



## Fiscal Services Division

### ADMINISTRATIVE RULES — FISCAL IMPACT SUMMARIES

June 12, 2018

Iowa Code section 17A.4(4) requires the Legislative Services Agency (LSA) to analyze the fiscal impact of all administrative rules with an impact of \$100,000 or more and provide a summary of the impact to the Administrative Rules Review Committee (ARRC). Fiscal Impact Statements filed by State agencies can be found on our website at <https://www.legis.iowa.gov/publications/fiscal/adminRulesFiscalImpact>.

With each rule summary, the rulemaking type is indicated in parentheses following the ARC number. The acronyms have the following meanings: Notice of Intended Action (NOIA), Amended Notice of Intended Action (ANOIA), Notice of Termination (NOT), Adopted and Filed Emergency (AFE), Filed Emergency After Notice (FEAN), and Adopted and Filed (AF).

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#### Department of Corrections

#### ARC 3806C (NOIA)

**Rule Summary** Eliminates outdated or redundant rules, updates Iowa Code language, and eliminates any rules that are inconsistent or incompatible with statutes or other rules. All of the Department's rules were reviewed as part of the comprehensive five-year review required under Iowa Code section 17A.7.

**State or Federal Law Implemented:** Iowa Code section 17A.7.

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

**LSA Response:** The LSA concurs.

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### Workers' Compensation Division

#### ARC 3775C (NOIA)

**Rule Summary** Updates references to payroll tax withholdings for purposes of determining weekly workers' compensation payments.

**State or Federal Law Implemented:** Iowa Code section 86.8.

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

**LSA Response:** The LSA concurs.

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### Department of Human Services

#### ARC 3783C (NOIA)

**Rule Summary** Implements the use of a form to allow providers and authorized representatives to file a managed care appeal on behalf of a Medicaid member when the member has given express written consent. Allows child abuse appeals and dependent adult abuse appeals to be withdrawn on the record before an administrative law judge, or in writing and signed by the appellant or the appellant's legal counsel. Previously, withdrawal requests could only be done in writing.

**State or Federal Law Implemented:** Iowa Code section 217.6.

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

**LSA Response:** The LSA concurs.

#### ARC 3784C (NOIA)

**Rule Summary** Updates existing rules to comply with new federal regulations. The Centers for Medicare & Medicaid Services (CMS) have issued regulations that define the residential and non-residential settings in which it is permissible for states to provide and pay for Medicaid Home and Community-Based Services (HCBS). These new regulations clarify that HCBS may not be provided in settings that have the qualities of an institution. The rules were effective March 17, 2014, with an initial five-year transition time period for all HCBS providers to be in full compliance with rules or lose federal HCBS funding for services provided in the setting. Due to the complexity of the changes required for full compliance, on May 9, 2017, CMS extended the implementation time period by three years. The State has until March 17, 2022, to demonstrate full compliance with the HCBS settings regulations.

**State or Federal Law Implemented:** Iowa Code section 249A.4, 42 C.F.R. §441.301 (c), and 42 C.F.R. §441.710.

**Fiscal Impact** **Agency Response:** Fiscal impact cannot be determined. Issues with a specific provider setting or services that do not meet the settings guidelines may cause cost increases. This could be due to a member's change in services, such as a switch to supported employment and change in staffing ratios within the services. The proposed rulemaking will also require that more services be provided in community-based settings. There will be increased provider costs involving transportation and smaller staff-to-member ratios when taking members into the community with some type of regularity. CMS did not offer any increase in rates for services in conjunction with the new setting requirements. It is difficult to quantify the number of members affected or how soon cost increases will be realized.

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**LSA Response:** The LSA concurs.

### **ARC 3785C (NOIA)**

**Rule Summary** Amends the assessment level for nursing facilities effective July 1, 2015, which was changed at the rebase of nursing facility costs on that date. Providers were notified of the assessment level on February 3, 2016, and have been remitting the amounts, but these amendments ensure that rules reflect current practice.

**State or Federal Law Implemented:** Iowa Code section 249A.4 and 2015 Iowa Acts, Senate File 505 (FY 2016 Health and Human Services Appropriation Act).

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

**LSA Response:** The LSA concurs.

### **ARC 3787C (AF)**

**Rule Summary** Updates the time individuals have to file a state fair hearing request regarding a managed care organization (MCO) decision. Federal regulations recently changed the time frame in which individuals would be allowed to file a request for a state fair hearing regarding MCO appeals. The time frame has been extended from 90 days to 120 days. Federal regulations also changed the effective date of a reversed appeal resolution for MCO appeals, specifying that if a state fair hearing officer reverses a MCO decision to deny or limit services that were not furnished while the appeal was pending, the MCO must authorize or provide the disputed services as promptly and expeditiously as the enrollee's health condition requires, but no later than 72 hours from the date the MCO receives notice reversing the determination. The federal regulation did not previously include the 72-hour requirement. In a previous rulemaking package, the Department adopted rulemakings removing the requirement that notices of hearing for an intentional program violation be mailed both by certified mail and by first-class mail. However, after those rulemakings were adopted, the Department realized a second reference to the certified mail requirement had erroneously been missed. The remaining reference to the certified mail requirement is removed within the proposed rulemakings to eliminate confusion.

**State or Federal Law Implemented:** Iowa Code section 217.6 and 42 CFR 438.424.

**Fiscal Impact** **Agency Response:** No fiscal impact. The proposed rulemaking brings the Department's existing rules in alignment with the federal regulations.

**LSA Response:** The LSA concurs.

### **ARC 3788C (AF)**

**Rule Summary** Aligns the Autism Support Program (ASP) with changes made by the General Assembly to Iowa Code chapter 225D. House File 215 (Autism Insurance Coverage Act) requires certain health insurance policies, contracts, or plans to provide coverage of applied behavior analysis (ABA) treatment for certain individuals with autism spectrum disorder. Individuals who gain private insurance as a result of this legislation will no longer be eligible for participation in the ASP.

**State or Federal Law Implemented:** Iowa Code section 225C.6 and 2017 Iowa Acts, HF 215.

**Fiscal Impact** **Agency Response:** Minimal fiscal impact. This change may result in a cost reduction due to fewer individuals covered under the Autism Support Program, which is funded with 100.0% State dollars. Savings are expected to be less than \$100,000 annually.

**LSA Response:** The LSA concurs.

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	<b><u>ARC 3789C (AF)</u></b>
<b>Rule Summary</b>	Requires hospitals providing inpatient psychiatric services, including the State mental health institutes (MHIs), to update the inpatient psychiatric bed tracking system at least two times per day with the number of available, staffed beds divided by gender and by age group (child, adult, and geriatric).  <b>State or Federal Law Implemented:</b> Iowa Code section <u>249A.4</u> and 2017 Iowa Acts, House File <u>653</u> (FY 2018 Health and Human Services Appropriations Act).
<b>Fiscal Impact</b>	<b>Agency Response:</b> No fiscal impact. The rulemaking requires that hospitals update the bed tracking software twice daily. The Department of Human Services has already spent the funds to develop the tracking software to be used by institutions.  <b>LSA Response:</b> The LSA concurs.
	<b><u>ARC 3791C (AF)</u></b>
<b>Rule Summary</b>	Updates the Child Care Assistance (CCA) Program in accordance with the federal Child Care and Development Block Grant (CCDBG). Changes include: <ul style="list-style-type: none"><li>• Updating the co-pay chart based on the new federal poverty levels for FY 2019 on an annual basis.</li><li>• Exempting homeless families from being placed on any implemented wait list. Iowa does not currently have a wait list for this Program.</li><li>• Updating rules regarding the temporary lapse policy to conform to the CCDBG by removing the three-month limit for any reductions in employment or education/training hours that fall below the minimum requirement as long as the parent continues to work or attend education/training.</li></ul> <b>State or Federal Law Implemented:</b> Iowa Code section <u>234.6</u> and the federal <u>Child Care and Development Block Grant</u> .
<b>Fiscal Impact</b>	<b>Agency Response:</b> Updating the fee chart and exempting homeless families from the wait list have no fiscal impact. The temporary lapse expansion is estimated to increase Program expenditures from the General Fund by \$210,000 in FY 2019 and \$266,000 in FY 2020.  <b>LSA Response:</b> The LSA concurs.
	<b><u>ARC 3790C (AF)</u></b>
<b>Rule Summary</b>	Changes the rate-setting methodology used to develop Supported Community Living (SCL), Day Habilitation, and Adult Day Care service rates in the Intellectual Disability Waiver. The SCL methodology will change from the current retrospectively limited prospective rate-setting process to a fee schedule using a tiered-rate methodology. Day Habilitation and Adult Day Care service rates are currently established through a fee schedule but will be changed to use tiered rates. The tiered-rate methodology establishes a tiered system of reimbursement based on the identified acuity level from the results of the Supports Intensity Scale (SIS) core standardized assessment.  <b>State or Federal Law Implemented:</b> Iowa Code section <u>249A.4</u> and HF <u>653</u> (FY 2018 Health and Human Services Appropriations Act), section 93.
<b>Fiscal Impact</b>	<b>Agency Response:</b> No fiscal impact. The move to tiered rates as a funding methodology will be cost-neutral to the Department. The tiered-rate funding methodology will assign a standardized service rate based on member need, rather than using the current methodology of services reimbursement based on provider costs. With this rule change, some providers will see increased revenues compared to current service reimbursement, and other providers will see decreased revenues.  <b>LSA Response:</b> The LSA concurs.

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## Iowa Public Information Board

### ARC 3808C (NOIA)

**Rule Summary** Clarifies language concerning requests for review and filing instructions for petitions.

**State or Federal Law Implemented:** Iowa Code chapters 21 and 22.

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

**LSA Response:** The LSA concurs.

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## Law Enforcement Academy

### ARC 3809C (NOIA)

**Rule Summary** Amends existing rules to reflect the current emergency care provider certification process for Iowa peace officers that is managed within the Iowa Law Enforcement Academy. Guidance for this certification process is provided by the Iowa Department of Public Health (IDPH). The level of training required of Iowa peace officers to obtain an emergency care provider certification has not changed.

**State or Federal Law Implemented:** Iowa Code sections 80B.11 and 80B.11A.

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

**LSA Response:** The LSA concurs.

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## Environmental Protection Commission

### ARC 3786C (AF)

**Rule Summary** Allows use of two new National Pollutant Discharge Elimination System (NPDES) general permits, known as General Permit #8 (GP8) and General Permit #9 (GP9). Discharges authorized under these two new permits currently require separate authorization under an individual permit.

General Permit #8 authorizes the discharge of:

- Hydrostatic testing water used to verify the integrity of pipes, pipelines, tanks, containers, and other vessels designed to hold liquids or gases.
- Water used as ballast during the installation of new underground storage tanks prior to adding any other liquid or gas to the tank.
- Water used to disinfect, flush, or test potable water lines and associated equipment.

General Permit #9 authorizes discharges from:

- Excavation dewatering associated with construction activity where pumps, sumps, or similar tools are used within or near excavation areas to remove accumulated groundwater, surface water, and storm water.
- Groundwater dewatering through the installation of temporary dewatering wells, vacuum well points, or similar tools to cause localized lowering of the water table to facilitate construction activity.
- Residential open-loop geothermal heating and cooling systems that use water as a heat transfer medium.

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There are no fees associated with either permit.

No changes were made to the final rules; however, revisions were made to the General Permits in response to public comments. Additional information is available on the Department of Natural Resources [website](#).

**State or Federal Law Implemented:** Iowa Code sections [455B.173\(11\)](#) and [455B.186](#).

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

**LSA Response:** The LSA concurs.

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### Natural Resource Commission

#### **ARC 3782C (NOIA)**

**Rule Summary** Amends rules for the regulation of buoys and speed restrictions in certain waters, as requested by the Scenic City Empress Boat Club (SCEBC) of Iowa Falls. The company operates riverboat cruises and has passenger safety issues related to water movement from wakes of passing boats while passengers board or leave the boat. The changes include:

- Adding a no-wake zone on the Iowa River in Hardin County adjacent to the SCEBC property in Iowa Falls, Iowa. The proposed change does not significantly affect general use of the river in this area, as the no-wake zone will not extend more than 75 feet into the Iowa River channel.
- Specifying that the SCEBC is responsible for the placement and maintenance of the buoys designating the no-wake zone. The language retains the provision that the City of Iowa Falls is responsible for the existing speed zone between the River Street Bridge and the dock at Dougan's Landing.

**State or Federal Law Implemented:** Iowa Code sections [462A.26](#) and [462A.32](#).

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

**LSA Response:** The LSA concurs.

#### **ARC 3795C (AF)**

**Rule Summary** Changes the definition of "boat hoist" or "lift" to exclude certain storage of stand-up paddleboards. Currently, the storage of any object meeting the existing rule's broad definition of watercraft counts as a boat hoist or lift. Stand-up paddleboards are often stored on docks, and the rule change provides more flexibility.

No changes were made from the Notice of Intended Action rulemaking.

**State or Federal Law Implemented:** Iowa Code section [461A.4](#).

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

**LSA Response:** The LSA concurs.

#### **ARC 3796C (AF)**

**Rule Summary** Amends existing rules by:

- Specifying the type, size, and horsepower of water vessels permitted to access natural and artificial lakes and marshes under the jurisdiction of the Commission. The

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change is for the Shimon Marsh Wetland Complex, which was donated to the State, where no motorized vehicles are allowed.

- Regulating the use of hunting blinds and decoys in Fish and Game Wildlife Management Areas and specifies that decoy regulations apply to all decoys, not just waterfowl decoys.
- Reclassifying two State waterfowl refuges as game refuges. The refuges include portions of Ventura Marsh in Cerro Gordo County and portions of Crystal Hills in Hancock County.

**State or Federal Law Implemented:** Iowa Code sections 462A.26(2)(b), 481A.5, 481A.6, and 481A.38(1)“a”.

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

**LSA Response:** The LSA concurs.

### Rule Summary

**ARC 3799C (AF)**  
Adds the following 12 counties for harvesting bobcats beginning in 2018: Cedar, Cherokee, Clinton, Jackson, Jasper, Johnson, Lyon, Plymouth, Polk, Scott, Shelby, and Sioux counties. Population data from the past 10 years reveals that the bobcat population continues to grow and has expanded into more counties.

No changes were made from the Notice of Intended Action Rule.

**State or Federal Law Implemented:** Iowa Code sections 481A.38, 481A.39, and 481A.87.

**Fiscal Impact**      **Agency Response:** Minimal fiscal impact. The estimated increase resulting from the sale of fur harvester licenses is \$1,890, which will be deposited into the Fish and Game Protection Fund.

**LSA Response:** The LSA concurs.

### Rule Summary

**ARC 3798C (AF)**  
Changes falconry regulations in the following ways:

- Adds five new peregrine falconry permits that will be available via lottery drawing of eligible falconers. These permits are authorized by federal regulations. An eligible lottery participant must be an Iowa Master Falconer or an Iowa General Falconer with at least five consecutive years of field experience. If the Iowa permits are not distributed, the permits will be given to another state.
- Creates a falconry season between September 20 and October 20.
- Establishes special releasing and reporting requirements for banded falcons. The requirements include the immediate release and reporting to the Department of Natural Resources (DNR) within 48 hours of any captured banded raptor, including peregrine falcons or other eligible species.

No comments were submitted at the public hearing, but written comments were submitted. Changes made from the Notice of Intended Action rulemaking include the update of species names to reflect current nomenclature. Wording was changed to make it clearer that only currently active and experienced falconers are eligible for the lottery.

**State or Federal Law Implemented:** Iowa Code section 481A.48(3).

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

**LSA Response:** The LSA concurs.

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### ARC 3797C (AF)

**Rule Summary** Makes the following changes to regulations for hunting waterfowl and coot:

- Amends season dates, bag limits, possession limits, shooting hours, and areas open to hunting.
- Adjusts season dates to comply with federal regulations.
- Ensures that the regular seasons open on different weekends, and implements a special September teal duck season. At this time there are no dates listed for the special teal season, but dates will be available in the future.
- Restructures season dates for ducks and geese.

Changes made since the Notice of Intended Action include:

- Increasing the previously proposed final split in the 107-day Canada goose season to 10 days (formerly three days) for all zones. This change will bring the final day of the Canada goose season to January 12, 2019, in the North Zone, January 19, 2019, in the South Zone, and January 26, 2019, in the Missouri River Zone.
- Adds a reference to daily bag limits as adopted by the U.S. Fish and Wildlife Service and published in the Federal Register.

**State or Federal Law Implemented:** Iowa Code section 481A.48(2).

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

**LSA Response:** The LSA concurs.

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## Department of Homeland Security and Emergency Management

### ARC 3778C (NOIA)

**Rule Summary** Eliminates the wireline 911 network and merges those 911 calls into the Next Generation 911 network. Creates a Public Safety Answering Point (PSAP) shared technology service for answering points wishing to access 911 call processing equipment in a host remote environment. These amendments do not alter the surcharge funding streams related to the wireline surcharge or the emergency communications surcharge percentage that is passed through to the local PSAPs. Consolidation grants will remain in place, and the spending limitation on the Emergency Communications Service Fund that had been in place will be removed.

**State or Federal Law Implemented:** Iowa Code chapter 34A and HF 2254 (911 Emergency Telephone Systems Act).

**Fiscal Impact** **Agency Response:** There is no impact to the General Fund as all revenues and expenditures are from the 911 Surcharge Fund. The Department is estimated to spend \$10.6 million to merge networks and create the shared service environment. With full PSAP participation, this is estimated to create an annual savings of \$6.6 million in expenses for the local 911 service boards and PSAPs.

**LSA Response:** The LSA concurs.

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## Professional Licensure Division

### ARC 3774C (NOIA)

**Rule Summary** Reduces the number of continuing education hours required by the Board of Chiropractic per biennium from 60 hours to 40 hours. Makes changes to permissive



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language regarding what should terminate a preceptorship. Revises definitions and makes technical corrections.

**State or Federal Law Implemented:** Iowa Code chapter 151.

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

**LSA Response:** The LSA concurs.

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### Board of Nursing

#### **ARC 3801C (AF)**

**Rule Summary**      Revises the supervision expectations and training requirements for licensed practical nurses and makes a technical update.

**State or Federal Law Implemented:** Iowa Code chapter 152E.

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

**LSA Response:** The LSA concurs.

#### **ARC 3802C (AF)**

**Rule Summary**      Rescinds and reserves the chapter on the nurse licensure compact.

**State or Federal Law Implemented:** Iowa Code chapter 152E.

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

**LSA Response:** The LSA concurs.

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### Board of Regents

#### **ARC 3780C (NOIA)**

**Rule Summary**      Reduces the University of Iowa PharmD application fee from \$100 to \$50 to encourage application for admission to the College of Pharmacy.

**State or Federal Law Implemented:** Iowa Code section 262.9(3).

**Fiscal Impact**      **Agency Response:** Minimal fiscal impact. The Board estimates a fiscal impact significantly less than \$100,000. Depending on how many applications are received, the rulemaking may be revenue neutral.

**LSA Response:** The LSA concurs.

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### Iowa Telecommunications and Technology Commission

#### **ARC 3781C (NOIA)**

**Rule Summary**      Increases oversight and accountability related to potential sole source agreements considered by the Iowa Communications Network (ICN) by eliminating a general and overall broad justification for a sole source agreement, and requiring any sole source justification to be both approved and signed by the Network's Executive Director and Chief Financial Officer.

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**State or Federal Law Implemented:** Iowa Code sections 8D.11 and 8D.13.

**Fiscal Impact**     **Agency Response:** Fiscal impact cannot be determined. The Iowa Telecommunications and Technology Commission, which oversees the management, development and operations of the ICN, is unable to determine the number of agreements potentially affected by this rulemaking, and is therefore unable to estimate any potential fiscal impact.

**LSA Response:** The LSA concurs.

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## Department of Workforce Development

**Rule Summary**     **ARC 3811C (AF)**  
Provides the Iowa Department of Workforce Development (IWD) with a framework from which to operate with regard to technology and modern efficiencies related to how an individual is allowed to claim unemployment benefits and the IWD's related responsibilities. Requires individuals to provide the IWD with contact information for the employers whom the individuals have contacted and the results of those contacts. An individual who does not file a claim each week will be required to submit a new claim application to reactivate a claim. The proposed rulemaking has been modified since it was first noticed by withdrawing the proposed change to the treatment of severance pay as it relates to a deduction from benefits.

**State or Federal Law Implemented:** Iowa Code section 96.11.

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

**LSA Response:** The LSA concurs.

**Rule Summary**     **ARC 3812C (AF)**  
Provides the Iowa Department of Workforce Development (IWD) with a framework from which to operate with regard to technology and modern efficiencies related to unemployment benefits, reemployment services, eligibility assessments, technical changes, and sources of information used to determine unemployment benefit eligibility.

**State or Federal Law Implemented:** Iowa Code section 96.11.

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

**LSA Response:** The LSA concurs.

**Rule Summary**     **ARC 3813C (AF)**  
Provides the Iowa Department of Workforce Development (IWD) with a framework from which to operate with regard to technology and modern efficiencies related to how an individual is allowed to claim unemployment benefits and the IWD's related responsibilities. The minimum monthly repayment amount that will be accepted by the IWD is increased for individuals making repayments for overpayments received because of individual fault or fraud.

**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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### Labor Division

**Rule Summary** ARC 3807C (NOIA)  
Aligns boiler and pressure vessel rules with statutory authority, updates consensus standards adopted by reference, clarifies where jurisdiction over boiler appurtenance ends, and makes corrections.

**State or Federal Law Implemented:** Iowa Code chapter 89.

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

**LSA Response:** The LSA concurs.

**Rule Summary** ARC 3810C (AF)  
Increases Iowa's penalties for occupational safety and health violations by 3.7% to match the federal penalties.

**State or Federal Law Implemented:** Iowa Code chapter 88.

**Fiscal Impact** **Agency Response:** Minimal fiscal impact. The Division estimates an annual increase of \$67,000 in General Fund revenue.

**LSA Response:** The LSA concurs.

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### Public Employment Relations Board

**Rule Summary** ARC 3803C (AF)  
Makes changes related to the enactment of 2017 Iowa Acts, HF 291 (Public Employment Reform Act), including informal disposition, unit determination, and bargaining representative determination. The proposed rules have been changed since they were first noticed. The changes include:

- Specifying that the Agency will not refund an election fee if the Agency has performed duties to conduct the election but the election does not occur.
- Clarifying language related to employer-provided lists.
- Eliminating the requirement that eligible voters be required to register to vote prior to casting a ballot.

**State or Federal Law Implemented:** Iowa Code chapter 20.

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

**LSA Response:** The LSA concurs.

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### Department of Inspections and Appeals

**Rule Summary** ARC 3779C (NOIA)  
Clarifies the duties of the Investigation Division's Economic Fraud Control Bureau.

**State or Federal Law Implemented:** Iowa Code sections 10A.104, 10A.401, 10A.402, and 10A.403.

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

**LSA Response:** The LSA concurs.

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**Rule Summary** **ARC 3792C (AF)**  
Rescinds existing rules and adopts new rulemakings to define the Bureau's duties, involved parties, investigation types, and procedures regarding findings.

**State or Federal Law Implemented:** Iowa Code sections 10A.104, 10A.105, 10A.401, 10A.402, and 10A.403.

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

**LSA Response:** The LSA concurs.

**Rule Summary** **ARC 3793C (AF)**  
Revises the Department's Medicaid Fraud Control Unit rules to conform with current practices, laws, regulations, and rules.

**State or Federal Law Implemented:** Iowa Code sections 10A.104(5), 10A.104(6), 10A.105, 10A.402(5), and 10A.403.

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

**LSA Response:** The LSA concurs.

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### Department of Transportation

**Rule Summary** **ARC 3776C (NOIA)**  
Clarifies the list of reimbursable services and supplies that cities and counties may request from the Department.

**State or Federal Law Implemented:** Iowa Code section 307.12.

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

**LSA Response:** The LSA concurs.

**Rule Summary** **ARC 3777C (NOIA)**  
Allows moneys from the Primary Road Fund (PRF) to be swapped with Surface Transportation Block Grant (STBG) funds allocated to cities and counties for road and bridge construction projects.

**State or Federal Law Implemented:** Iowa Code sections 307.44 and 313.4(1).

**Fiscal Impact** **Agency Response:** Fiscal impact cannot be determined. The amendment to Iowa Code section 313.4(1)“c” increases efficiency and reduces project costs. The Department is implementing this Iowa Code change and it is early in the implementation stage and swap projects have not yet been constructed. Therefore, a fiscal impact cannot be determined but the impact will be positive.

**LSA Response:** The LSA concurs. Any reallocation of PRF funds for apportioned federal aid funds by the Department may temporarily reduce funding immediately available in the PRF. Policies adopted by the Transportation Commission expect a full draw down of STBG balances within four years. Implementation of the swapped funds is expected to begin in FFY 2019.

The amended rulemaking implements 2017 Iowa Acts, chapter 13 (Funding for Secondary Road and Municipal Street Systems).

LSA Staff Contact: Michael Guanci (515.729.7755) [michael.guanci@legis.iowa.gov](mailto:michael.guanci@legis.iowa.gov)

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## Department of Revenue

### ARC 3804C (AF)

**Rule Summary** Amends existing rules to change an incorrect cross reference.

**State or Federal Law Implemented:** Iowa Code section 427B.1.

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

**LSA Response:** The LSA concurs.

### ARC 3805C (AF)

**Rule Summary** Adjusts the deadline for assessors to notify taxpayers to comply with Iowa Code.

**State or Federal Law Implemented:** Iowa Code chapter 427C and Iowa Code sections 441.22 and 441.28.

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

**LSA Response:** The LSA concurs.

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## Department of Natural Resources

### ARC 3800C (AF)

**Rule Summary** Reorganizes the Department of Natural Resources (DNR) from seven operating divisions that manage 20 bureaus to two operating divisions that manage nine bureaus.

No comments were received at the public hearing; however, one change was made since the Notice of Intended Action rulemaking. The Iowa Legislature passed and the Governor signed HF 2303 (Duties and Programs in the Department of Natural Resources Act), which moved the State Geologist position from the DNR to the University of Iowa. The State Geologist position was therefore removed from the DNR organization chart.

**State or Federal Law Implemented:** Iowa Code sections 17A.3(1)(a) and 455A.4(1)(i).

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

**LSA Response:** The LSA concurs.

LSA Staff Contact: Deb Kozel (515.281.6767) [deb.kozel@legis.iowa.gov](mailto:deb.kozel@legis.iowa.gov)

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## Department of Commerce/Utilities Division

### ARC 3773C (ANOIA)

**Rule Summary** Implements rate caps on charges that may be assessed to inmates and families of inmates in Iowa correctional facilities. Requires any alternative operator services company seeking to increase rates above the caps to file an application for rate increase with the Utilities Board. The maximum rates are as follows:

<u>Inmate Telephone Service</u>	<u>Maximum Rate</u>
Local/intrastate collect calling	\$0.25
Prepaid (debit and calling card)	\$0.21
Single payment	\$0.25

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**State or Federal Law Implemented:** Iowa Code section 476.91.

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

**LSA Response:** The LSA concurs.

LSA Staff Contact: Angel A. Banks-Adams (515.281.6301) [angel.banks-adams@legis.iowa.gov](mailto:angel.banks-adams@legis.iowa.gov)

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### Landscape Architectural Examining Board

#### **ARC 3794C (AF)**

**Rule Summary**      Updates outdated or redundant references, removes inconsistencies with State statutes, and clarifies methods of enhancing efficiency.

**State or Federal Law Implemented:** Iowa Code sections 17A.7, 272C.2, and 544B.5.

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

**LSA Response:** The LSA concurs.

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