding for K-12 school operations.

**Fiscal Impact** The costs of the Program are funded through direct and standing appropriations and are projected to be:

<u>Fiscal Year</u>	<u>General Fund Appropriation</u>	<u>Preschool Foundation Aid Formula</u>
FY 2008	\$ 15.0 million	
FY 2009	15.0 million	\$ 15.3 million
FY 2010	15.0 million	31.1 million
FY 2011	16.2 million	47.6 million
FY 2012		67.1 million
FY 2013		87.3 million
FY 2014		108.9 million

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### ARC 5920B

**Rule Summary** Replaces Special Education Chapter to comply with federal law and align State rules with federal requirements. Substantive changes identified by the Department include access to instructional materials, State monitoring and general supervision, early intervening services, services to students parentally placed in private schools, elimination of rules-based instructional delivery systems, and requirement that instructional services provided in home and hospital are the responsibility of the district of residence.

**Fiscal Impact** No fiscal impact.

### ARC 5921B

**Rule Summary** Changes rules regarding the approval of post-secondary teacher and administrator preparation programs. Increases field experience requirements and strengthens course requirements for some programs.

**Fiscal Impact** No fiscal impact to the State. The post-secondary institutions may experience an increase in costs due to increased requirements for field experience.

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

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## ENVIRONMENTAL PROTECTION COMMISSION - NATURAL RESOURCES DEPARTMENT

### ARC 6000B

**Rule Summary** Reissues General Permits Nos. 1, 2 and 3 which authorize the discharge of storm water. This action will renew all three, extending their coverage another five years to October 1, 2012. General permits for storm water discharges are required to be adopted as rules and are effective for no more than five years as specified in the Code of Iowa.

**Fiscal Impact** No fiscal impact.

### ARC 5999B

**Rule Summary** Implements the minimum federal standards promulgated by the Environmental Protection Agency (EPA) for municipal solid waste landfills (MSWLFs) that must be in compliance by October 1, 2007.

**Fiscal Impact** **Department Expenditures:** Additional expenditures to the Department of Natural Resources (DNR) are estimated to be less than \$100,000 per year. Because the proposed rules are adopting current federal requirements, the implementation of most of these regulations is taking place now.

**Landfill Expenditures:** The following is a cost estimate for Iowa landfills based on information provided by Shaw Environmental, Inc. There are 59 landfills operating in Iowa and 11 sites plan to close prior to the proposed rules going into effect. There are 13 landfills that will be required to construct a new disposal area with a liner that complies with the federal requirements in order to continue accepting waste after October 1, 2007. Of the remaining landfills, several have already installed a bottom liner in a new disposal area but may be required to construct an additional side slope liner that is comparable to the liner on the bottom of the new disposal area. A landfill may also be required to perform an engineering model that verifies that the existing side slope liner in place is compliant with the rule requirements. The following are estimated additional one-time costs associated with this proposed rulemaking:

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- One-time permitting costs that includes site investigations, permit application fees, and plan preparation, that is estimated between no additional cost and \$168,000 per site for a total estimated cost of \$2.2 million (for 13 sites).
- One-time costs for cell construction that are estimated to be no additional cost to \$250,000 per site for a total estimated cost of up to \$12.0 million (for 48 sites).
- One-time costs for installing a leachate storage system that are estimated to be no additional cost to \$250,000 per site for a total estimated cost of \$3.3 million (for 13 sites).
- A One-time cost for adding two additional groundwater monitoring wells at an average of \$6,000 per site for a total estimated cost of \$378,000 (for 63 sites).
- One-time costs for establishing background water quality are estimated to range between \$24,000 and \$131,000 per site.
- The following are estimated additional annual costs associated with this proposed rulemaking:
  - Annual estimated costs for routine groundwater monitoring conducted twice a year are estimated to range between \$10,000 and \$67,000 per year per site.
  - If additional sampling is required, the estimated costs range from \$13,000 to \$85,000 per site per year. It is unlikely that all sites would require additional sampling.
  - Annual incremental operating costs are estimated to range from no additional cost to \$17,000 per site per year.

STAFF CONTACT: Debra Kozel (Ext. 16767)

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### EDUCATIONAL EXAMINERS BOARD - EDUCATION DEPARTMENT

#### ARC 5945B

**Rule Summary** Correction to rules to reflect 2005 fee increase. The rules regarding licensure fees were updated in 2005 when the last fee increase was implemented, however, the fee for coaching authorization was not updated in the rules at that time.

**Fiscal Impact** No fiscal impact since the fee is already in place.

#### ARC 5917B and 5916B

**Rule Summary** Changes the requirements for Statements of Professional Recognition (SPR) so that only applicants with a Bachelor's degree may obtain an SPR. The change impacts only school nurses and reflects a change in statute enacted in SF 277 (Student Achievement and Teacher Quality Program Act) during the 2007 session. See emergency adoption below (ARC 5916B).

**Fiscal Impact** No fiscal impact.

#### ARC 5942B

**Rule Summary** Emergency adoption of rules noticed as ARC 5917B above and requires a Bachelor's degree to obtain a Statement of Professional Recognition (SPR).

**Fiscal Impact** No fiscal impact.

**Rule Summary** Consolidates various business endorsements into one single endorsement to allow school districts more flexibility when assigning teachers.

**Fiscal Impact** No significant fiscal impact.

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**ARC 5946B**  
**Rule Summary** Changes the course requirements for obtaining a mathematics endorsement to include any geometry course. Currently, the requirements specify post-calculus geometry. The change will enable more applicants to fulfill the requirements.

**Fiscal Impact** No fiscal impact.

**ARC 5943B**  
**Rule Summary** Makes minor language changes to requirements for an evaluator license or endorsement to reflect changes in the statute.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270)

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### NATURAL RESOURCE COMMISSION - NATURAL RESOURCES DEPARTMENT

**ARC 6004B**  
**Rule Summary** Updates contested case procedures.

**Fiscal Impact** No fiscal impact.

**ARC 5950B**  
**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.

**Fiscal Impact** No fiscal impact.

**ARC 5952B**  
**Rule Summary** Adds Sedan Bottoms in Appanoose County and the Jemmerson 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 5956B**  
**Rule Summary** Makes the following changes related to commercial fishing:

- Establishes closed areas to entanglement gear below the 11 locks and dams on the Mississippi River.
- Sets net attendance requirements for entanglement gear.
- Clarifies language on possession of sturgeon in Iowa waters and seasons.

The changes will reduce conflict with sport angling public and help conserve shovelnose sturgeon. Sport anglers will benefit by having less interference with nets set in popular game fishing spots. Commercial fishers will not be able to fish entanglement gear in 11 miles of the 410 mile reach of the Mississippi River.

**Fiscal Impact** The fiscal impact is expected to be less than \$100,000 per year or \$500,000 over five years. The total value of the commercial fish harvested from the Mississippi River in 2006 was \$740,000. The closure of 11 miles of the 410 miles of the river to entanglement gear will result in a small reduction in harvest value well below \$100,000.

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**ARC 5951B**  
**Rule Summary** Clarifies 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 5953B**  
**Rule Summary** Clarifies that the State Forests are no longer special zones for resident and nonresident spring turkey hunting. Allows nonresidents to hunt in all four seasons and adjusts the nonresident license quotas to divide the licenses between all four seasons. Previously, nonresidents had not been allowed to hunt during the second season when the number of licenses for residents was limited, however, the total number of nonresident turkey licenses issued does not change.

**Fiscal Impact** No fiscal impact.

**ARC 5954B**  
**Rule Summary** Eliminates the State Forest zones during the fall turkey hunting season which makes the regulations for the fall season consistent with the spring season, and adds 200 licenses to Zone 5 in western Iowa.

**Fiscal Impact** A minimal fiscal impact. A turkey license is \$23.00, general hunting license is \$17.50, and the habitat fee is \$8.50. The maximum revenue from the additional 200 turkey licenses would be less than \$10,000.

**ARC 6002B**  
**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.

Changes have been made to the rules on the deer season since the rules were noticed, and also, youth that were unsuccessful in the youth season are now permitted to use that license in other seasons that are open for deer of either sex.

**Fiscal Impact** No fiscal impact.

**ARC 5955B**  
**Rule Summary** Changes 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 6001B

- Rule Summary** The following changes are made:
- Allows a limited number of bobcats to be harvested in Southern Iowa.
  - Closes the beaver trapping season on April 1 instead of April 15.
  - Changes the grace and tagging period for both the otter and bobcat seasons.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

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### LAW ENFORCEMENT ACADEMY

### ARC 6025B

**Rule Summary** Establishes standardized training for reserve peace officers with ILEA certification, and standards for decertification of Iowa reserve peace officers, to comply with the requirement of SF 110 (Law Enforcement Academy Act). The Act established Statewide standardized training for reserve peace officers resulting in State certification.

**Fiscal Impact** Minimal fiscal impact to the State as the Academy will utilize current personnel to implement the revised and new administrative rules.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

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### SECRETARY OF STATE

### ARC 5927B

**Rule Summary** Strikes a restriction that prohibits jurisdictions from holding an election for the purpose of re-imposing local sales and services tax more than 14 months before the scheduled repeal date of the tax and corrects a Code reference.

**Fiscal Impact** No fiscal impact.

### ARC 5979B

**Rule Summary** Establishes a procedure for the Secretary of State to follow to reimburse counties for the cost of implementing changes mandated by SF 369 (Voting Machines, Verified Paper Trail Act), which requires voting machines to provide a paper record for review by the voter.

**Fiscal Impact** The fiscal Impact is \$100,000 (or more) annually or \$500,000 (or more) over 5 years. The General Assembly has appropriated \$2.0 million for this Program.

STAFF CONTACT: Douglas Wulf (Ext. 13250)

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### LABOR SERVICES DIVISION - WORKFORCE DEVELOPMENT DEPARTMENT

#### ARC 5936B

**Rule Summary** Adopts a new procedural rule concerning complaints by employees of discrimination or discharge prohibited by Section 88.9(3), Code of Iowa, and adopts by reference new federal Occupational Safety and Health Standards applying to electrical equipment in general industry workplaces.

**Fiscal Impact** Fiscal Impact cannot be determined. There will be advantages and disadvantages for employers. There will be advantages for workers. There is no reliable way to determine the costs of these changes for Iowa. Many of the proposed rules are already industry practice and codified in other codes or standards.

#### ARC 6034B

**Rule Summary** Rescinds Protective Clothing and Equipment Standards for Firefighters Chapter to eliminate duplication. Federal occupational safety and health standards provide for the standards.

**Fiscal Impact** No fiscal impact.

#### ARC 5935B

**Rule Summary** Makes changes to blood test requirements for professional fighters.

**Fiscal Impact** The fiscal impact is minimal.

#### ARC 5929B

**Rule Summary** Clarifies and enhances shoot fight/mixed martial arts promoter responsibilities.

**Fiscal Impact** No fiscal impact.

#### ARC 5928B

**Rule Summary** Rescinds the rule requiring the Labor Commissioner or Labor Commissioner's designee to attend each shoot fighting event.

**Fiscal Impact** Will have minimal fiscal impact.

#### ARC 5934B

**Rule Summary** Requires promoters of shoot fighting events to purchase life, health, surgical, and hospital insurance to cover illnesses or injuries resulting from an event.

**Fiscal Impact** No fiscal impact for the State. The Fiscal Impact is \$100,000 (or more) annually or \$500,000 (or more) over 5 years. There will be an estimated 52 covered events each year. The cost of the insurance is estimated to average \$2,700 per event. This results in a projected total cost of \$140,400 for the promoters.

STAFF CONTACT: Ron Robinson (Ext. 16256)

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### COLLEGE STUDENT AID COMMISSION - EDUCATION DEPARTMENT

#### ARC 6017B and 6006B

**Rule Summary** Establishes procedures for a new program entitled "All Iowa Opportunity Scholarship Program." This Program was enacted in SF 588 (Education Appropriations Act).

**Fiscal Impact** No fiscal impact.

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### ARC 6018B and 6007B

**Rule Summary** Establishes procedures for a new program entitled “All Iowa Opportunity Foster Care Grant Program.” This Program was enacted in SF 588 (Education Appropriations Act).

**Fiscal Impact** No fiscal impact.

### ARC 6020B and 6008B

**Rule Summary** Reflects statutory changes to the Registered Nurse and Nurse Educator Loan Forgiveness Program that were included in SF 588 (Education Appropriations Act). The Program was converted from a forgivable loan program to a loan forgiveness program.

**Fiscal Impact** No fiscal impact.

### ARC 6022B and 6011B

**Rule Summary** Reflects statutory changes to the Iowa Teacher Shortage Loan Forgiveness Program that was included in SF 588 (Education Appropriations Act). The Program was converted from a forgivable loan program to a loan forgiveness program.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Mary Shipman (Ext. 14617)

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## INSURANCE DIVISION - COMMERCE DEPARTMENT

### ARC 5983B

**Rule Summary** Establishes a holder of an establishment permit or a sales permit as authorized to sell pre-need arrangements if the permit was in good standing on June 30, 2007. The Insurance Division will convert establishment permits to pre-need seller licenses. However, persons holding converted licenses must file applications for new licenses no later than December 1, 2007, in order to keep their licenses in good standing.

**Fiscal Impact** No fiscal impact.

### ARC 5984B

**Rule Summary** Requires certain specific training for insurance producers who wish to sell long-term care insurance in Iowa. This additional training is necessary due to the complex nature of long-term care insurance products and to ensure that an insurance producer is able to adequately explain to a consumer how long-term care insurance products work.

**Fiscal Impact** No fiscal impact.

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### ARC 5974B

**Rule Summary** Rewrites existing rules pertaining to securities, due to changes to Chapter 502, Code of Iowa. The language of the rules has also been updated and clarified. However, a few rules follow exactly some national models and thus have not been modified due to the need for uniformity of language from one state to the next. Many rules have also undergone substantial revisions or contain updated versions of national model language.

**Fiscal Impact** No increase in expenditures and a minimal increase in receipts due to new fees (estimated less than \$10,000).

STAFF CONTACT: Douglas Wulf (Ext. 13250)

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## HUMAN SERVICES DEPARTMENT

### ARC 5980B and 5981B

**Rule Summary** Increases the work incentive disregard from 50.0% to 58.0% for Family Investment Program (FIP) applicants and participants who have earned income and for working people who are eligible for Medicaid under the Family Medical Assistance Program (FMAP) or the Child Medical Assistance Program (CMAP).

**Fiscal Impact** This program is estimated to cost the FIP program \$636,000 in FY 2008 and \$690,000 for FY 2009 from the Temporary Assistance for Needy Families (TANF) Fund. Costs for Medicaid program are estimated at \$9.3 million for FY 2008 and FY 2009 from the Health Care Trust Fund (HCTF). Funding was provided for both programs in HF 909 (FY 2008 Health and Human Services Appropriations Act).

### ARC 5982B

**Rule Summary** Implements a program of State assistance to needy households who have disaster-related expenses or serious needs that can not be met by other financial assistance.

**Fiscal Impact** House File 896 (FY 2008 Disaster Grant Fund), created a Disaster Aid Individual Assistance Grant Fund of \$1,000,000, however, how much of this fund will be expended depends on how many disasters are declared and what kind of damage there is.

### ARC 5918B

**Rule Summary** Establishes that 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** Minimal fiscal impact.

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### ARC 5940B

**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.

### ARC 5986B and 5987B

**Rule Summary** Updates the description of the methodology used in determining the Medicaid eligibility and financial participation of a married person residing in a medical institution (an “institutionalized spouse”) who has a spouse who does not live in an institution (a “community spouse”). The amendments replace specific dollar amounts with references to the maximum amounts allowed by the federal Medicaid law or regulations.

**Fiscal Impact** Minimal fiscal impact.

### ARC 5988B and 5989B

**Rule Summary** Adds exemptions to the federal requirements for verifying citizenship and identity in order to receive Medicaid that were established by the Deficit Reduction Act of 2005. Foster care and subsidized adoption children will not have to verify citizenship and identity in order to obtain Medicaid.

**Fiscal Impact** The fiscal impact cannot be determined since the numbers of people without verified citizenship seeking assistance is unknown.

### ARC 6019B and 6021B

**Rule Summary** Increases the Medicaid personal needs allowance for residents of intermediate care facilities for persons with mental retardation (ICFs/MR), intermediate care facilities for persons with mental illness (ICFs/MI), and psychiatric medical institutions for children (PMICs). Medicaid members will be able to retain an additional \$20 per month to pay for their personal needs, for a total personal needs allowance of \$50 per month.

**Fiscal Impact** This rule is estimated to decrease the General Fund by \$66,500 in FY 2008 and FY 2009. An appropriation was provided for personal needs allowance in HF 909 (FY 2008 Health and Human Services Appropriations Act). In addition it is estimated that increasing the personal needs allowance will cost all counties a total of \$70,000 a year.

### ARC 6023B and 6024B

**Rule Summary** Allow veterans receiving Medicaid payment for long-term care to retain the \$50 personal needs allowance in addition to the \$90 from their Veteran’s Administration pension.

**Fiscal Impact** This rule is estimated to decrease the General Fund by \$160,500 in FY 2008 and FY 2009.

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### ARC 5990B

**Rule Summary** Publishes the Department's annual updates of the Statewide average cost of nursing facility services to a private pay resident and the Statewide average charges or maximum Medicaid rate for various levels of institutional care.

**Fiscal Impact** Minimal fiscal impact.

### ARC 5971B

**Rule Summary** Allows for prior approval for automated medication dispensers and cranial orthotic devices and expands coverage for oral nutritional products in accordance with recognized standards of medical care, and implements a requirement for a request from a Medicaid recipient or their caregiver before a refill of medical supplies can be provided.

**Fiscal Impact** No fiscal impact.

### ARC 5985B

**Rule Summary** Revises the Medicaid reimbursement methodology for community mental health centers. Iowa Medicaid will initially make interim payments to the center based upon 105.0% of the greater of the Statewide fee schedule for community mental health centers effective July 1, 2006, or the average Medicaid managed care contracted fee amounts for community mental health centers effective July 1, 2006, applied on a procedure-code basis.

**Fiscal Impact** This rule is estimated to decrease the General Fund by \$1.0 million in FY 2008. Funding will be provided through unused funds from the Iowa Medicaid Enterprise's contract with Magellan.

### ARC 6013B

**Rule Summary** Revises the Medicaid reimbursement methodology for hospital inpatient psychiatric services. Reimbursement for inpatient hospital care in a certified psychiatric unit will no longer be based on a rate calculated for a diagnosis-related group (DRG), however, they will be made on a per diem basis at a rate based on the hospital's cost report, which is expected to be higher.

**Fiscal Impact** This rule is estimated to decrease the General Fund by \$2.5 million in FY 2008. Funding will be provided through unused funds from the Iowa Medicaid Enterprise's contract with Magellan.

### ARC 5978B

**Rule Summary** Requires providers or provider entities that receive \$5,000,000 or more from the Medicaid Program in any federal fiscal year to establish and disseminate written policies that include detailed information about the entity's policies and procedures for detecting and preventing waste, fraud, and abuse.

**Fiscal Impact** No fiscal impact.

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**ARC 6009B and 6012B**  
**Rule Summary** Changes require a person applying for a foster parent license or for certification for adoption to be fingerprinted for a national criminal history check to implement the requirements of the federal Adam Walsh Child Protection and Safety Act of 2006.

**Fiscal Impact** The Department's contract with Four Oaks Family and Children's Services for recruitment and retention of resource families will cover the implementation of the fingerprinting requirement. The contract cost will be paid from the FY 2008 budget for Child and Family Services.

**ARC 5992B and 5993B**  
**Rule Summary** Changes implement a 3.0% across-the-board increase for social service providers; an increase in the basic reimbursement rates for foster family care and the maximum payments for foster care supervised apartment living, adoption maintenance subsidy, and guardianship subsidy. Also, implements a 3.0% cost-of-living adjustment to reimbursement rates for family-centered supportive services and foster care services. Also, implements an extension of the statewide availability of a daily average of 273 guaranteed emergency juvenile shelter care beds through FY 2008.

**Fiscal Impact** The changes are mandated in HF 909 (FY 2008 Health and Human Services Appropriations Act). The Act provided a total of \$4.1 million to cover these increases in FY 2008.

**ARC 5994B**  
**Rule Summary** Clarifies citizenship requirements for receipt of assistance under the Child Care Assistance Program.

**Fiscal Impact** No fiscal impact.

**ARC 5996B and 5998B**  
**Rule Summary** Changes allow the use of a claim form specifically designed for Child Care Assistance as an alternative to the generic claim form that is used for various Department programs.

**Fiscal Impact** No fiscal impact.

**ARC 5937B**  
**Rule Summary** Implements a new child welfare service program to replace the Family-Centered Services Program.

**Fiscal Impact** No fiscal impact. An estimated \$8.3 million in State funds used for the Family-Centered Services Program will be used to fund the new Child Welfare Service Program.

**ARC 6005B**  
**Rule Summary** Changes specify the method to add or correct information in a child abuse assessment summary by completion of an addendum report.

**Fiscal Impact** No fiscal impact.

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### ELDER AFFAIRS DEPARTMENT

#### ARC 5607B and 5991B

**Rule Summary** This rule has been terminated. The rule established the nomination and objection procedure to be used in replacing members on Area Agency on Aging Boards as required by HF 2734 (FY 2007 Health and Human Services Appropriations Act), and required non-profit contractors or sub-grantees to comply with Chapter 504, Code of Iowa.

The termination is intended to implement HF 585 (Selection of Area Agency on Aging Board Members Act), which was enacted during the 2007 Legislative Session. The Act removed the nomination and objection procedure requirements. The Department intends to re-notice the portion of the rule pertaining to nonprofit contractors or subgrantees complying with Chapter 504, Code of Iowa, in the future.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

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### ENGINEERING AND LAND SURVEYING EXAMINING BOARD - COMMERCE DEPARTMENT

#### ARC 5944B

**Rule Summary** Clarifies that the six year experience requirement which is in addition to graduation from a two-year degree program may be reduced for graduates of a degree program of more than two years and explains the conditions under which an on-line degree will be accepted as satisfactory by the Board for proper preparation of the applicant for the fundamentals of surveying examination.

**Fiscal Impact** No fiscal impact.

#### ARC 5941B

**Rule Summary** Changes the term “digital” signature to “secure electronic” signature and explains the conditions under which an electronic signature meets the signature requirements.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Douglas Wulf (Ext. 13250)

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### HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION - PUBLIC DEFENSE DEPARTMENT

#### ARC 5975B

**Rule Summary** Updates the training requirements for local emergency management coordinators and provides a new listing of courses for local emergency management coordinators to meet education requirements.

**Fiscal Impact** No fiscal impact.

#### ARC 5970B

**Rule Summary** Updates the allocation process for Federal Emergency Management Performance Grants. This update creates a more equitable distribution of funds to the local emergency management programs.

**Fiscal Impact** No fiscal impact.



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### ARC 5976B

**Rule Summary** Increases the percentage of wireless E911 surcharge revenue to local E911 service boards from 24.0% to 25.0%, and provides guidance on how to create and maintain master street address guides by clarifying which individuals are responsible for the creation and maintenance of the master street address guides.

**Fiscal Impact** Depending on the amount of revenue received per calendar quarter, the percentage increase in the amount of E911 wireless surcharge revenue directed to the local E911 service boards is estimated to be approximately \$35,000 in additional revenue per calendar quarter or \$140,000 per year. The second portion of the subrule change has no fiscal impact.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

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### INTERIOR DESIGN EXAMINING BOARD - COMMERCE DEPARTMENT

### ARC 5931B

**Rule Summary** Clarifies rules of professional conduct for interior designers.

**Fiscal Impact** No fiscal impact.

### ARC 5932B

**Rule Summary** Establishes the Board's disciplinary authority and grounds for discipline. Sets investigative authority, provides for initiation of disciplinary investigations and sources of information, addresses conflict of interest and elaborates on the complaint and investigative processes. Describes the initiation of disciplinary proceedings, sets sanctions and provides conditions for reinstatement when a registered interior design license has been suspended, revoked or voluntarily surrendered.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Douglas Wulf (Ext. 13250)

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### IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

### ARC 6035B

**Rule Summary** Updates and corrects statutory references.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Douglas Wulf (Ext. 13250)

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### LOTTERY AUTHORITY, IOWA

### ARC 6003B

**Rule Summary** Removes the requirement that a player must claim a prize prior to a retailer's first close of business following the player's purchase of a winning ticket and requires game prizes to be claimed within 90 days of the announcement of the end of a game. Additionally, these subrules differentiate between prizes claimed at the retailer and those claimed at a lottery office as well as address special event and game rules.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Douglas Wulf (Ext. 13250)

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### PHARMACY EXAMINERS BOARD - PUBLIC HEALTH DEPARTMENT

		<b>ARC 5964B</b>
<b>Rule Summary</b>	Provides that any money submitted for payment of any license, registration, permit, or service fee that results in an overpayment of the required fee by an amount of \$10 or less shall not be refunded to the remitter.	
<b>Fiscal Impact</b>	Over the past five years, the Board has processed refunds or returned fees that included overpayments amounting to \$10 or less approximately one time each month. The additional revenue that will be generated is an estimated \$120 annually.	
		<b>ARC 5965B</b>
<b>Rule Summary</b>	Clarifies which prescription drugs may be returned to the pharmacy and reused.	
<b>Fiscal Impact</b>	No fiscal impact.	
		<b>ARC 5925B</b>
<b>Rule Summary</b>	Establishes requirements for a Continuous Quality Improvement (CQI) Program to be implemented and maintained in each pharmacy that provides pharmaceutical services to patients in Iowa, identifying events 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 and establishes a deadline for completion of the pharmacy licensure process.	
<b>Fiscal Impact</b>	No fiscal impact.	
		<b>ARC 5966B</b>
<b>Rule Summary</b>	Changes authorize the delivery of a patient's filled prescriptions to an outpatient medical care facility where the patient receives treatment and establishes requirements relating to such delivery. Also, clarifies requirements for the facsimile transmission of a prescription drug order and identifies an exception to those requirements when the order is transmitted by other than the prescriber or agent of the prescriber from an outpatient medical care facility to the patient's pharmacy.	
<b>Fiscal Impact</b>	No fiscal impact.	
		<b>ARC 5924B</b>
<b>Rule Summary</b>	Rescinds the current rule regarding sterile compounding and adopts a new chapter on the same topic. The new chapter defines terms relating to the sterile compounding of pharmaceuticals and establishes responsibilities relating to training and verifying compounding procedures. Requirements for written policies and procedures, references, containers, and labeling are identified. Preparation risk levels are defined, and requirements unique to each are identified. Physical environment requirements are identified, environmental monitoring requirements are established, and quality assurance program components are identified.	
<b>Fiscal Impact</b>	No fiscal impact to the State. A pharmacy that decides to engage in sterile compounding may need to install or update equipment and implement improvements in order to comply with these regulations.	

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### ARC 5933B

**Rule Summary** Clarifies the requirements for a pharmacist's check and verification of each dose of a prescription medication before the medication is removed from the pharmacy and stocked by a non-pharmacist into a component of an automated medication distribution system.

Also, further amends the requirements related to utilization of a decentralized unit dose Automated Medication Distribution System (AMDS) by eliminating the distinction between an AMDS utilized for floor stock distribution of patient medications and an AMDS utilized for other than floor stock distribution. Also, requires verification of the accuracy of medication stocked into AMDS components based on whether or not bar coding or other technology-based verification is used during the medication stocking function and not based on the intended use of the AMDS component.

**Fiscal Impact** No fiscal impact.

### ARC 5926B

**Rule Summary** Revises rule pertaining to dispensing Schedule V controlled substances without a prescription, to exclude methamphetamine precursor substances and propose a new rule establishing criteria, in compliance with both federal and State laws, for dispensing products containing ephedrine, pseudoephedrine, and phenylpropanolamine without a prescription.

Also establishes requirements for a perpetual inventory of Schedule II controlled substances in Iowa pharmacies and amends requirements for a physical inventory of controlled substances by changing the interval between physical inventories from biennial to annual, changing the period for retention of the written inventory record from four to two years, and requiring that counts of hydrocodone-containing products be exact rather than estimated. Also, establishes the criteria for use of the Drug Enforcement Agency (DEA) Controlled Substances Ordering System (CSOS) as an alternative to the multicopy paper DEA Form 222 for ordering or distributing Schedule I and II controlled substances. Additionally, rule 657—10.16(124) is amended to more clearly identify situations that require the completion and submission of a report of theft or loss of controlled substances.

**Fiscal Impact** No fiscal impact.

### ARC 5923B

**Rule Summary** Establishes a deadline for completion of the wholesale drug licensure process, describes misrepresentative deeds and unethical conduct or behavior, and establishes the licensed drug wholesaler's responsibility for the actions of the wholesaler's "managerial agent".

**Fiscal Impact** No fiscal impact.

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### ARC 5922B

**Rule Summary** Emphasizes that drugs included in the emergency/first dose drug supply provided by a pharmacy to a care facility shall be limited to the drugs necessary to meet the emergency needs of the facility's patients and that the drug supply is not intended to relieve the provider pharmacy of the responsibility for ensuring timely delivery of each patient's medications.

Also, provides that the drugs maintained in an emergency/first dose drug supply be made available for the treatment of all facility patients, without discrimination, and that any service charge assessed for the administration of a drug from the emergency/first dose drug supply shall be assessed to each patient to whom a drug from that drug supply is administered, regardless of the patient's choice of pharmacy for routine pharmaceutical services.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Lisa Burk (Ext. 17942)

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### PROFESSIONAL LICENSURE DIVISION - PUBLIC HEALTH DEPARTMENT

### ARC 5977B

**Rule Summary** Replaces Chapter regarding curriculum. Iowa massage therapy school curriculums will be reviewed every two years. In addition, implements changes pursuant to the enactment of SF 74 (Licensure Board Renaming Act).

**Fiscal Impact** There are approximately 32 massage therapy schools in Iowa and the review fee will be in the range of \$120 every two years.

STAFF CONTACT: Lisa Burk (Ext. 17942)

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### REAL ESTATE APPRAISER EXAMINING BOARD - COMMERCE DEPARTMENT

### ARC 5973B

**Rule Summary** Further defines requirements for logs, by increasing the required information for the log, to bring the State of Iowa in compliance with federally-mandated guidelines as set forth by the Appraisal Qualifications Board. The amendments further define college course requirements to bring the State of Iowa in compliance with federally-mandated guidelines as set forth by the Appraisal Qualifications Board.

**Fiscal Impact** No fiscal impact.

### ARC 5972B

**Rule Summary** Require Associate Real Estate Appraisers and their Supervisory Certified Appraisers to provide copies of monthly logs to the Board upon request, 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: Douglas Wulf (Ext. 13250)

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### REAL ESTATE COMMISSION - COMMERCE

**ARC 5967B**

**Rule Summary** Requires an additional 36 hours of course work be completed before an individual can be issued a salesperson license.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Douglas Wulf (Ext. 13250)

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### STATE PUBLIC DEFENDER - INSPECTIONS AND APPEALS DEPARTMENT

**ARC 6015B and 6016B**

**Rule Summary** Increases the hourly rate paid for court-appointed attorneys in certain cases by \$5 per hour, and implements the statutory change effective July 1, 2007, which was enacted in SF 575 (FY 2008 Justice System Appropriations Act).

**Fiscal Impact** The \$5 increase in attorney fees in FY 2008 is anticipated to increase General Fund expenditures by \$900,000, and in FY 2009 and, thereafter, it is anticipated to be an additional \$300,000 or \$1.2 million annually. The appropriation for the Office was increased by \$3.1 million in SF 575.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

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### TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA

**ARC 5948B**

**Rule Summary** Aligns the rules with the change made to Section 8D.6, Code of Iowa, which allows the Commission to dissolve as well as establish advisory committees. The rule change also reassigns the functions performed by the agency to the appropriate divisions/bureaus/offices due to internal reorganization. The rule change also reflects the change of contact information since the agency changed the location of its offices.

**Fiscal Impact** No fiscal impact.

**ARC 5949B**

**Rule Summary** Updates the location of the agency's offices.

**Fiscal Impact** No fiscal impact.

**ARC 5957B**

**Rule Summary** Updates the location of the agency's offices.

**Fiscal Impact** No fiscal impact.

**ARC 5958B**

**Rule Summary** Updates the location of the agency's offices.

**Fiscal Impact** No fiscal impact.

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### ARC 5959B

**Rule Summary** Updates the location of the agency's offices. The rule change also changes the authorized spending limit included in HF 851 (Iowa Communication Network Authorized Spending Act). The Act increased the contract limitation amount from \$1.0 million to \$2.0 million. As long as the contract does not exceed the contract limitation amount, the commission may enter into a contract for the purchase, lease, or improvement of property, equipment, or services without prior authorization by a constitutional majority of each house of the General Assembly, approval by Legislative Council if the General Assembly is not in Session, or approval by Executive Council if the contract has to do with a natural disaster or a threat to homeland security. Anything above \$2.0 million and prior approval is required.

**Fiscal Impact** No fiscal impact.

### ARC 5960B

**Rule Summary** Updates the location of the agency's offices.

**Fiscal Impact** No fiscal impact.

### ARC 5961B

**Rule Summary** Clarifies the Certified User waiver application process and requires Certified Users to submit new and expiring waiver requests 15 days before the ITTC meeting. Certified users of the ICN (Higher Education and AEAs) are required to certify that if connected to the ICN, they will only utilize ICN telecommunications services. If they desire to use another telecommunications provider, they must show that they can obtain the service at a lower cost or that the ICN does not provide the service and request a waiver from the Commission to use another telecommunications service provider.

**Fiscal Impact** No fiscal impact.

### ARC 5962B

**Rule Summary** Updates the location of the agency's offices.

**Fiscal Impact** No fiscal impact.

### ARC 5963B

**Rule Summary** Updates the location of the agency's offices.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

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## TRANSPORTATION DEPARTMENT

### ARC 5997B

**Rule Summary** Improves readability and understanding of the rules, removes outdated language, updates and clarifies guidelines for airport registration and safety standards, and enhances minimum safety standards for increased safety and practical application.

**Fiscal Impact** The fiscal impact is minimal. Airports may incur costs in complying with the rules; however, the costs are anticipated to be minimal.

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### ARC 5995B

**Rule Summary** Adopts the current versions of the Code of Federal Regulations (CFR); adds the acronym “ADA”; eliminates a reference to a past date; and amends language to include additional Federal Motor Vehicle Safety Standards (FMVSS). The additional standards are Standard 213: Child Restraint Systems and Standard 225: Child Restraint Anchoring Systems. Also, adds language relating to a new requirement for post-trip inspections when regional transit vehicles are used to provide student transportation. This amendment coincides with changes made to 281 IAC 43.41(285), which references pre-trip inspections of school buses.

**Fiscal Impact** No fiscal impact to the State. The post-trip vehicle inspections should result in minimal costs to regional transit systems. Approximately half of the transit systems are local governmental organizations formed through Chapter 28E agreements.

STAFF CONTACT: Mary Beth Mellick (Ext. 18223)

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### UTILITIES DIVISION - COMMERCE DEPARTMENT

### ARC 6010B

**Rule Summary** Amends rules regarding the reporting of line and pole maintenance. The proposed amendments would require rate-regulated utilities with over 50,000 retail electric customers in Iowa to include in the annual reliability reports information on maintenance of electric lines and poles. The proposed amendments would also require all utilities to include in their maintenance and inspection plans a schedule for pole inspections that include more than just visual inspections and a record of pole maintenance or replacement. Based upon the comments, one of the filing requirements for utilities with over 50,000 customers was removed from the amendment and the requirement that all utilities file an update to their maintenance plans was removed.

**Fiscal Impact** No fiscal impact.

### ARC 5938B

**Rule Summary** Adds a burden shifting provision allowing a carrier to shift its burden of showing the customer authorized the change in service by submitting internal call records. The Utilities Board proposes to amend its rules prohibiting unauthorized changes in telecommunications service to specify what types of call records submitted by a telecommunications carrier will be adequate, in the absence of contrary evidence, to verify a customer's request for certain changes in service resulting in additional charges to the customer's account.

**Fiscal Impact** No fiscal impact.

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**ARC 5939B**

**Rule Summary** Sets the income limit for eligibility to participate in the Equipment Distribution Program that distributes specialized telephone equipment to deaf, hard-of-hearing, and speech-impaired lowans. The income limit is based primarily on Iowa median family income. The Board raised the income limit from \$57,000 for a family of four to \$70,000 for a family of four and changed the increment for each family member above or below four from \$9,000 to \$8,000. The changes to the subrule reflect updated Iowa median income information published by the U.S. Census Bureau.

**Fiscal Impact** No fiscal impact.

STAFF CONTACT: Douglas Wulf (Ext. 13250)

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