



## Fiscal Services Division

### ADMINISTRATIVE RULES – FISCAL IMPACT SUMMARIES

**May 8, 2015**

*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 <http://www.legis.iowa.gov/law/administrativeRules/arrc/fiscalImpact>*

Table of Contents			
Agency	Page	Agency	Page
Department of Human Services	1	Historical Division	8
Department of Administrative Services	2	Department of Revenue	9
Department of Agriculture and Land Stewardship	3	College Student Aid Commission	9
Architectural Examining Board	3	Dept. of Homeland Security and Emerg. Management	10
Department of Education	3	Department of Inspections and Appeals	10
Environmental Protection Commission	5	Insurance Division	10
Pharmacy Board	5	Labor Services Division	10
Department of Transportation	7	Iowa Lottery Authority	11
Utilities Division	7	Veterinary Medicine Board	12
Medicine Board	8		

#### Department of Human Services (DHS)

#### ARC 1976C

**Rule Summary**      Makes changes to align with a new request for proposal (RFP) for Non-Emergency Medical Transportation (NEMT). In the RFP the DHS informs bidders that the Department is eliminating the two-business-day advance notice for mileage reimbursement trips. The Department also defines the timeframe for a member or transportation provider to submit a claim to the broker for reimbursement.

**Agency Stated Authority:** Iowa Code section 249A.4.

**Fiscal Impact**      **Agency Response:** This rule change will not increase state costs, and may eventually result in some savings. By eliminating the two-day advance notice for members that only require mileage reimbursement, the Department hopes to increase incentives for members to drive themselves and reduce program costs.

**LSA Response:** The LSA concurs.

#### ARC 1982C

**Rule Summary**      Includes the following amendments:

- Removes transportation to medical appointments from the Home and Community-Based Services (HCBS) Waiver Transportation service description and clarifies the use of transportation when provided as part of the Supported Community Living (SCL) service in the Intellectual Disability (ID) and Brain Injury (BI) waivers.
- Removes “related condition” as a basis of eligibility for Residential Based Supported Community Living (RBSCL) services under the ID Waiver. No children have accessed this service within the “related condition” diagnostic category.
- Changes the definition of an Intellectual Disability to the updated Diagnostic and Statistical Manual of Mental Disorders, Fifth edition (DSM 5).

Amendments update the BI waiver SCL service to match the ID waiver SCL service that allows round-trip transportation to day programs to be a SCL service component.

**Agency Stated Authority:** Iowa Code section 249A.4

**Fiscal Impact**

**Agency Response:** Annual HCBS waiver spending on transportation services is estimated at \$29.0 million, but based on a survey of providers, less than 2.0% of the total was for medical appointments. This equates to annual medical appointment transportation spending of approximately \$578,000. Due to the February implementation date, this will only impact the final five months of State FY 2015, further reducing the impact to approximately \$240,000. The State share of this amount is approximately \$100,000. These costs will likely shift to the Medicaid transportation broker.

**LSA Response:** The LSA concurs.

**ARC 1977C**

**Rule Summary**

Provides that the reasonable costs of staff training will be treated as direct costs, rather than as indirect administrative cost subject to a limit of 20.0% of other costs.

**Agency Stated Authority:** Iowa Code section 249A.4 and 2013 Iowa Acts, Senate File 452 (FY 2014 Standing Appropriations Act), section 12.

**Fiscal Impact**

**Agency Response:** Applying the training cost percentage estimate to these expenses results in a cost increase of \$3.4 million to \$6.8 million annually with the state share of \$1.5 million to \$3.0 million. As the proposed rule is written, there will be no fiscal impact until the General Assembly appropriates funding for provider training.

**LSA Response:** The General Assembly, in Senate File 446, section 14.24 ( FY 2014 Health and Human Services Appropriations Act), appropriated \$300,000 for reimbursement of provider training as direct costs.

**ARC 1978C**

**Rule Summary**

Revises the Child Care Assistance (CCA) fee chart based on updated federal government poverty levels.

**Agency Stated Authority:** Iowa Code section 234.6.

**Fiscal Impact**

**Agency Response:** There is no fiscal impact because this rule change will not change caseloads or costs per case. This change will allow families that have received increased income to maintain their current fee level.

**LSA Response:** The LSA concurs.

STAFF CONTACT: Jess Benson (515-281-4611) [jess.benson@legis.iowa.gov](mailto:jess.benson@legis.iowa.gov)  
Kenneth Ohms (515-725-2200) [kenneth.ohms@legis.iowa.gov](mailto:kenneth.ohms@legis.iowa.gov)

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**Department of Administrative Services**

**ARC 1969C**

**Rule Summary**

Amends Iowa Administrative Code (IAC) chapters related to human resources. The Department of Administrative Services is continuing its effort to review its administrative rules in accordance with Executive Order 71 by amending certain human resources rules to eliminate conflict with statute, aligning rules for the phased retirement program with changes to the Iowa Code, reflecting changes in federal law, and making other actions that reflect and clarify departmental practice.

**Agency Stated Authority:** Iowa Code section 8A.104(5).

**Fiscal Impact**      **Agency Response:** These administrative changes are not anticipated to have any fiscal impact.

**LSA Response:** The LSA concurs.

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

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**Department of Agriculture and Land Stewardship (DALs)**

**ARC 1980C**

**Rule Summary**      Clarifies that seed libraries are subject to permitting, but will not have to comply with requirements for labeling, testing, and fees.

**Agency Stated Authority:** Iowa Code section 199.15.

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

**LSA Response:** The LSA concurs.

**ARC 1965C**

**Rule Summary**      Limits the DALs to requiring a grain elevator operator to take an operational shrink no greater than 0.5% on grain received on a monthly basis. Also removes other outdated language.

**Agency Stated Authority:** Iowa Code section 203.2.

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

**LSA Response:** The LSA concurs.

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

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**Architectural Examining Board**

**ARC 1985C**

**Rule Summary**      Extends the renewal period for architect registration certificates from one to two years. Amends related fees to reflect extended renewal period.

**Agency Stated Authority:** Iowa Code section 544A.29.

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

**LSA Response:** The LSA concurs.

STAFF CONTACT: Christin Mechler (515-281-6561) [christin.mechler@legis.iowa.gov](mailto:christin.mechler@legis.iowa.gov)

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**Department of Education**

**ARC 1966C**

**Rule Summary**      Revises code that outlines the standards and program requirements that all paraeducator certification programs must meet in order to be approved to be paraeducators in Iowa. Updates existing standards to remain current with research in student achievement, accountability, and continuous program improvement and to more closely align with rules from the Iowa Board of Educational Examiners on the issuance of paraeducator certificates.

**Agency Stated Authority:** Iowa Code chapters 256.7(5) and 256.7(22).

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

**LSA Response:** The LSA concurs.

**Rule Summary**

**ARC 1967C**

Reflects legislative changes impacting existing categorical funding programs. The following changes are made:

- Updates references of “allowable growth” to read “supplemental state aid” or “supplemental amount” based on HF 215 (Education Reform Appropriations Act), 2013 Iowa Acts.
- Allows bundling of information technology to meet the \$500 threshold in Physical Plant and Equipment Levy (PPEL) permitted uses. Update is based on HF 645 (FY 2012 Education Appropriations Act), 2011 Iowa Acts, and Iowa Code section 298.3.
- Updates permissive uses of Home School Assistance Program (HSAP) funds based on SF 2376 (FY 2011 Education Appropriations Act), 2010 Iowa Acts.
- Specifies that building construction is a nonpermissive use of Statewide Voluntary Preschool Program (SWVPP) funds based on HF 877 (Statewide Voluntary Preschool Program for Four-Year-Olds), 2007 Iowa Acts, and Iowa Code section 256C.4(1)(e).
- Updates operation sharing to include curriculum director and school counselor based on HF 2271 (School District Shared Operations, 2014 Iowa Acts, and Iowa Code section 257.11(5)(a).
- Increases the number of years a student is eligible for supplementary weighting as an English Language Learner (ELL) from four to five years. The change is in response to SF 452 (FY 2014 Standing Appropriations Act), 2013 Iowa Acts, Iowa Code section 257.31(5), and Iowa Code section 280.4(3).
- Clarifies that equipment costs and transportation costs related to the Talented and Gifted (TAG) program is allowable.
- Removes references to grants in aid for the early intervention supplement and teacher salary supplement that are now funded through the school aid formula.
- Adds new language for the teacher leadership supplement categorical funding amount established in HF 215 (Education Reform Appropriations Act), 2013 Iowa Acts, and Iowa Code section 284.15.
- Removes a section dealing with the Educational Excellence, Phase I program that no longer exists.
- Creates a new set of rules related to Early Literacy based on SF 2284 (Education Reform), 2012 Iowa Acts, and Iowa Code sections 256.7(31), 256.9(53), 279.60 and 279.68.
- Clarifies that asbestos abatement and start-up costs for new buildings are permitted uses of general funds. Both items can be brought to the School Budget Review Committee (SBRC) for additional supplemental aid but must first be paid from general funds and then taxed back with SBRC approval.
- Adjusts the early retirement incentives provision as a permitted use of the management levy from “55 to 65” to “55 or older” with the enactment of SF 220 (Motor Vehicle Operation, Financial Responsibility), 2014 Iowa Acts, and Iowa Code section 279.46.
- Clarifies permitted uses of the PPEL funds as outlined in Iowa Code section 298.3.
- Clarifies the permissive use of capital projects funds, for improving buildings or sites for the purpose of accessing broadband, as has been the interpretation for years.

- Adds new language and explains the permissive and nonpermissive uses of the Entrepreneurial Education Fund established in HF 533, 2013 Iowa Acts, and Iowa Code section 298A.15.
- Updates special education instruction fund to reflect current terminology – no change in practice.
- Updates juvenile home program instruction fund to reflect current terminology. This mirrors the guidance issued by the Department of Education to the field, and is consistent with other permissive and nonpermissive uses of categorical funds sections.

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

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

**LSA Response:** The LSA concurs.

STAFF CONTACT: Timothy Crellin (515-725-1286) [timothy.crellin@legis.iowa.gov](mailto:timothy.crellin@legis.iowa.gov)  
John Parker (515-285-2249) [john.parker@legis.iowa.gov](mailto:john.parker@legis.iowa.gov)

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**Environmental Protection Commission**

**ARC 1956C**

**Rule Summary**      Amends rules for solid waste program in the Department of Natural Resources (DNR) and includes:

- Beverage Container
  - Rescinds a paragraph that refers to pop-top cans.
  - Rescinds redundant definitions and adds the correct cross-references.
  - Rescinds a grant program that is no longer funded.
- Hydrogeologic Investigation and Monitoring Requirement – rescinds and reserves the Chapter as these rules were incrementally incorporated into other landfill rules.
- Sanitary Landfills: Biosolids Monofills – rescinds and reserves the chapter as landfills no longer accept biosolids.
- Beautification Grant Program – rescinds the chapter as funding for the program expired on June 30, 2014.
- Waste Tire Stockpile Abatement Program – rescinds and reserves the chapter. The program was funded with a surcharge on vehicle titles that expired on June 30, 2007.

**Agency Stated Authority:** Iowa Code section 455A.4.

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

**LSA Response:** The LSA concurs.

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

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**Pharmacy Board**

**ARC 1960C**

**Rule Summary**      Terminates the proposed amendments in ARC 1791C that combined Administrative Code chapters 13 and 20 into a single chapter on compounding drug products.

**Agency Stated Authority:** Iowa Code section 147.76.

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

**LSA Response:** The LSA concurs.

**Rule Summary** **ARC 1979C**  
Combines the requirements for compounding drug products that are currently in Iowa Administrative Code Chapters 13 and 20 into a single chapter. Adopts a national minimum practice standard for compounding. Incorporates new federal regulations as established in the Drug Quality and Security Act of 2013.

**Agency Stated Authority:** Iowa Code sections 124.302, 124.303, 124.306, 124.308, 124.501, 126.9, 126.10, 126.18, 155A.2, 155A.13, 155A.28, 155A.33, and 155A.35.

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

**LSA Response:** The LSA concurs.

**Rule Summary** **ARC 1961C**  
Updates and clarifies the persons responsible for various activities required by Board rules for multiple chapters.

**Agency Stated Authority:** Iowa Code sections 124.301, 126.11, 147.107, 155A.13, 155A.13A, 155A.15, 155A.19, and 155A.33.

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

**LSA Response:** The LSA concurs.

**Rule Summary** **ARC 1962C**  
Removes the requirement of a signature of the owner or corporate officer of a pharmacy when there is a temporary change in the pharmacist in charge, but maintains written notification to the Board.

**Agency Stated Authority:** Iowa Code sections 155A.13, 155A.13A, 155A.13B, 155A.15, and 155A.19.

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

**LSA Response:** The LSA concurs.

**Rule Summary** **ARC 1963C**  
Revises and adds more direct references to violations of pharmacy licensees or registrants when initiating and hearing disciplinary action. Revises the notice requirement to the Board for criminal conviction to those involving the practice of pharmacy and the distribution of drugs.

**Agency Stated Authority:** Iowa Code sections 147.55, 272C.3, 272C.5, 155A.15, 155A.23, 126.3, 124.304, and 124.401 to 124.407.

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

**LSA Response:** The LSA concurs.

Department of Transportation

**ARC 1974C**

**Rule Summary** Rewrites confidential record rules and lists records that will be kept confidential. The rule states the list is not comprehensive. Clarifies technical language to the Public Record rules. Corrects references to addresses, citations, implementation statutes, and sentences. Requires that requests to keep information confidential demonstrate that disclosure of information will clearly not be in the public interest.

**Agency Stated Authority:** Iowa Code sections 305.15, 307.10 and 307.12.

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

**LSA Response:** The LSA concurs.

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

Utilities Division

**ARC 1953C**

**Rule Summary** Provides more flexibility to electric utilities in times of peak usage. Amends the rule to provide annual notice of reduction in electricity consumption as well as explanations of conditions that require such action. Allows utility companies to be more flexible in developing peak alert messages.

**Agency Stated Authority:** Iowa Code sections 17A.3, 476.1, 476.1A, and 476.17.

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

**LSA Response:** The LSA concurs.

**ARC 1959C**

**Rule Summary** Allow a public water utility to enter into an agreement with a city utility, city enterprise, combined city utility, or combined city enterprise to disconnect water service if an overdue debt is owed for wastewater service or services of sewer systems, storm water drainage systems, or sewage treatment.

**Agency Stated Authority:** Iowa Code sections 17A.4, 476.86, and 476.87.

**Fiscal Impact** **Agency Response:** Although the State will not experience any fiscal impact, the Board tentatively concludes that the proposed amendments will improve the ability of cities served by public water utilities, under Board regulation, to recover debts owed for wastewater service or services of sewer systems, storm water drainage systems, or sewage treatment. The Board estimates this will allow utilities to collect debt exceeding \$4,000,000.

**LSA Response:** The LSA concurs.

**ARC 1957C**

**Rule Summary** Revises and updates current rules as necessary due to SF 2195 (Telecommunications Modernization). Outlines the changes in the processes regarding transfer of services territories and customers and dispute resolution of intrastate access service.

**Agency Stated Authority:** Iowa Code sections 17A.4 and 476.2.

## Administrative Rules – Fiscal Impact Summaries

May 8, 2015

8

**Fiscal Impact**      **Agency Response:** No fiscal impact. The Board believes that this rule change will require fewer resources for compliance.

**LSA Response:** The LSA concurs.

STAFF CONTACT: Christin Mechler (515-281-6561) [christin.mechler@legis.iowa.gov](mailto:christin.mechler@legis.iowa.gov)

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### Medicine Board

#### **ARC 1983C**

**Rule Summary**      Establishes a new IAC chapter the standards of practice for physicians that use telemedicine, information technology, or other means of interaction between a licensee in one location and a patient in another location with or without an intervening health care provider.

**Agency Stated Authority:** Iowa Code chapters 147, 148, and 272C.

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

**LSA Response:** The LSA concurs.

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

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### Historical Division

#### **ARC 1970C**

**Rule Summary**      Amends the Historic Preservation and Cultural and Entertainment District (HPCED) Tax Credit Program. The 2014 Iowa Acts, HF 2453 (Historic Preservation and Cultural and Entertainment District Act) made changes to the HPCED Program. These rules describe administration by the Department of Cultural Affairs' of the Program as it relates to projects approved before and after the July 1, 2014, effective date of the Act. Since the rules were first noticed, the Department has made minor changes to the rules on scoring criteria to clarify that criteria for tiebreakers. The Department made several other minor clarifications adding more specific language on amendments to applications and increasing the closing period between when a project is registered and when a project must have an agreement. The eligible taxpayer has 120 calendar days, or until the end of the fiscal year, whichever is less, to purchase or lease the specified property, if applicable, and enter into an agreement with the Department. The Department added a fee schedule to document the fee in the rules and the fee is maintained at the current rates. The fees are authorized by Iowa Code section 404A.3 and are retained by the Department as specified in Iowa Code section 303.9(1). Approximately \$350,000 is retained annually from the fees.

**Agency Stated Authority:** Iowa Code sections 17A.3 and 303.1A.

**Fiscal Impact**      **Agency Response:** These rules will not have a fiscal impact on the State. However, the legislation related to these rules does have a fiscal impact as described in the fiscal note. The portion of the Act that allows unused smaller project tax credits to be redirected to other projects is projected to result in the redemption of an additional \$8.6 million in tax credits over the next nine fiscal years. There are no known costs to the regulated community. The application process will require more information from applicants that will help the Department assess whether projects are ready and viable.

**LSA Response:** The LSA concurs. The permitted redirection of tax credits will reduce General Fund revenue by an estimated \$8.6 million over nine fiscal years.



The fees authorized by Iowa Code section 404A.3 will equal the Department's expenses to administer the Program.

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

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## Department of Revenue

### ARC 1968C

**Rule Summary** Implements the legislative changes of the 2014 Iowa Acts and House File 2453 to the Historic Preservation and Cultural and Entertainment District Tax Credit Program (HPCED). The proposed rule changes explain aspects of the program as administered by the Department of Revenue. The Program allows for unclaimed tax credits to be awarded to other projects and updates the process of reserving tax credits for qualified projects.

Upon completion of the public hearing, the Department has revised subrules 42.543 and 52.473 regarding rehabilitation expenditures to include the language of the statute on the impact of public financing and clarify application guidelines. The Department has also amended the rules to broaden the types of property eligible for tax credits. Narrower treasury regulation remains in the rules so as to mirror statutory language.

**Agency Stated Authority:** Iowa Code sections 17A.3 and 421.17.

**Fiscal Impact** **Agency Response:** This change is estimated to reduce revenue by \$1.3 million in FY 2015 and \$5.1 million in FY 2016, as noted in the fiscal note dated April 23, 2014.

**LSA Response:** Though the rules themselves have no fiscal impact, the portion of HF 2453 that redirects unused project tax credits to other projects is projected to result in the redemption of an additional \$8.6 million in tax credits in the next nine fiscal years. The Act was estimated to reduce General Fund revenue as follows:

- FY 2015 \$1.3 million
- FY 2016 \$2.9 million
- FY 2017 \$2.1 million
- FY 2018 \$1.0 million
- FY 2019 \$0.6 million

STAFF CONTACT: Christin Mechler (515-281-6561) [christin.mechler@legis.iowa.gov](mailto:christin.mechler@legis.iowa.gov)

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## College Student Aid Commission

### ARC 1958C

**Rule Summary** Clarifies priorities for grant funding in the All Iowa Opportunity Scholarship Program when funding is not sufficient to award all eligible applicants. Clarifies the types of expenses that can be covered by the grants.

**Agency Stated Authority:** Iowa Code section 261.87.

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

**LSA Response:** The LSA concurs. In FY 2015, the Program received a General Fund appropriation of \$2.2 million.

STAFF CONTACT: Robin Madison (515-281-5270) [robin.madison@legis.iowa.gov](mailto:robin.madison@legis.iowa.gov)

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Homeland Security and Emergency Department of Management (DHSEM)

**ARC 1955C**

**Rule Summary** Outlines information for State and local agencies that wish to access and utilize the statewide mass notification and emergency messaging system created in Iowa Code section 29C.17A.

**Agency Stated Authority:** Iowa Code section 29C.17A.

**Fiscal Impact** **Agency Response:** Currently, there are 53 counties that have contracted separately with vendors to provide this service at a cost of over \$600,000. The DHSEM will be providing this system at no cost to the counties that will save over \$600,000 at the local level.

**LSA Response:** The LSA concurs.

STAFF CONTACT: Alice Wisner (515-281-6764) [alice.wisner@legis.iowa.gov](mailto:alice.wisner@legis.iowa.gov)

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Department of Inspections and Appeals

**ARC 1981C**

**Rule Summary** Terminates the rule making process commenced in ARC 1939C to allow additional time for interested parties and the Department to discuss the rulemaking.

**Agency Stated Authority:** Iowa Code sections 135C.14 and 135C.36.

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

**LSA Response:** The LSA concurs.

STAFF CONTACT: Christin Mechler (515-281-6561) [christin.mechler@legis.iowa.gov](mailto:christin.mechler@legis.iowa.gov)

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Insurance Division

**ARC 1975C**

**Rule Summary** Allows for the suspension of a sales agent license for failure to pay State debt pursuant to Iowa Code chapter 272D. Rescinds Chapter 106 “Disciplinary Procedures” and incorporates the provisions into Chapter 105 “Standards of Conduct and Prohibited Practices”.

**Agency Stated Authority:** Iowa Code chapter 523A.

**Fiscal Impact** **Agency Response:** No fiscal impact. The proposed amendments simply update and clarify current statutes and regulations.

**LSA Response:** The LSA concurs.

STAFF CONTACT: Christin Mechler (515-281-6561) [christin.mechler@legis.iowa.gov](mailto:christin.mechler@legis.iowa.gov)

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Labor Services Division

**ARC 1971C**

**Rule Summary** Makes editorial and technical changes, removes obsolete language, and changes three fees to reflect the costs of enforcement. The inspection schedule for construction elevators is set to match the three month schedule recommended by the American Society of Mechanical Engineers. Establishes new rules for handicapped restricted use elevators. Requires all electrical equipment pertaining to the elevator

to comply with rules and not just electrical equipment in the machine room and hoistway.

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

**Fiscal Impact** **Agency Response:** No fiscal impact to the State. The fee changes in this notice relate to equipment that makes up a small percentage of regulated conveyances in Iowa, with two fee increases and one decrease. While the frequency of inspections for construction elevators is increased, there are very few construction elevators in use. The other changes will not have a fiscal impact.

**LSA Response:** The LSA concurs.

**ARC 1972C**

**Rule Summary** Proposes enhanced safety features for passenger elevators. The rules have been changed since they were first noticed to require the waiver of a \$500 permit fee if the only alteration being made is to comply with the changes required by these rules.

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

**Fiscal Impact** **Agency Response:** This will have only a minor fiscal impact on the State. Owners of equipment with hazardous doors will incur expenses. The subcommittee assigned by the Elevator Safety Board studied available methods to prevent accidents and settled on light curtains as the least expensive option. A small number of elevator owners will have to pay for multipoint light curtains. It is estimated that about 200 residential elevators operating in public buildings will be impacted by these rules.

**LSA Response:** The LSA concurs. These changes will require a small number of elevator owners to install additional safety features.

**ARC 1964C**

**Rule Summary** Makes changes to definitions. Updates codes by reference to the current codes and the effective dates of those changes. Requires all boilers and pressure vessels to have a current and valid certificate before they are operated. Specifies documentation of certain repairs is to be made and left on site for an inspector.

**Agency Stated Authority:** Iowa Code section 89.14.

**Fiscal Impact** **Agency Response:** This will have no fiscal impact on the State. There will be slightly higher costs for companies that repair or alter boilers and pressure vessels.

**LSA Response:** The LSA concurs.

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

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**Iowa Lottery Authority**

**ARC 1954C**

**Rule Summary** Updates the business address of the Iowa Lottery Authority. Additionally modifies Chapters 18, 19, and 20 to update the method for relaying game odds to players to include the Lottery Authority's website as a source of information.

**Agency Stated Authority:** Iowa Code section 99G.9(3).

**Fiscal Impact** **Agency Response:** No fiscal impact. The changes are simply technical in nature.

**LSA Response:** The LSA concurs.

STAFF CONTACT: Christin Mechler (515-281-6561) [christin.mechler@legis.iowa.gov](mailto:christin.mechler@legis.iowa.gov)

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## Administrative Rules – Fiscal Impact Summaries

May 8, 2015

12

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### Veterinary Medicine Board

#### **ARC 1984C**

**Rule Summary** Permits Veterinary Medicine Board to waive State fees and continuing education requirements for persons or spouses of people that have served in the military during the past 12 months.

**Agency Stated Authority:** Iowa Code section 169.5.

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

**LSA Response:** The LSA concurs.

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

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