



Fiscal Services Division

ADMINISTRATIVE RULES — FISCAL IMPACT SUMMARIES

October 5, 2017

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>.

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Department of Human Services

Rule Summary ARC 3321C
Adds two new provider types for the purpose of members' cost-sharing protections related to Qualified Medicare Beneficiaries (QMB) members and Health Insurance Premium Payment (HIPP) members.

State or Federal Law Implemented: Iowa Code section 249A.4.

Fiscal Impact **Agency Response:** Minimal fiscal impact. Payments are to providers that are not current Medicaid providers and regarding claims that have not been paid in the past. Only a limited number of providers are expected to be affected.

LSA Response: The LSA concurs.

Rule Summary ARC 3322C
Allows the Iowa Child Abuse Prevention Program (ICAPP) to partner with the Department of Public Health (DPH) to utilize the Family Support Statewide Database.

State or Federal Law Implemented: Iowa Code Chapter 235A.

Fiscal Impact **Agency Response:** Minimal fiscal impact. The system maintained by the DPH will initially cost the Department of Human Services (DHS) \$30,000 in order to add new

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programming. This will be funded with federal grant dollars from the Community-Based Child Abuse Prevention (CBCAP) grant. The ongoing maintenance will be provided at no cost and is expected to generate savings as the State is currently paying approximately \$30,000 per year for maintenance under the current contract.

LSA Response: The LSA concurs.

Rule Summary Amends the Health Insurance Premium Payment (HIPP) rules due to a change in formula, now comparing cost to managed care organization (MCO) capitation fees. Additional amendments include technical clean-up changes and definition enhancements. **ARC 3323C**

State or Federal Law Implemented: Iowa Code section 249A.4.

Fiscal Impact **Agency Response:** No fiscal impact. Amendments are cost-neutral and it is expected that there will be a similar number of individuals accessing the program with managed care as there was with fee-for-service.

LSA Response: The LSA concurs.

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Department of Veterans Affairs

Rule Summary Updates the department's physical address, Web address, and phone numbers. **ARC 3341C**

State or Federal Law Implemented: Iowa Code chapter 35.

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

LSA Response: The LSA concurs.

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Department on Aging

Rule Summary Changes the ward-to-staffing level for substitute decision makers from 10 wards per FTE to 40 wards per FTE. The change implements staffing levels consistent with neighboring states. **ARC 3324C**

State or Federal Law Implemented: Iowa Code sections 231E.4(6) and 17A.3.

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

LSA Response: The LSA concurs.

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Attorney General

Rule Summary Increases the late charge collected from Iowa Consumer Credit Code (ICCC) creditors and debt collectors from \$25 to \$75 to conform to changes made to the ICCC by SF 502 (Consumer Credit Code Changes). **ARC 3308C**

State or Federal Law Implemented: Iowa Code section 537.6203(4).

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Fiscal Impact **Agency Response:** Minimal fiscal impact. The average annual number of late charges assessed for the past three years is 112.3. At the proposed rate of \$75, the estimated total fee revenue will total \$8,422 per year, or \$42,100 over a five-year period.

LSA Response: The LSA concurs that the fiscal impact is minimal. Based on the average number of late charges assessed per year, Consumer Credit Administration Fund revenue is estimated to increase by \$5,615 annually or \$28,075 over a five-year period.

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Department of Commerce/Insurance Division

ARC 3318C

Rule Summary Provides reciprocal protections for seniors who move between Medicare supplement insurance and Medicare Part C insurance (also known as Medicare Advantage) as well as providing for a refund of unearned premiums. While the law currently prevents the possibility of a consumer having more than one Medicare supplement policy, no protection exists for consumers who change from a Medicare supplement policy to a Medicare Part C policy. Once a consumer has a Medicare Part C policy, no claims can be paid by the issuer of the consumer's Medicare supplement policy, negating the possibility of the Medicare supplement issuer providing any benefits concurrently on the Medicare supplement policy.

State or Federal Law Implemented: Iowa Code chapter 507B and Iowa Code section 505.8.

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

LSA Response: The LSA concurs.

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Department of Commerce/Utilities Division

ARC 3316C

Rule Summary Removes outdated language related to telegraph utilities and language related to initial filing requirements.

State or Federal Law Implemented: Iowa Code chapters 476, 476B, and 476C.

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

LSA Response: The LSA concurs.

ARC 3317C

Rule Summary Clarifies existing rules regarding revenue limits for utilities operating in more than one regulated line of business, such as both natural gas and electricity. Clarifies that multiple corporate officers' time may be accounted for and allocated rather than a single officer's time. Eliminates a provision that allows parties who fail to file testimony and exhibits within the required time frame to still be allowed to present testimony and exhibits at a subsequent hearing. Requires water, sanitary sewage, and storm water drainage utilities to provide notice to the Board of any purchase, sale, lease, or other acquisition or disposition directly or indirectly of the whole or any substantial part of a public utility's assets. Such utilities would be required to maintain separate accounting books.

State or Federal Law Implemented: Iowa Code sections 474.5 and 476.2.

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

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LSA Response: The LSA concurs.

ARC 3326C

Rule Summary Updates and streamlines rules relating to rulemaking dockets, clarifies the processes used by the Board for petitions for rulemaking, and updates outdated statutory references, formalizing the Board's process for complying with the comprehensive rule review process in future years.

State or Federal Law Implemented: Iowa Code chapters 474 and 476.

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

LSA Response: The LSA concurs.

ARC 3340C

Rule Summary Updates existing rules regarding duties of the Board and the Board's electronic filing system, and clarifies procedures regarding records not routinely available for public inspection and personally identifiable information.

State or Federal Law Implemented: Iowa Code sections 474.5 and 476.2.

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

LSA Response: The LSA concurs.

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Iowa Finance Authority

ARC 3338C

Rule Summary Amends existing rules regarding the federal Low Income Housing Tax Credit (LIHTC) Program by conforming to the language and procedures in the 2018 Qualified Allocation Plans (QAPs). Updates QAPs through the following:

- Identifying the purposes of the plans.
- Providing administrative information required for participation.
- Establishing threshold and selection criteria.
- Instituting post reservation requirements.
- Detailing the appeal process.
- Establishing a compliance monitoring component.

Also establishes the fees for filing an application for low-income housing tax credits and compliance monitoring.

The only changes to the amendments published under the Notice of Intended Action (NOIA) rulemaking reflect the change in the date subsequent to which no amendments or additions to the QAPs are included. The date proposed in the NOIA was July 12, 2017, and that date has been changed to September 6, 2017.

State or Federal Law Implemented: Iowa Code sections 17A.3(1)(b), 16.35, and 16.5(1)(r).

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

LSA Response: The LSA concurs in part. The \$500 Pre-Closing Review Fee will result in an estimated \$6,000 being retained by the Iowa Finance Authority (IFA) for administration of the Program. Increasing the Compliance Monitoring Fee by \$3 (12.0%) from \$25 up to \$28 per unit will increase the fees retained by the IFA by an estimated \$1,700 annually for administration of the Program.

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Environmental Protection Commission

Rule Summary **ARC 3309C**
Renews the five-year National Pollutant Discharge Elimination System (NPDES) General Permits for Numbers 1, 2, and 3. The last issuance date was 2012, and the permits are valid for five years. Other changes include:

- General Permit No. 1 changes the date.
- General Permit No. 2 changes the date and makes changes to the federal effluent limits from the Environmental Protection Agency (EPA). This includes a change to the State soil stabilization requirements for idle sites.
- General Permit No. 3 changes the date and does not authorize the discharge of water resulting from dewatering activities at rock quarries.

State or Federal Law Implemented: Iowa Code sections 455B.103A, 455B.105(3), and 455B.173.

Fiscal Impact **Agency Response:** No fiscal impact. No additional activity by State personnel will be required, as the rulemaking changes will not increase the existing workload.

LSA Response: The LSA concurs.

Rule Summary **ARC 3310C**
Renews the five-year National Pollutant Discharge Elimination System (NPDES) General Permit #4 for onsite wastewater systems discharges.

State or Federal Law Implemented: Iowa Code section 455B.173(11).

Fiscal Impact **Agency Response:** No fiscal impact. The rulemaking only changes the dates with no other changes. No additional staff or other resources will be required.

LSA Response: The LSA concurs.

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Board of Nursing

Rule Summary **ARC 3311C**
Rescinds and replaces rules regarding continuing education.

State or Federal Law Implemented: Iowa Code sections 17A.3 and 147.76.

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

LSA Response: The LSA concurs.

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Board of Pharmacy

Rule Summary **ARC 3329C**
Removes any inconsistencies in rules for telepharmacy practice, as related to automated medication distribution systems and electronic data in pharmacy practice. Additionally, the rulemaking identifies the core minimum standards for pharmacies utilizing such systems. Several rulemakings relating to notices and reports to the Board are discontinued in the proposed rulemaking in order to lessen the burden on pharmacies using automated systems.

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	<p>State or Federal Law Implemented: Iowa Code sections <u>124.301</u>, <u>124.306</u>, <u>124.308</u>, <u>147.107</u>, <u>155A.33</u>, and <u>155A.35</u>.</p>
Fiscal Impact	<p>Agency Response: No fiscal impact.</p> <p>LSA Response: The LSA concurs.</p>
Rule Summary	<p style="text-align: right;"><u>ARC 3330C</u></p> <p>Clarifies and rearranges the content of rules pertaining to the temporary absence of a pharmacist and prescription processing documentation by incorporating language from <u>HF 305</u> (Biological Interchangeable Products, Pharmacists Act), and provides for the remote storage of records in specific circumstances.</p>
	<p>State or Federal Law Implemented: Iowa Code sections <u>124.301</u>, <u>124.303</u>, <u>124.306</u>, <u>126.10</u>, <u>126.11</u>, and <u>155A.6</u>, and 2017 Iowa Acts, <u>HF 305</u>.</p>
Fiscal Impact	<p>Agency Response: No fiscal impact.</p> <p>LSA Response: The LSA concurs.</p>
Rule Summary	<p style="text-align: right;"><u>ARC 3344C</u></p> <p>Establishes the procedures relating to contested cases, including required filings and timelines, requirements for notice of hearing and statements of charges, identification of the presiding officer, and the duties and authority of the presiding officer. Establishes the procedures for disciplinary hearings and nondisciplinary hearings. Identifies the grounds for disciplinary action against a license, registration, or permit issued by the Board of Pharmacy, the disciplinary sanctions that may be imposed by the Board upon finding violation of applicable Iowa Code or Iowa Administrative Code requirements, and the minimum procedures for reinstatement of a license, registration, or permit that was previously suspended, revoked, or surrendered. Also establishes the requirements for issuance of a confidential order for mental or physical examination of a licensee or registrant that is not a disciplinary action or order, provides for the utilization of peer review committees when needed, and provides for the assessment of a hearing fee and authorized hearing costs on the subject of a disciplinary hearing that results in disciplinary action against the licensee.</p>
	<p>State or Federal Law Implemented: Iowa Code sections <u>124.304</u>, <u>124B.12</u>, <u>126.17</u>, and <u>147.55</u>.</p>
Fiscal Impact	<p>Agency Response: No fiscal impact.</p> <p>LSA Response: The LSA concurs.</p>
Rule Summary	<p style="text-align: right;"><u>ARC 3345C</u></p> <p>Establishes the minimum standards for registration of entities involved in the handling and prescribing of controlled substances, accountability and security for and designation of controlled substances, and minimum standards for prescriptions issued and dispensed for controlled substances. The rulemaking is based on federal regulations, and also adds two new rules to provide clear direction on the responsibility of registrants to notify the Board when they have been subject to disciplinary sanctions or criminal convictions, as well as to summarize the Board's authority to sanction registrations.</p>
	<p>State or Federal Law Implemented: Iowa Code sections <u>124.201</u> and <u>124.301</u>.</p>
Fiscal Impact	<p>Agency Response: Minimal fiscal impact. Proposed changes to simplify and consistently apply requirements and fees relating to the Controlled Substances Act registration and renewal processes may have an impact on the Board's revenues, but the overall fiscal impact is expected to be significantly less than \$100,000 annually.</p>

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LSA Response: The LSA concurs.

ARC 3346C

Rule Summary Updates language to reflect current name and contact information for the Pharmacy Board and, in some items, corrects inaccurate citations to rules and laws.

State or Federal Law Implemented: 2017 Iowa Acts, SF 484 (Pharmacy Regulation Act).

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

LSA Response: The LSA concurs.

ARC 3347C

Rule Summary Eliminates duplicate information regarding filing deadlines and contested case procedures. Simplifies the petition for requesting waivers to eliminate requirements for information and documentation that have been deemed unnecessary or excessively burdensome.

State or Federal Law Implemented: Iowa Code section 147.76.

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

LSA Response: The LSA concurs.

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Department of Revenue

ARC 3312C

Rule Summary Updates existing rules to conform to the law change enacted in SF 408 (Licensure of Architects Act).

State or Federal Law Implemented: Iowa Code section 421.14 and 2017 Iowa Acts, SF 408.

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

LSA Response: The LSA concurs.

ARC 3313C

Rule Summary Eliminates a subrule that allows for the reviewing of an examination required for obtaining an assessor's license by the examiner after it has been graded.

State or Federal Law Implemented: Iowa Code section 421.14.

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

LSA Response: The LSA concurs.

ARC 3314C

Rule Summary Updates existing rules to include the date parameters for central assessment of wind energy conversion property where there is no local ordinance enacted for a special valuation.

State or Federal Law Implemented: Iowa Code section 421.14.

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

LSA Response: The LSA concurs.

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ARC 3315C

Rule Summary Clarifies that the reporting requirement for county auditors for property tax replacement claims must be completed each year, regardless of whether an appropriation is made.

State or Federal Law Implemented: Iowa Code section 421.14.

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

LSA Response: The LSA concurs.

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Department of Workforce Development

ARC 3325C

Rule Summary Provides the Iowa Department of Workforce Development (IWD) with a framework from which to operate in regard to technology, modern efficiencies, and other changes related to unemployment insurance. The changes include specifying the IWD will use the Treasury Offset Program to collect covered unemployment compensation. The rules also establish a \$500 penalty for businesses that fail to timely register as an employer and an additional fee of \$200 if the registration is not submitted electronically.

State or Federal Law Implemented: Iowa Code section 96.11.

Fiscal Impact **Agency Response:** An estimated \$1.6 million will be collected in penalties annually from an estimated 3,200 businesses and \$25,000 will be collected in fines annually from an estimated 125 businesses. The collections will be deposited in the Penalty and Interest Fund.

LSA Response: The LSA concurs.

ARC 3342C

Rule Summary Amends existing rules regarding unemployment insurance to include changes to reporting requirements and employer contributions and charges.

State or Federal Law Implemented: Iowa Code section 96.11.

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

LSA Response: The LSA concurs.

ARC 3343C

Rule Summary Amends existing rules regarding unemployment insurance to include changes to contested case proceedings. Technical changes have been made since the rulemaking was first noticed.

State or Federal Law Implemented: Iowa Code section 96.11.

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

LSA Response: The LSA concurs.

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Department of Transportation

ARC 3304C

Rule Summary Rescinds and adopts a new chapter concerning disability placards.

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State or Federal Law Implemented: Iowa Code sections 307.12, 307A.2, 321L.2, and 321L.8.

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

LSA Response: The LSA concurs in part. House File 588 (Handicapped Parking Permit Expiration Act) does not incur a fiscal impact until FY 2021. Expiring placards that would have otherwise been valid indefinitely will begin to be renewed. Starting in FY 2021, there may be an annual fiscal impact of \$49,500 in revenue, plateauing in FY 2036 at \$132,000.

ARC 3305C

Rule Summary Strikes an outdated reference to Iowa Code and adds the correct reference.

State or Federal Law Implemented: Iowa Code sections 307.12, 307A.2, 321.179, and 321.180B(5).

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

LSA Response: The LSA concurs.

ARC 3306C

Rule Summary Defines the specific process requirements for an electronic application for a vehicle title and registration transaction, including the roles and responsibilities of an electronic registration and titling (ERT) service provider approved by the Department.

State or Federal Law Implemented: Iowa Code sections 307.12, 307A.2, and 321.20.

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

LSA Response: The LSA concurs.

ARC 3307C

Rule Summary Updates the Department's rules affecting or involving the initial application for a driver's license or nonoperator's identification card.

State or Federal Law Implemented: Iowa Code sections 307.12, 307A.2, 321.182, 321.189, and 321.190.

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

LSA Response: The LSA concurs.

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Secretary of State

ARC 3319C

Rule Summary Amends existing rules to include electronic poll books. Creates technological and operational standards for electronic poll books and establishes a panel to review applications submitted by county commissioners for the distribution of moneys from the Electronic Poll Book and Polling Place Technology Revolving Loan Fund created in HF 516 (Secretary of State Election Integrity Act).

State or Federal Law Implemented: HF 516, section 37.

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

LSA Response: The LSA concurs. The rulemaking creates standards for electronic poll books and establishes a panel. However, the Secretary of State's Office may use a portion of its appropriation in HF 640 (FY 2018 Administration and Regulation Appropriations Act) for the revolving loan fund program.

ARC 3320C

Rule Summary Amends existing rules to implement section 23 of SF 516 (FY 2018 Standing Appropriations Act) by updating fees to fund the Technology Modernization Fund within the Secretary of State's (SOS) Office. The rulemaking increases the Biennial Report Fees and the Uniform Commercial Code (UCC) Filing Fees. The increased fee revenue is to be deposited in the Technology Modernization Fund. The rulemaking also clarifies batch and multi-filer language, which is anticipated to reduce the number of account holders by 50.0%, and increases annual account maintenance fees that are maintained by the SOS Office.

State or Federal Law Implemented: 2017 Iowa Acts, SF 516, section 23.

Fiscal Impact **Agency Response:** The estimated proceeds due to the increase in fees for the Biennial Report and the UCC filings is approximately \$1.6 million in the first year and \$1.9 million annually thereafter, which will be deposited in the Technology Modernization Fund. The fee increase for account holders is estimated to generate approximately \$50,000 in additional revenue each year to the Office for batch and multi-filer account maintenance.

LSA Response: The LSA concurs. Beginning in FY 2018, the amount collected by the SOS Office from increased business services fees will be credited to the Technology Modernization Fund. The amount deposited is the difference between fees collected on or after July 1, 2017, compared to the amount assessed for the same fees on June 30, 2017. No more than \$2.0 million will be credited to the Fund in a fiscal year. Anything above \$2.0 million will be deposited in the State General Fund. The Fund is repealed on July 1, 2022 (FY 2023). The additional revenue collected from the fee increase for batch and multi-filer account holders will be reimbursed back to the SOS Office.

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Architectural Examining Board

ARC 3331C

Rule Summary Amends existing rules in 193B IAC chapter 1 to update terminology from "registered/registration" to "licensed/licensure," pursuant to SF 408 (Architect Licensure Act).

State or Federal Law Implemented: Iowa Code section 544A.29 and 2017 Iowa Acts, SF 408.

Fiscal Impact **Agency Response:** Minimal fiscal impact. The Professional Licensing Bureau will need to print new seals to reflect the change in licensing terminology. According to the Bureau, the fiscal impact of this is expected to be minimal and will be covered by existing funds.

LSA Response: The LSA concurs.

ARC 3332C

Rule Summary Amends existing rules in 193B IAC chapter 2 to update terminology from "registered"/"registration" to "licensed"/"licensure," pursuant to SF 408 (Architect Licensure Act).

State or Federal Law Implemented: Iowa Code section 544A.29 and 2017 Iowa Acts, SF 408.

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Fiscal Impact	Agency Response: Minimal fiscal impact. The Professional Licensing Bureau will need to print new seals to reflect the change in licensing terminology. According to the Bureau, the fiscal impact of this is expected to be minimal and will be covered by existing funds. LSA Response: The LSA concurs.
Rule Summary	<p style="text-align: right;"><u>ARC 3333C</u></p> Amends existing rules in 193B IAC chapter 3 to update terminology from “registered/registration” to “licensed/licensure” pursuant to <u>SF 408</u> (Architect Licensure Act). State or Federal Law Implemented: Iowa Code section <u>544A.29</u> and 2017 Iowa Acts, <u>SF 408</u> .
Fiscal Impact	Agency Response: Minimal fiscal impact. The Professional Licensing Bureau will need to print new seals to reflect the change in licensing terminology. According to the Bureau, the fiscal impact of this is expected to be minimal and will be covered by existing funds. LSA Response: The LSA concurs.
Rule Summary	<p style="text-align: right;"><u>ARC 3334C</u></p> Amends existing rules in 193B IAC chapter 4 to update terminology from “registered”/“registration” to “licensed”/“licensure,” pursuant to <u>SF 408</u> (Architect Licensure Act). The rulemaking also provides information on necessary changes to the architect licensure seal. State or Federal Law Implemented: Iowa Code section <u>544A.29</u> and 2017 Iowa Acts, <u>SF 408</u> .
Fiscal Impact	Agency Response: Minimal fiscal impact. The Professional Licensing Bureau will need to print new seals to reflect the change in licensing terminology. According to the Bureau, the fiscal impact of this is expected to be minimal and will be covered by existing funds. LSA Response: The LSA concurs.
Rule Summary	<p style="text-align: right;"><u>ARC 3335C</u></p> Amends existing rules in 193B IAC ch. 5 to update terminology from “registered/registration” to “licensed/licensure,” pursuant to <u>SF 408</u> (Architect Licensure Act). State or Federal Law Implemented: Iowa Code section <u>544A.29</u> and 2017 Iowa Acts, <u>SF 408</u> .
Fiscal Impact	Agency Response: Minimal fiscal impact. The Professional Licensing Bureau will need to print new seals to reflect the change in licensing terminology. According to the Bureau, the fiscal impact of this is expected to be minimal and will be covered by existing funds. LSA Response: The LSA concurs.
Rule Summary	<p style="text-align: right;"><u>ARC 3336C</u></p> Amends existing rules in 193B IAC chapter 6 to update terminology from “registered”/“registration” to “licensed”/“licensure,” pursuant to <u>SF 408</u> (Architect Licensure Act). State or Federal Law Implemented: Iowa Code section <u>544A.29</u> and 2017 Iowa Acts, <u>SF 408</u> .

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Fiscal Impact **Agency Response:** Minimal fiscal impact. The Professional Licensing Bureau will need to print new seals to reflect the change in licensing terminology. According to the Bureau, the fiscal impact of this is expected to be minimal and will be covered by existing funds.

LSA Response: The LSA concurs.

Rule Summary Amends existing rules in 193B IAC chapter 7 to update terminology from “registered”/“registration” to “licensed”/“licensure,” pursuant to SF 408 (Architect Licensure Act). **ARC 3337C**

State or Federal Law Implemented: Iowa Code section 544A.29 and 2017 Iowa Acts, SF 408.

Fiscal Impact **Agency Response:** Minimal fiscal impact. The Professional Licensing Bureau will need to print new seals to reflect the change in licensing terminology. According to the Bureau, the fiscal impact of this is expected to be minimal and will be covered by existing funds.

LSA Response: The LSA concurs.

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Labor Services Division

Rule Summary Adopts by reference Iowa Code section 92.11, and lists acceptable documents for proof of age when obtaining a child labor permit. **ARC 3339C**

State or Federal Law Implemented: Iowa Code section 92.21.

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

LSA Response: The LSA concurs.

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