



## Fiscal Services Division

July 10, 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 Human Services

**Rule Summary** **ARC 3855C (AF)**  
Removes narrative-format write-up requirements for documentation of the provision of mental health services in the areas of social history, assessment, service provision,

supported community living service-functional assessment, and emergency services, allowing documentation to be made using a check-box or other format.

**State or Federal Law Implemented:** Iowa Code section 225C.6 and HF 653 (FY 2018 Health and Human Services Appropriations Act).

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

**LSA Response:** The LSA concurs.

**Rule Summary** **ARC 3869C (FEAN)**  
Increases the statewide average cost of nursing facility services for a private-pay person. The figure is being revised to reflect the increase in the cost of private-pay rates for nursing facility care in Iowa. The change is not related to rates paid by Medicaid for nursing facility care. The figure is used to determine the period of ineligibility when an applicant or recipient transfers assets for less than fair market value. When assets are transferred to attain or maintain Medicaid eligibility, the applicant or recipient may be ineligible for Medicaid payment of long-term care services for a period of time. The period of ineligibility is determined by dividing the amount transferred by the statewide average cost of nursing facility services for a private-pay person. The proposed rulemaking also adjusts the average charges for nursing facilities and psychiatric medical institutions for children (PMICs) and updates the maximum Medicaid rate for intermediate care facilities for persons with an intellectual disability (ICF/IDs). These figures are used to determine the disposition of the income of a medical assistance income trust (MAIT). The increases in these amounts will allow more applicants to qualify for Medicaid by decreasing the period of ineligibility for a transfer of assets, and will allow more applicants to qualify for medical assistance with MAITs because the income limit at which all income assigned to a MAIT is considered to be available for Medicaid eligibility purposes is increased.

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

**Fiscal Impact** **Agency Response:** Minimal fiscal impact.

An increase in the statewide average cost used to determine the period of ineligibility for long-term care services due to a transfer of assets may increase Medicaid expenditures because the period of ineligibility for transfers will be shorter. Given the marginal nature of this change coupled with the level of income required in order for MAITs to be impacted, any fiscal impact is expected to be minimal.

The change in the average statewide charges and maximum Medicaid rate used for disposition of MAIT may increase Medicaid expenditures by allowing more applicants to become eligible by establishing a MAIT. Given the marginal nature of this change coupled with the level of income required in order for MAITs to be impacted, any fiscal impact is expected to be minimal.

**LSA Response:** The LSA concurs.

**Rule Summary** **ARC 3870C (FEAN)**  
Adjusts the average charge for care in Mental Health Institutes (MHIs). The average charge for care in MHIs is used to determine the disposition of the income of a medical assistance income trust (MAIT) and is based on Medicaid rates because Medicaid is the primary payer of the services.

**State or Federal Law Implemented:** Iowa Code section 249A.4 and 42 U.S.C. §1396p(c) and (d).

**Fiscal Impact** **Agency Response:** Minimal fiscal impact. The decrease in the average charge for care may result in fewer individuals who reside in a MHI to qualify for Medicaid with

MAITs because the rulemaking decreases the income limit at which all income assigned to a MAIT is considered to be available for Medicaid eligibility purposes.

**LSA Response:** The LSA concurs.

**ARC 3871C (AF)**

**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 3872C (AF)**

**Rule Summary** Amends the assessment level for nursing facilities effective July 1, 2015. The assessment level 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 Appropriations Act).

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

**LSA Response:** The LSA concurs.

**ARC 3873C (AF)**

**Rule Summary** Adjusts the federal poverty level (FPL) increments used to assess premiums under the Medicaid for Employed People with Disabilities (MEPD) Program for applicants and recipients with incomes over 150.0% of the FPL.

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

**Fiscal Impact** **Agency Response:** No fiscal impact. With the exception of premium amounts at the very high end of the income scale, MEPD premiums are not changing. Currently, there are no MEPD members with gross individual incomes higher than 550.0% of the FPL.

**LSA Response:** The LSA concurs.

**ARC 3874C (AF)**

**Rule Summary** Updates existing rules to comply with new federal regulations. The Centers for Medicare and Medicaid Services (CMS) have issued regulations that define the residential and nonresidential 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 for 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 or a change in staffing ratios within the services. The 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.

**LSA Response:** The LSA concurs.

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## Soil Conservation and Water Quality Division

### ARC 3819C (NOIA)

**Rule Summary** Updates the website reference for the Department of Natural Resources' Forestry Practices Manual.

**State or Federal Law Implemented:** Iowa Code section 161A.2.

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

**LSA Response:** The LSA concurs.

### ARC 3839C (AF)

**Rule Summary** Changes rules in the Soil Conservation Division by doing the following:

- Allowing for the closure of the last remaining registered agricultural drainage wells using the method of constructing wetlands with permanent easements, as authorized by Iowa Code section 460.304. This option could be used if the wetland project would be more cost-effective than an alternative drainage method, and if all project land owners are in agreement. The 75.0% cost share requirement authorized by rule would not apply to the project.
- Rescinding the rules for the Watershed Improvement Review Board, which was repealed effective January 1, 2018.

**State or Federal Law Implemented:** Iowa Code section 460.304(2a)(1)(b) and 2017 Iowa Acts, ch. 168, sections 24 and 25.

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

**LSA Response:** The LSA concurs.

### ARC 3847C (NOIA)

**Rule Summary** Updates the rules for the Water Quality Initiative to reflect changes made in Senate File 512 (Water Quality Act) by:

- Adding new eligible practices.
- Identifying applicable standards for urban infrastructure projects.
- Specifying that the 50.0% cost share funding limit does not apply to edge of field practices and land use changes.
- Making other technical corrections.

**State or Federal Law Implemented:** 2018 Iowa Acts, Senate File 512 (Water Quality Act).

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

**LSA Response:** The LSA concurs.

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**Board of Veterinary Medicine**

**ARC 3821C (NOIA)**

**Rule Summary** Clarifies that when a State veterinary technician examination is given by a professional examination service, there may be an additional fee charged. Currently, the rules state that a fee may be charged by a professional examination service for the national veterinary technician examination.

**State or Federal Law Implemented:** Iowa Code section 169.9.

**Fiscal Impact Agency Response:** No fiscal impact. Any additional fee charged by a professional examination service would be maintained by the service.

**LSA Response:** The LSA concurs.

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**Department of Commerce/Alcoholic Beverages Division**

**ARC 3817C (NOIA)**

**Rule Summary** Clarifies existing rules and adds new rules where required by 2017 Iowa Acts, House File 607 (Alcoholic Beverages Division Technical Updates Act). Relocates the contents of the forms used to furnish a surety bond when one is required during the process of obtaining a license or permit for accessibility.

**State or Federal Law Implemented:** 2017 Iowa Acts, HF 607, and 2017 Iowa Acts, HF 2359 (Substantive Code Corrections Act).

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

**LSA Response:** The LSA concurs.

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**Economic Development Authority**

**ARC 3842C (NOIA)**

**Rule Summary** Establishes the Iowa Energy Center within the Iowa Economic Development Authority as required by Iowa Code section 15.120 and also authorizes the Iowa Energy Center Board to establish advisory committees for purposes of overseeing the Center, its programs, and its operations.

**State or Federal Law Implemented:** Iowa Code section 15.120.

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

**LSA Response:** The LSA concurs.

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**Department of Education**
**ARC 3822C (NOIA)**

- Rule Summary** Amends existing rules:
1. Requires schools and school districts to adopt policies prohibiting the aiding and abetting of sexual abuse to comply with requirements set out in the federal Every Student Succeeds Act.
  2. Sets the statewide summative assessment as the assessment developed by the Iowa Testing Program within the University of Iowa College of Education and administered by the Iowa Testing Program's designee.

**State or Federal Law Implemented:** Federal Every Student Succeeds Act (ESSA), House File 2235 (Statewide Assessment Act).

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

**LSA Response:** The LSA concurs in part. The LSA does not expect that the provision requiring the adoption of policies regarding the prohibition of aiding and abetting sexual abuse will have a fiscal impact.

In FY 2019, the cost of the statewide assessment will be paid by school districts out of the districts' general fund budget, less the portion paid for by the appropriation of \$2.7 million made in Senate File 2415 (FY 2019 Education Appropriations Act). The Department of Education is tasked with distributing the funding made available in SF 2415 to the Iowa Testing Program to offset the cost of the statewide assessment. The total cost to school districts cannot be determined at this time, as the Iowa Testing Program has not yet completed the request for proposal (RFP) to determine a partner vendor. This RFP is expected to be completed in June or July of 2018.

**ARC 3823C (NOIA)**

**Rule Summary** Allows distance education to be provided to students receiving independent private instruction, competent private instruction, or private instruction under Iowa Code chapter 299A. Amends the fee structure for school districts participating in the distance education program.

**State or Federal Law Implemented:** SF 2131 (Iowa Learning Online Expansion Act).

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

**LSA Response:** The LSA concurs in part. The rulemaking will not impact State level expenditures. The rulemaking provides that fees collected will be intended to cover the costs of administering the Iowa Learning Online (ILO) program and any remaining funding from collected fees will not revert. This is similar to allowances made for ILO funding when the program received a State appropriation.

**ARC 3824C (NOIA)**

**Rule Summary** Authorizes community colleges to establish transfer of major programs in specific disciplines to improve transferability of credits to four-year institutions. Increases the minimum number of general education credit hours required for an Associate of Applied Science (AAS) degree from 12 to 15 to align with the policies of the Higher Learning Commission, the accreditor for Iowa's community colleges and Regents institutions. Establishes policies recommended by the Department of Education's Developmental Education Working Group to enhance the ability of underprepared students to complete their postsecondary education.

**State or Federal Law Implemented:** Iowa Code chapter 260C.

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

**LSA Response:** The LSA concurs. The accreditor's requirement of 15 credit hours for the AAS degree has already been implemented to maintain accreditation. For that reason, the rule change will not result in increased revenue for the community colleges.

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## Board of Educational Examiners

**Rule Summary** **ARC 3827C (NOIA)**  
Implements changes pursuant to 2018 Iowa Acts, House File 2283 (Educational Practitioners License Expiration Date Adjustment Act), which amended Iowa Code section 272.7 by eliminating the requirement that licenses remain valid until the last day of the practitioner's birth month. The change will allow the Board of Educational Examiners (BOEE) to adjust the expiration date for the initial license to align with the academic year.

**State or Federal Law Implemented:** Iowa Code section 272.7.

**Fiscal Impact** **Agency Response:** Minimal fiscal impact. The BOEE estimates that the agency has typically processed approximately 300 extensions per year that would be unnecessary in the future if these amendments become effective. The extension fee is \$25. The amendments would result in a decrease of \$7,500 in fees collected by the Board annually, and a decrease of \$1,875 in the Board's annual deposit to the General Fund.

**LSA Response:** The LSA concurs.

**Rule Summary** **ARC 3829C (AF)**  
Eliminates coursework deficiencies for some out-of-state applicants and adjusts the renewal requirements for an applicant who holds a specialist's or doctor's degree.

**State or Federal Law Implemented:** Iowa Code section 272.2.

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

**LSA Response:** The LSA concurs.

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## College Student Aid Commission

**Rule Summary** **ARC 3843C (NOIA) & ARC 3844C (AFE)**  
Specifies that the Commission is limited to no more than eight meetings annually. Rescinds provisions for additional meetings. Rescinds a provision regarding voting members and an assumption of assent when a Commissioner's dissent or abstention is not recorded in the minutes and a written dissent is not filed before adjournment of the meeting.

**State or Federal Law Implemented:** Iowa Code Chapter 261.

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

**LSA Response:** The LSA concurs.

**Rule Summary** **ARC 3854C (AF)**  
Revises the membership of the Commission to reflect changes to statute enacted in 2017 Iowa Acts, HF 642 (FY 2018 Education Appropriations Act). Rescinds rules pertaining to the Barber and Cosmetology Arts and Sciences Tuition Grant Program, which was eliminated in HF 642.

**State or Federal Law Implemented:** Iowa Code chapter 261 and HF 642.

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

**LSA Response:** The LSA concurs.

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**Department of Inspections and Appeals**

**ARC 3818C (NOIA)**

**Rule Summary** Clarifies and expands the list of requirements and procedures to conduct tuberculosis screenings for health care workers in health care facilities and hospitals, and for residents of health care facilities regulated by the Department of Inspections and Appeals.

**State or Federal Law Implemented:** Iowa Code sections 135B.7 and 135C.14.

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

**LSA Response:** The LSA concurs.

**ARC 3875C (AF)**

**Rule Summary** 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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**Iowa Public Employees’ Retirement System**

**ARC 3885C (NOIA)**

**Rule Summary** Restores language concerning bona fide retirement for newly elected officials that were inadvertently deleted in IPERS’ most recent rulemaking. Restoring the language permits IPERS-covered retirees to serve as newly elected officials prior to the completion of a normal four-month bona fide retirement period.

**State or Federal Law Implemented:** Iowa Code section 97B.52A.

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

**LSA Response:** The LSA concurs.

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**Public Employment Relations Board**

**ARC 3825C (NOIA)**

**Rule Summary** Specifies that retention and recertification elections will only be conducted by the Public Employment Relations Board if the employer and employee organizations are parties to a collective bargaining agreement, as required by Iowa Code section 20.15(2)(a).

**State or Federal Law Implemented:** Iowa Code section 20.15(2).

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



**LSA Response:** The LSA concurs.

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## Department of Public Health

- ARC 3814C (NOIA)**
- Rule Summary** Updates the Maternal and Child Health (MCH) Program definitions, removes the requirement to submit a letter of intent before applying, adopts the U.S. Health Resources and Services Administration MCH pyramid of services by reference, and changes the membership of the MCH Advisory Council from including the chairperson or designee of the Bureau of Family Health to a representative from a local MCH contractor.
- State or Federal Law Implemented:** Iowa Code section 135.11.
- Fiscal Impact** **Agency Response:** No fiscal impact.
- LSA Response:** The LSA concurs.
- ARC 3815C (NOIA)**
- Rule Summary** Amends existing rules regarding the Center for Rural Health and Primary Care to update definitions, the advisory committee, the application process, program documentation, award limitations, and matching fund requirements; removes references to the “primary care provider community scholarship program”; and adds that the health care provider will provide one year of obligated service in exchange for each year of loan repayment unless federal requirements state otherwise.
- State or Federal Law Implemented:** Iowa Code sections 135.107 and 135B.33, and 2017 Iowa Acts, ch. 148 (Department of Public Health Omnibus Act).
- Fiscal Impact** **Agency Response:** No fiscal impact.
- LSA Response:** The LSA concurs.
- ARC 3816C (NOIA)**
- Rule Summary** Rescinds the chapter relating to Iowa law enforcement emergency care providers.
- State or Federal Law Implemented:** Iowa Code chapter 147A.
- Fiscal Impact** **Agency Response:** No fiscal impact.
- LSA Response:** The LSA concurs.
- ARC 3833C (AF)**
- Rule Summary** Revises the Childhood Lead Poisoning Program application process by deleting definitions, removing the funding formula, and revising funding reallocation requirements for local boards of health.
- State or Federal Law Implemented:** Iowa Code sections 135.101, 135.102, 135.103, 135.104, and 135.105.
- Fiscal Impact** **Agency Response:** No fiscal impact.
- LSA Response:** The LSA concurs.
- ARC 3834C (AF)**
- Rule Summary** Updates definitions, website, and quality assurance procedures for the Trauma Registry.

**State or Federal Law Implemented:** Iowa Code section 147A.26.

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

**LSA Response:** The LSA concurs.

**Rule Summary** Updates sections and definitions and rescinds and replaces other sections related to the **ARC 3835C (AF)** Iowa Regionalized System of Perinatal Health Care in order to move from a three-levels-of-care system to an updated four-levels-of-care system.

**State or Federal Law Implemented:** Iowa Code section 135.11.

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

**LSA Response:** The LSA concurs.

**Rule Summary** Amends the Medical Cannabidiol Program to add definitions, establish procedures for laboratory testing, revise form and quantity requirements, and make technical corrections. **ARC 3836C (AF)**

**State or Federal Law Implemented:** Iowa Code chapter 124E.

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

**LSA Response:** The LSA concurs.

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### Architectural Examining Board

**Rule Summary** Provides definitions of structures and describes when professional architectural services are needed. **ARC 3853C (AF)**

**State or Federal Law Implemented:** Iowa Code section 544A.18.

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

**LSA Response:** The LSA concurs.

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### Interior Design Examining Board

**Rule Summary** Clarifies continuing education requirements as a condition for reinstatement of registration and lists the fee for a formal certificate. Rescinds the definition of self-directed activity. Corrects the number of continuing education hours required. **ARC 3841C (NOIA)**

**State or Federal Law Implemented:** Iowa Code chapter 544C.

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

**LSA Response:** The LSA concurs.

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**Dental Board****ARC 3849C (NOIA)**

- Rule Summary** Amends chapters on general requirements and prescribing, administering, and dispensing drugs to do the following:
- Eliminate the prohibition against ownership of a dental practice by a dental hygienist.
  - Reduce the number of years of clinical experience required for a licensed dental hygienist to work in a public health setting.
  - Allows licensed dental hygienists to use silver diamine fluoride in a public health setting and establishes parameters for use.
  - Revises the change of address notification to the Board.

**State or Federal Law Implemented:** Iowa Code sections 147.9, 153.15, 153.16, 153.17, 153.33, 153.33A, and 153.34.

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

**LSA Response:** The LSA concurs.

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**Board of Medicine****ARC 3830C (AF)**

- Rule Summary** Establishes a process for the Board of Medicine to receive recommendations from the Medical Cannabidiol Board concerning amendments to the list of debilitating medical conditions that may be treated with medical cannabidiol and the form and quantity of the medical cannabidiol. Provides for discipline of physicians who violate this rulemaking.

**State or Federal Law Implemented:** Iowa Code chapter 124E.

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

**LSA Response:** The LSA concurs.

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**Board of Pharmacy****ARC 3848C (NOIA)**

- Rule Summary** Updates requirements for references to the Correctional Pharmacy administrative rules chapter to be consistent with recent Board of Pharmacy action for other practice settings.

**State or Federal Law Implemented:** Iowa Code sections 124.303, 124.306, 124.308, 126.10, 126.11, 155A.6A, 155A.6B, 155A.10, 155A.13, 155A.27, 155A.28, 155A.31, 155A.32, 155A.33, 155A.34, 155A.35, 155A.36, and 155A.41.

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

**LSA Response:** The LSA concurs.

**ARC 3857C (AF)**

- Rule Summary** Removes all references to Iowa Code chapter 124A, which was repealed by 2017 Iowa Acts, ch. 145 (HF 296, Synthetic Drugs Act).

**State or Federal Law Implemented:** 2017 Iowa Acts, ch. 145 (HF 296, Synthetic Drugs Act).

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

**LSA Response:** The LSA concurs.

**ARC 3858C (AF)**

**Rule Summary**      Implements a broad set of changes, including:

- Creates a new chapter for established minimum practice standards relating to optional areas of pharmacy practice not required of all pharmacies.
- Updates language for consistency and reorganizes rules where appropriate.
- Removes requirement to maintain a refrigerator when not necessary.
- Adds language to implement HF 305 (Biological Products Act) and HF 296 (Controlled Substances and Electronic Prescriptions Act) from the 2017 Legislative Session.
- Increases the frequency of a pharmacy's review of its Continuous Quality Improvement program data to quarterly.
- Updates licensure renewal language to be consistent with other Board action.
- Generalizes language for collaborative practice agreements.

**State or Federal Law Implemented:** Iowa Code sections 124.101, 124.301, 124.306, 124.308, 126.10, 126.11, 126.16, 135C.33, 147.7, 147.55, 147.72, 147.74, 147.76, 147A.18, 155A.2, 155A.3, 155A.4, 155A.6, 155A.10, 155A.12, 155A.13, 155A.13A, 155A.13B, 155A.13C, 155A.14, 155A.15, 155A.19, 155A.20, 155A.27, 155A.28, 155A.29, 155A.32, 155A.33, and 155A.44.

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

**LSA Response:** The LSA concurs.

**ARC 3859C (AF)**

**Rule Summary**      Updates language for consistency, combines and condenses rules, and clarifies prescription requirements for controlled substances to be consistent with federal regulations.

**State or Federal Law Implemented:** Iowa Code sections 124.301, 124.306, 124.308, 155A.2, 155A.13, 155A.15, 155A.21, 155A.27, 155A.28, 155A.33, 155A.35, and 155A.36.

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

**LSA Response:** The LSA concurs.

**ARC 3860C (AF)**

**Rule Summary**      Temporarily schedules 13 synthetic opioids and one opioid analgesic in Schedule I of the Iowa Uniform Controlled Substances Act. Also adds one precursor substance to the list of precursor substances subject to the controls, requirements, and penalties of Iowa Code chapter 124B.

**State or Federal Law Implemented:** Iowa Code sections 124.201, 124.301, 124.302, 124.303, 124.304, 124.305, 124.306, 124.307, 124.308, and 124B.2.

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

**LSA Response:** The LSA concurs.

**ARC 3861C (AF)**

**Rule Summary**      Removes the requirement of emergency medical service programs to obtain Drug Enforcement Administration (DEA) registration. A recent rulemaking by the Board required emergency medical service programs to register with the Board under the Iowa

Uniform Controlled Substances Act (CSA) as well as with the DEA. The Board has learned that the DEA does not currently have a registration category for such service programs in Iowa, leaving service programs unable to comply with the current Board rule.

**State or Federal Law Implemented:** Iowa Code section 124.302.

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

**LSA Response:** The LSA concurs.

**Rule Summary** **ARC 3862C (AF)**  
Permits a telepharmacy to utilize the services of a Board-registered pharmacy support person as a delivery driver.

**State or Federal Law Implemented:** Iowa Code sections 155A.6B and 155A.13.

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

**LSA Response:** The LSA concurs.

**Rule Summary** **ARC 3863C (AF)**  
Clarifies records requirements and updates language for consistency with other Board chapters. Removes the requirement that central fill pharmacies can only enter into agreements with pharmacies that are in good standing.

**State or Federal Law Implemented:** Iowa Code sections 124.301, 124.306, 124.308, 155A.13, and 155A.28.

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

**LSA Response:** The LSA concurs.

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## Board of Regents

**Rule Summary** **ARC 3867C (NOIA)**  
Eliminates the current primary formula for the Regent Admissions Index (RAI) and replaces it with the current alternate formula. The RAI is used to determine whether a graduate of an Iowa high school will be automatically admitted to a Regent institution of higher education. The current primary formula uses ACT score, high school class rank, grade point average, and number of courses completed in core subject areas. The alternate formula was developed for use with students whose high schools do not assign a class rank. It is identical to the current primary formula with the exception of class rank.

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

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

**LSA Response:** The LSA concurs.

**Rule Summary** **ARC 3877C (AF)**  
Amends the definition of "bicycle" to include electric/battery-powered bicycles with a motor of less than 750 watts as eligible to park at bicycle racks. Clarifies requirements to obtain a permit to park in facilities designated for use by persons with disabilities. Increases the monetary penalty for certain parking violations.

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

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

**LSA Response:** The LSA concurs.

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## Labor Division

### **ARC 3856C (AF)**

**Rule Summary**      Makes rulemaking changes in relation to elevators and conveyances, including requiring certain existing control panels to be locked, requiring hoistway lighting for new and altered elevators, and requiring most wiring for new conveyances to be installed in conduit. The proposed rules have been modified since they were first noticed. The modifications include a change to a reference date, withdrawal of proposed rules relating to conduit and lighting in a hoistway, and a clarification that control panels must be locked when service is not being performed.

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

**Fiscal Impact**      **Agency Response:** Minimal fiscal impact. The requirement for installation of hoistway lighting for new and altered elevators would have had a minimal impact when an elevator was installed or altered. The requirement that certain existing control panels be locked represents a nominal expense. The requirement to enclose most wiring related to new conveyances would have cost about \$100 for a new installation. There are about 250 new installations in a year and the majority of installers use conduit even though it is not currently required.

**LSA Response:** The LSA concurs.

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## Environmental Protection Commission

### **ARC 3826C (NOIA)**

**Rule Summary**      Rescinds and replaces rules relating to permitting procedures for regional collection centers (RCCs), and amends rules relating to financial assistance to RCCs for waste collection, waste management, and establishment and expansion of facilities. Amends other rules relating to household hazardous materials.

**State or Federal Law Implemented:** Iowa Code chapters 455E and 455F.

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

**LSA Response:** The LSA concurs.

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## Natural Resource Commission

### **ARC 3828C (NOIA)**

**Rule Summary**      Rescinds rules relating to snowmobile registration fees. Iowa Code section 321G.7(2) was amended to increase the percentage of snowmobile registration fees that could be used to develop, maintain, or improve snowmobile areas and trails from 50.0% of the fees to 70.0% of the fees. This revised distribution increases the work load for the Department of Natural Resources (DNR) associated with implementing such grants, contracts, and cost-share programs. With this increase in funding, the DNR and the

Iowa State Snowmobile Association (ISSA) agreed that the ISSA would be more involved with the management of the funds gathered from snowmobile registration fees.

**State or Federal Law Implemented:** Iowa Code sections 321G.2(1)(e), 321G.7, and 455A.5(6).

**Fiscal Impact** **Agency Response:** No fiscal impact. The proposed rulemaking rescinds existing rules and transfers fee collection duties from the DNR to the ISSA.

**LSA Response:** The LSA concurs.

**Rule Summary** Updates existing rules for deer hunting for residents and nonresidents, including: **ARC 3831C (AF)**

- Updating season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements.
- Reestablishing the January antlerless deer hunting season and adjusting the county hunting quotas. A total of 1,550 tags will be available.
- Making technical changes.

Changes to resident rules include:

- Updating the methods of taking a deer for nonresidents for consistency with the methods for residents.
- Reestablishing the January antlerless deer hunting season in Allamakee, Appanoose, Clayton, and Wayne counties.
- Adjusting the hunting quotas for antlerless deer hunting licenses in nine other counties.
- Amending the definitions of legal handguns and straight wall cartridge rifle calibers that are used for deer hunting.

Changes to nonresident rules include:

- Updating the methods of taking a deer for nonresidents for consistency with the methods for residents.
- Reestablishing the January antlerless deer hunting season in four counties.
- Adjusting nonresident license quotas for any-deer and mandatory antlerless-only deer licenses.
- Requiring that bow licenses not account for more than 35.0% of nonresident any-sex deer licenses available each year.

A public hearing was held on May 1, 2018, and no one attended. There were over 3,000 comments received related to the rulemaking, the majority of which addressed opposition to a round limitation, language defining firearm types, and allowing youth to use a handgun for deer hunting. Changes to the Noticed rulemaking include:

- Withdrawal of the six-round limitation.
- Modifying language for shoulder stock or long-barrel modifications.
- Allowing handguns as a method of take during the late muzzleloader season.
- Adding a rule that allows youth deer hunting licenses and tags to remain valid, if unfilled, in all subsequent deer hunting seasons. This amendment is added to enact a provision of House File 631 (Natural Resources License Fees Act) which was passed by the Iowa Legislature.

The Natural Resource Commission did not change the firearm definitions. The Commission did not create a youth handgun hunting season as this is beyond the

authority of the Commission. Such a season is explicitly prohibited by Iowa Code section 481A.48(5).

**State or Federal Law Implemented:** Iowa Code sections 481A.38(1)(a), 481A.39, 481A.48(1), 481A.48(5), and 481A.48(6).

**Fiscal Impact**

**Agency Response:** Minimal fiscal impact. The cost for an antlerless deer hunting tag for the January season is \$10, and there will be an additional 1,550 tags available. If all of the tags were sold, there would be an increase of \$15,500 to the Fish and Game Trust Fund. However, it is unlikely that all tags will be sold.

**LSA Response:** The LSA concurs.

**Rule Summary**

Updates resident and nonresident rules for the wild turkey spring hunting season, including:

- Specifying season dates, bag limits, possession limits, shooting hours, areas open to hunting licensing procedures, means and methods of take, and transportation tag requirements.
- Updating approved ammunition lists.
- Changing dates for the first shotgun-and-archery season.
- Changing the youth-only season from nine days to three days as youth are now able to hunt with an unfilled youth license and tag during any other established wild turkey season.
- Updating Code and rule references.

Updates resident rules for the wild turkey fall hunting season, including:

- Updating season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation tag requirements.
- Updating approved ammunition lists.
- Updating Code and rule references.

(Note: There is no fall wild turkey season for nonresidents in Iowa, except for nonresidents who are under 21 years old and have a severe physical disability or have been diagnosed with a terminal illness.)

No changes were made to the noticed rules.

**State or Federal Law Implemented:** Iowa Code sections 481A.38, 481A.39, and 481A.48(1).

**Fiscal Impact**

**Agency Response:** No fiscal impact.

**LSA Response:** The LSA concurs.

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**Department of Transportation**

**Rule Summary**

Adopts procedures for accepting certain license plate applications electronically, and aligns the rulemaking to 2016 Iowa Acts, ch. 1068 (Special Vehicle Registration Plates — Nonprofit Organization Decals Act), which establishes a special decal license plate to replace the previous processed emblem license plate.

**ARC 3820C (NOIA)**



	<b>State or Federal Law Implemented:</b> Iowa Code chapter <u>17A</u> and Iowa Code section <u>321.34</u> .
<b>Fiscal Impact</b>	<p><b>Agency Response:</b> No fiscal impact. The amendments to the Department's rules have no known fiscal impact beyond that of the legislative changes the amendments were intended to implement.</p> <p><b>LSA Response:</b> The LSA concurs. The Department has approved 18 nonprofit organizations for approval to produce decals. Since enactment, the Department has issued 216 decal license plates. The legislation the rulemaking implements is expected to have little to no fiscal impact.</p>
	<b><u>ARC 3840C (AF)</u></b>
<b>Rule Summary</b>	Adopts the most recent updates to federal regulations published by the Federal Motor Carrier Safety Administration and the Pipeline and Hazardous Materials Safety Administration.
	<b>State or Federal Law Implemented:</b> Iowa Code sections <u>321.188</u> , <u>321.449</u> , <u>321.450</u> , and <u>327B.1</u> .
<b>Fiscal Impact</b>	<p><b>Agency Response:</b> Fiscal impact cannot be determined. The federal regulations to be adopted by this action were subject to fiscal impact review by either the Federal Motor Carrier Safety Administration or the Pipeline and Hazardous Materials Safety Administration when enacted, and were determined not to be cost prohibitive.</p> <p><b>LSA Response:</b> The LSA concurs.</p>
	<b><u>ARC 3864C (NOIA)</u></b>
<b>Rule Summary</b>	Rescinds rulemaking for automated traffic enforcement (ATE) devices on primary highways.
	<b>State or Federal Law Implemented:</b> Iowa Supreme Court, Case No. <u>17-0686</u> , <i>City of Des Moines, City of Muscatine, and City of Cedar Rapids v. Iowa Department of Transportation and Iowa Transportation Commission</i> .
<b>Fiscal Impact</b>	<p><b>Agency Response:</b> Fiscal impact cannot be determined. Individual cities and counties will determine whether and to what extent they maintain existing ATE systems and locations or add new systems or locations.</p> <p><b>LSA Response:</b> The LSA concurs. In May 2017, the cities involved in the lawsuit ceased issuing violations from ATE devices on the primary road system following an initial court ruling, but did not remove the devices. It is not known if or when the cities will resume issuing violations from the ATE devices on the primary road system. ATE devices located on secondary or city roads were not impacted by the court ruling and are still operating per the local authorities' discretion.</p>
	<b><u>ARC 3865C (NOIA)</u></b>
<b>Rule Summary</b>	Eliminates outdated requirements and options to accommodate current procedures, updates the physical description categories related to eye color, strikes outdated language related to the fee for a replacement license issued when a person no longer needs an intermediate license, clarifies language concerning address changes, and expands who can take advantage of the online license renewal option.
	<b>State or Federal Law Implemented:</b> Iowa Code sections <u>321.182</u> , <u>321.189</u> , and <u>321.196</u> .
<b>Fiscal Impact</b>	<p><b>Agency Response:</b> No fiscal impact.</p> <p><b>LSA Response:</b> The LSA concurs.</p>

	<b><u>ARC 3866C (NOIA)</u></b>
<b>Rule Summary</b>	Updates and clarifies the requirements for the issuance of driver's licenses to undercover law enforcement officers.  <b>State or Federal Law Implemented:</b> Iowa Code sections <u>80G.3</u> and <u>321.189A</u> ; 6 C.F.R. Part <u>37</u> .
<b>Fiscal Impact</b>	<b>Agency Response:</b> No fiscal impact.  <b>LSA Response:</b> The LSA concurs.
	<b><u>ARC 3878C (AF)</u></b>
<b>Rule Summary</b>	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.  <b>State or Federal Law Implemented:</b> Iowa Code sections <u>307.44</u> and <u>313.4(1)</u> .
<b>Fiscal Impact</b>	<b>Agency Response:</b> Fiscal impact cannot be determined. The amendment to Iowa Code section <u>313.4(1)"c"</u> 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.  <b>LSA Response:</b> 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.
	<b><u>ARC 3879C (AF)</u></b>
<b>Rule Summary</b>	Clarifies the list of reimbursable services and supplies that cities and counties may request from the Department.  <b>State or Federal Law Implemented:</b> Iowa Code section <u>307.12</u> .
<b>Fiscal Impact</b>	<b>Agency Response:</b> No fiscal impact.  <b>LSA Response:</b> The LSA concurs.
	<b><u>ARC 3880C (AF)</u></b>
<b>Rule Summary</b>	Corrects minor spelling errors and vertical infrastructure-related citations affected by Iowa Code amendments and renumbering.  <b>State or Federal Law Implemented:</b> Iowa Code sections <u>8.57(5)</u> , <u>17A.3</u> , and <u>328.12</u> .
<b>Fiscal Impact</b>	<b>Agency Response:</b> No fiscal impact.  <b>LSA Response:</b> The LSA concurs.
	<b><u>ARC 3881C (AF)</u></b>
<b>Rule Summary</b>	Corrects a due date for annual reports, updates the adoption date of federal regulations, provides a source for federal citations, and clarifies how violations of regulations for the transportation of railway workers are investigated.  <b>State or Federal Law Implemented:</b> Iowa Code sections <u>307.26</u> , <u>321.449A</u> , <u>327C.2</u> , <u>327C.4</u> , <u>327C.38</u> , <u>327C.41</u> , <u>327F.13</u> , <u>327F.39</u> , and <u>327G.24</u> .

**Fiscal Impact**     **Agency Response:** The fiscal impact cannot be determined. The federal regulations to be adopted by this action were subject to fiscal impact review by either the Federal Railroad Administration (FRA) or the Surface Transportation Board when enacted, and were determined not to be cost-prohibitive.

**LSA Response:** The LSA concurs.

**Rule Summary**     Clarifies and expands the notification to the Department for certain railroad accidents and incidents. **ARC 3882C (AF)**

**State or Federal Law Implemented:** Iowa Code sections 327C.37 and 327C.41.

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

**LSA Response:** The LSA concurs.

**Rule Summary**     Updates the guidelines under which funds in the Railroad Revolving Loan and Grant Fund are awarded and administered. **ARC 3883C (AF)**

**State or Federal Law Implemented:** Iowa Code section 327H.20A.

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

**LSA Response:** The LSA concurs.

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## Department of Homeland Security and Emergency Management

**Rule Summary**     Adopts the Iowa Hazard Mitigation Plan and the Iowa Disaster Recovery Plan. Both plans are reviewed on a regular basis and updated versions of the plans are adopted by the Department as needed. Both plans are in the final steps of their review and public comment period and the Department has targeted July 26, 2018, to formally adopt these updated plans. Additionally, in accordance with federal requirements, each plan will now be reviewed and amended as appropriate at a minimum of every five years. **ARC 3846C (NOIA)**

**State or Federal Law Implemented:** Iowa Code section 29C.8.

**Fiscal Impact**     **Agency Response:** During times of a Major Disaster as declared by the President, these plans are key to allowing federal recovery and mitigation funds to flow into the State. While the timing and scale of disasters cannot be predicted, these plans provide detail on how efforts and funding in the State will be applied to provide an effective recovery for Iowa. Since 1990, these plans have enabled \$2.25 billion in federal recovery and mitigation funds to flow into Iowa.

**LSA Response:** The LSA concurs.

**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 Services Fund that had been in place will be removed. **ARC 3868C (AF)**

**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, the network merger 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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## Department of Commerce/Utilities Division

### ARC 3850C (NOIA)

**Rule Summary** Updates and amends the Iowa Utilities Board (IUB) rules establishing procedures for informal and formal complaints. Separates the processes for informal and formal complaint requests, proposes timelines for taking certain actions during the informal complaint proceeding, and specifies that the IUB may open an informal investigation before issuing an order when a request for a formal complaint proceeding is made.

**State or Federal Law Implemented:** Iowa Code sections 476.2, 476.3, and 476.103.

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

**LSA Response:** The LSA concurs.

### ARC 3851C (NOIA)

**Rule Summary** Updates and amends Iowa Utilities Board (IUB) rules establishing procedures for assessing civil penalties. References the statutory sections that authorize the IUB to assess civil penalties; clarifies that the IUB may assess civil penalties for willful and nonwillful violations of statutes, rules, or orders; requires electronic filing of requests for civil penalties through the IUB electronic filing system; and provides that the IUB will schedule a hearing based upon the circumstances of a violation.

**State or Federal Law Implemented:** Iowa Code sections 476.51, 476.103, 476A.29, 478.29, 479.31, and 479B.21.

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

**LSA Response:** The LSA concurs.

### ARC 3852C (NOIA)

**Rule Summary** Updates and amends Iowa Utilities Board (IUB) rules establishing standards for the evaluation of rate-regulated utilities management efficiency.

**State or Federal Law Implemented:** Iowa Code sections 476.2 and 476.52.

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

**LSA Response:** The LSA concurs.

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**Workers' Compensation Division**
**ARC 3884C (AF)**

**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 Revenue****ARC 3837C (AF)**

**Rule Summary** Makes changes to four existing Workforce Housing Tax Incentive Program rules:

- Item 1 corrects a typographical error and makes other definition changes. The current version of the rule lists “furniture and fixtures” as ineligible for the sales and use tax refund provided by Iowa Code section 15.331A. However, the relevant statute uses the terms “furniture” and “furnishings.” The amendment also establishes a definition of “furnishings” to clarify what types of items are ineligible for the sales and use tax refund. The amendment also adopts the definition of “project completion” contained in Iowa Code section 15.355.
- Items 2 and 3 amend rules that implement the Workforce Housing Tax Incentive Program for individual and corporate income tax, to comply with a law change enacted in SF 488 (Workforce Housing Act). The amendments remove language that is duplicative of language contained in rules administered by the Iowa Economic Development Authority and clarify that there is no limit to the number of times a tax credit may be transferred, that the tax credit is transferable in variable denominations, and that the same carryforward rules apply to transferees.
- Item 4 removes duplicative language.

**State or Federal Law Implemented:** Iowa Code sections 15.119, 15.352, 15.353, 15.354, and 15.355.

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

**LSA Response:** The LSA concurs.

**ARC 3838C (AF)**

**Rule Summary** Defines the preliminary education requirements that must be completed prior to sitting for the assessor or deputy assessor exam.

**State or Federal Law Implemented:** Iowa Code section 441.5.

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

**LSA Response:** The LSA concurs.

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**Professional Licensure Division**

**ARC 3876C (AF)**

**Rule Summary** Updates requirements for supervision of physical and occupational therapy assistants by physical and occupational therapists under the Board of Physical and Occupational Therapy.

**State or Federal Law Implemented:** Iowa Code chapters 148A and 148B.

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

**LSA Response:** The LSA concurs.

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