

CHAPTER 53
COMMUNITY ECONOMIC BETTERMENT ACCOUNT (CEBA) PROGRAM

[Prior to 1/14/87, Iowa Development Commission[520] Ch 8]

[Prior to 7/19/95, see 261—Ch 22]

[Former Ch 53, "Economic and Research and Development Grants," rescinded IAB 7/19/95, effective 8/23/95]

261—53.1(15) Purpose and administrative procedures.

53.1(1) Purpose. The purpose of the community economic betterment account (CEBA) program is to assist communities and rural areas of the state with their economic development efforts and to increase employment opportunities for Iowans by increasing the level of economic activity and development within the state. The program structure provides financial assistance to businesses and industries which require assistance in order to create new job opportunities or retain existing jobs which are in jeopardy. Also, the program may provide comprehensive management assistance to businesses involved with the CEBA program. Assistance may be provided to encourage:

1. New business start-ups in Iowa;
2. Expansion of existing businesses in Iowa; or
3. The recruitment of out-of-state businesses into Iowa.

53.1(2) Administrative procedures. The CEBA program is subject to the requirements of the department's rules located in 261—Part VII, additional application requirements and procedures, and 261—Part VIII, legal and compliance.

261—53.2(15) Definitions. In addition to the standard definitions located in 261—Chapter 173, the following definitions apply to the CEBA program:

"Applicant" means a city, county, or merged area school which requests state financial assistance on behalf of a business or a local development organization.

"Base economic activities" means those business activities which result in a net increase in the production of goods or services within the state. This would occur if a majority of the company's products or services were new, were sold outside the state, or were sold within the state in place of items previously purchased outside the state.

"Business start-up" means a business which has not been in operation for more than two years prior to the date of the CEBA application.

"Buydown" means participation by the state in a conventional loan to an assisted business by lowering either the effective principal or interest of the loan.

"CEBA" refers to the community economic betterment account funded by Iowa Code section 15.32(2).

"Comprehensive management assistance" means provision of technical business assistance through the use of department staff or professional business services provided by a public or private organization.

"Entrepreneurial development" means the promotion of small business ownership through the provision of technical management expertise.

"Modernization project" means an economic activity that is performed by a business to retool or upgrade production equipment to meet contemporary technology standards and that results in improving existing employees' job skills to enhance competitiveness for future growth and development.

"New business opportunity" means an economic activity performed by a start-up or recruited business that meets the definition of subrule 53.9(1).

"New product development" means an economic activity performed by an existing Iowa business through expansion or diversification and meets the definition of subrule 53.9(1).

"Project" means the activity, or set of activities proposed by the recipient, resulting in accomplishing the goals of the CEBA program, and which will require state assistance to accomplish.

"Retail business" means a business whose operation consists predominantly of the purchase of a product for sale to the final user or consumer who would not be purchasing for resale.

"Service business" means a business which produces and sells a thing of value which is not a tangible product.

“*Small business*” refers to a business which meets the size criteria for a small business as defined by the U.S. Small Business Administration and as published from time to time in the Federal Register.

“*Twenty-eight E agreement*” or “*28E agreement*” means an intergovernmental agreement formed according to Iowa Code chapter 28E.

“*Venture project*” means an economic activity performed by a start-up company, early-stage company, or existing company developing a new product or new technology.

261—53.3(15) Board and committee. Rescinded IAB 7/4/07, effective 6/15/07.

261—53.4(15) Eligible applicants. Only cities, counties, and merged area schools are eligible to apply to the department for funding under this program. Applicants which are awarded funds will pass those funds on to the recipient or approved recipient’s vendor.

261—53.5(15) Provision of assistance.

53.5(1) Eligible projects. Projects eligible for CEBA funding include, but are not limited to, the following:

1. Building construction or reconstruction;
2. Acquisition of land;
3. Equipment purchases;
4. Operating and maintenance expenses;
5. Clearance, demolition and removal of buildings to develop sites;
6. Infrastructure improvements directly related to new employment;
7. Road construction projects directly supporting and assisting economic development;
8. Funds for guaranteeing business loans made by commercial lenders; and
9. Technical management assistance for businesses that are applying for or have received CEBA

funding.

53.5(2) Forms of assistance. Assistance for projects may be provided in any of the following forms:

1. Principal buydowns to reduce the principal of a business loan;
2. Interest buydowns to reduce the interest on a business loan;
3. Forgivable loans;
4. Loans and loan guarantees, including short-term (float) loans. Float loans may only be made for projects where the department obtains an irrevocable letter of credit from an acceptable financial institution on behalf of the company in an amount equal to or greater than the principal amount of the loan;
5. Equity-like investments;
6. Cost reimbursement for technical/professional management services.

261—53.6(15) Application for assistance. The requirements outlined in this rule are applicable to all CEBA program components, except applications under the venture project component. Refer to rule 261—53.10(15) for application requirements for venture projects.

53.6(1) General policies.

a. An applicant may submit as many different applications as it wishes at any time. However, if the department is reviewing two or more applications from the same applicant at the same time, it may ask the applicant to rank them in the order preferred by the applicant.

b. Only one applicant may apply for any given project.

c. No single project may be awarded more than \$1 million unless at least two-thirds of the members of the board approve the award. However, this restriction will not apply after the first \$10 million has been credited to the CEBA program in any given year. This restriction does not apply to the float loan described in 53.5(2)“4.”

d. No single project may be awarded a forgivable loan of more than \$500,000.

e. No single project may be awarded more than \$500,000 unless all other applicable CEBA requirements and each of the following criteria is met:

(1) The business has not closed or substantially reduced its operation in one area of the state and relocated substantially the same operation in the community. This requirement does not prohibit a business from expanding its operation in the community if existing operations of a similar nature in the state are not closed or substantially reduced.

(2) The business must provide and pay at least 80 percent of the cost of a standard medical and dental insurance plan or its equivalent for all full-time employees working at the facility in which the new investment occurred.

(3) The business shall agree to pay a wage for new full-time jobs of at least 130 percent of the average county wage in the county in which the community is located. This requirement may be waived by the department in the case of a float loan described in 53.5(2)“4” if the net value of the award is determined by the department to be less than \$500,000.

f. To be eligible for assistance, the business shall provide for a preference for hiring residents of the state or the economic development area, except for out-of-state employees offered a transfer to Iowa or the economic development area.

g. To be eligible for assistance, applicants shall meet the qualifying wage threshold requirements described in 261—Chapter 174 and the following:

(1) Fifty percent or more of the jobs to be created or retained shall have a starting wage that pays at least the qualifying wage threshold.

(2) The department may approve a project where the starting project wage is less than the average county wage or average regional wage under the following conditions:

1. The starting wage is associated with a training period which is of relatively short duration as documented by the business; and

2. The wages will exceed 100 percent of the average county wage or 100 percent of the average regional wage at the conclusion of the training period as documented by the business; and

3. CEBA funds will be released only at the conclusion of the training period when the average county or average regional wage is achieved.

53.6(2) Ineligible applications. The department will not rate and rank ineligible applications. An application may be ruled ineligible if:

a. It is submitted by an ineligible applicant, or

b. The project consists of a business relocation from within the state unless unusual circumstances exist which make the relocation necessary for the business’s viability, or

c. CEBA funds comprise more than 50 percent of the project’s financing, or

d. The CEBA application is not properly signed by the applicant and the business, or

e. The project fails to meet the qualifying wage threshold requirements under 261—Chapter 174, or

f. The business has a record of violations of the law over a period of time that tends to show a consistent pattern as described in 261—Chapter 172.

53.6(3) Procedures.

a. Applications may be submitted at any time.

b. Applications should be submitted to: Division of Business Development, Department of Economic Development, CEBA Program, 200 East Grand Avenue, Des Moines, Iowa 50309. Application forms and instructions are available at this address, on the department’s Web site, or by calling (515)242-4819.

c. Application contents. Required contents of application will be described within the application package itself.

d. Each eligible application will be reviewed by the department. The department may request additional information from the applicant or the proposed recipient, or perform other activities to obtain needed information.

e. The department will rate and rank applications according to the criteria in rule 53.7(15). Additionally, for small business gap financing applications, the department will use rule 53.8(15). For new business opportunities and new product development applications, the department will

use rule 53.9(15). Applications shall be reviewed and approved following the process described in 261—Chapter 175.

53.6(4) *Emergency applications.* Rescinded IAB 7/4/07, effective 6/15/07.

261—53.7(15) Selection criteria. In ranking applications for funding submitted under the small business gap financing component, the new business opportunities component, and the new product development component, at least the following criteria shall be considered:

53.7(1) *Relating to local/business involvement:*

- a. The proportion of local match to be provided as compared to the local resources.
- b. The proportion of private contribution to be provided, including the involvement of financial institutions.
- c. The need of the business for financial assistance from governmental sources. More points shall be awarded to a business for which the department determines that governmental assistance is most necessary to the success of the project.
- d. The level of need of the political subdivision.
- e. The impact of the proposed project on the economy of the political subdivision and the state.
- f. The certification of a community builder program for the community.
- g. The expected recapture of these funds.

53.7(2) *Relating to job creation/retention:*

a. The total number of jobs to be created or retained. When rating a project, the department shall only consider those positions which meet the qualifying wage threshold requirements defined in 261—Chapter 174.

b. The quality of jobs to be created. In rating the quality of the jobs, the department shall award more points to those jobs that have a higher wage scale, a lower turnover rate, are full-time, career-type positions, or have other related factors. Those applications that have average starting wage scales which are 10 percent or more below that of the average county wage or average regional wage shall be given an overall score of zero. Business start-ups shall be given a score of zero only if their wage scales are 20 percent or more below that of the average county wage or average regional wage.

53.7(3) *Relating to business activity :*

- a. The size of the business receiving assistance. The department shall award more points to small businesses as defined by the U.S. Small Business Administration.
- b. The potential for future growth in the industry represented by the business being considered for assistance.
- c. The impact of the proposed project on competitors of the business.
- d. The capacity of the proposed project to create products by adding value to agricultural commodities.
- e. The degree to which the proposed project relies upon agricultural or value-added research conducted at a college or university, including a regents institution, community college, or a private university or college.

261—53.8(15) Small business gap financing.

53.8(1) *Additional criteria.* Applications under this component shall be for businesses that meet the SBA definition of a small business. All geographic locations of the business will be used to determine the total number of employees. The criteria in rule 53.7(15) will be used for evaluating applications under this component.

53.8(2) *Application form.* Applicants applying for assistance under this component shall use the general business financial assistance application form provided by the department. The department may, at its option, transfer requests to a different financial assistance program, including but not limited to:

- a. The new business opportunities or new product development components of CEBA;
- b. EDSA (economic development set-aside program); or
- c. PFSA (public facilities set-aside program).

53.8(3) Scoring. The criteria noted in rule 53.7(15) are incorporated into the scoring system as follows:

a. Local effort compared with local resources. Maximum — 20 points. This includes assistance from the city, county, community college, chambers of commerce, economic development groups, utilities, or other local sources, compared to the resources reasonably available from those sources. The form of local assistance compared to the form of CEBA assistance requested will be considered (e.g., in-kind, grant, loan, forgivable loan, job training, tax abatement, tax increment financing). The dollar amount of local effort and the timing of the local effort participation as compared to the dollar amount and timing of the requested CEBA participation will also be considered. Conventional financing, inadequately documented in-kind financing, and local infrastructure projects not specifically directed at the business are not considered local effort.

b. Community need. Maximum — 10 points. This includes considerations such as unemployment rates, per capita income, major closings and layoffs, declining tax base, etc.

c. Private contribution compared with CEBA request. Maximum — 30 points. The greater the contribution by the assisted business, the higher the score. Conventional financing will be considered a private contribution. Contribution in the form of “new cash equity” by the business owner will result in a higher score.

d. A project in a brownfield, blighted or distressed area or a business with a good neighbor agreement or an Iowa great places agreement, as described in 261—Chapter 171. Maximum — 10 points. Projects meeting these conditions will receive 10 points.

e. Extra points if small business, as defined by SBA. Maximum — 10 points.

f. Project impact on the state and local economy.

(1) Cost/benefit analysis. Maximum — 40 points. This factor compares the amount requested to the number of jobs to be created or retained as defined in paragraph 53.7(2) “a” and the projected increase in state and local tax revenues. Also considered here is the form of assistance (e.g., a forgivable loan will receive a lower score than a loan).

(2) Quality of jobs to be created. Maximum — 40 points. Higher points to be awarded for:

Higher wage rates;

Lower turnover rates;

Full-time, career-type positions;

Relative safety of the new jobs;

Health insurance benefits;

Fringe benefits;

Other related factors.

(3) Economic impact. Maximum — 40 points. Higher points to be awarded for base economic activities, e.g.:

Greater percentage of sales out of state, or import substitution;

Higher proportion of in-state suppliers;

Greater diversification of state economy;

Fewer in-state competitors;

Potential for future growth of industry;

Consistency with the state strategic plan for economic development prepared in compliance with Iowa Code section 15.104(2);

Increased value to agricultural commodities;

Degree of utilization of agricultural or value-added technology research from an Iowa educational institution;

A project which is not a retail operation;

A project which includes remediation or redevelopment of a brownfield site.

Maximum preliminary points for project impact — 120 points.

(4) Final impact score. Maximum — 120 points. Equal to preliminary impact score multiplied by a reliability factor (as a percent).

(NOTE OF EXPLANATION — Rating factors in 53.8(3)“f”(1) to (3) attempt to measure the expected impact of the project, if all predictions and projections in the application turn out to be accurate. Up to that point in the rating system, no attempt has been made to judge the feasibility of the business venture, the reliability of the job creation and financial estimates, the likelihood of success, the creditworthiness of the business, and whether the project would occur without state assistance. An attempt to analyze projects against these factors is also important. In order to incorporate this judgment into the rating system, the Preliminary Impact Score (Maximum of 120 points) is multiplied by a “reliability and feasibility factor” to obtain a final impact score, 53.8(3)“f”(4). This factor will range from 0 to 100 percent, depending upon the department’s judgment as to the likelihood of the projections turning out as planned. If, in the department’s judgment, the project would proceed whether it was funded or not, it will be assigned a zero percent on the reliability and feasibility factor and the final impact score will be zero. This is consistent with the intent of the program to use funds only where state assistance will make a difference.)

The maximum total score possible is 200 points.

Projects that score less than 120 points in rule 53.8(15) will not be recommended for funding by the staff to the committee.

53.8(4) *Project period.* Projects funded under rule 53.8(15) are considered to have a project period as described in 261—Chapter 187. This is the time period allowed for meeting and maintaining the job and performance obligations.

261—53.9(15) New business opportunities and new product development components.

53.9(1) *Additional criteria and targeting for new business opportunities and new product development components.* The criteria in rule 53.7(15) will be used for evaluating applications under these components. Applications for these components must be for businesses with projects that offer a quality economic opportunity to Iowans and meet one of the following characteristics:

- a. The industry is one targeted within the state’s strategic plan; or
- b. The resulting economic activity is underrepresented in the state’s overall economic activity mix.

53.9(2) *Applications.* Applicants applying for assistance under these components shall use the general business financial assistance application form provided by the department. The department may, at its option, transfer requests to a different financial assistance program, including but not limited to:

- a. Small business gap financing component of CEBA;
- b. EDSA (economic development set-aside program); or
- c. PFSA (public facilities set-aside program).

53.9(3) *Rating system.* The rating system for proposed projects will be as follows:

- a. Local effort (as defined in 53.8(3)“a”). Maximum — 20 points;
- b. Private contributions as compared to CEBA request (as defined in 53.8(3)“c”). Maximum — 20 points;
- c. A project in a brownfield, blighted or distressed area or a business with a good neighbor agreement or an Iowa great places agreement, as described in 261—Chapter 171. Maximum — 10 points. Projects meeting these conditions will receive 10 points;
- d. Extra points if small business, as defined by the SBA. Maximum — 10 points;
- e. Project impact, as defined in 53.8(3)“f” and 53.8(4). Maximum — 120 points;
- f. Potential for future expansion of the industry in general. Maximum — 20 points. This factor awards additional points for those projects that tend to show a greater potential for expansion of that industry within Iowa.

The maximum total score possible is 200 points.

Projects that score less than 120 points in rule 53.9(15) will not be recommended for funding by the staff to the committee.

53.9(4) *Project period.* Projects funded under rule 53.9(15) are considered to have a project period as described in 261—Chapter 187. This is the time period allowed for meeting and maintaining the job and performance obligations.

261—53.10(15) Venture project components.**53.10(1) Eligible applicants; projects; coordination with PROMISE JOBS.**

a. Eligible businesses. Eligible businesses include start-up companies, early-stage companies, and existing companies that are developing a new product or new technology.

b. Form and amount of assistance. The CEBA award will be in the form of an equitylike investment (e.g., royalty agreement or deferred loan). The maximum award amount shall not exceed \$250,000.

c. Eligible applicants. Applications will be accepted from cities, counties, and community colleges on behalf of eligible businesses. Applications shall be submitted on the CEBA venture project application form provided by the department. If an application is approved, the department will contract directly with the business on whose behalf the application was submitted.

53.10(2) Ineligible applications. The department will not rate and rank ineligible applications. An application may be determined to be ineligible if:

- a.* It is submitted by an ineligible applicant; or
- b.* The project consists of a business relocation from within the state unless unusual circumstances exist which make the relocation necessary for the business's viability; or
- c.* The CEBA application is not properly signed by the applicant and the business; or
- d.* The business has a record of violations of the law over a period of time that tends to show a consistent pattern as described in 261—Chapter 172.

53.10(3) Rating system. Eligible applications will be reviewed and rated using the following criteria:

a. Jobs associated with the project. Factors considered include, but are not limited to, the following:

- (1) The number of jobs created, if any, by the project;
- (2) The potential for job creation as a result of the project;
- (3) The quality of the wages and benefits for jobs actually or potentially created as a result of the project.

NOTE: For the venture project component, CEBA funds will not be leveraged on a per job basis. Maximum — 10 points.

b. Additional funding sources. The amount of the total project costs coming from sources other than CEBA venture funds including, but not limited to, private equity investment, conventional loans, owner equity investment, or other acceptable forms of investment as determined by the department. Maximum — 10 points.

c. Strength of the business plan. Factors to be considered include, but are not limited to, the following:

- (1) A description of the business and the overall industry;
- (2) The experience level of the business management team;
- (3) A description of the product and production plan;
- (4) Project financial projections;
- (5) Feasibility of the product and project;
- (6) Market identification and marketing strategy.

Maximum — 60 points.

d. Potential return on investment of the CEBA venture award. Maximum — 10 points.

e. Potential for future growth of the business. Maximum — 5 points.

f. Local financial support. The amount of the total project costs attributable to local funding sources including, but not limited to, city, county, community college, chamber of commerce, economic development groups, utilities, or other local sources, compared to the resources reasonably available from those sources. Maximum — 10 points.

g. A project in a brownfield, blighted or distressed area or a business with a good neighbor agreement or an Iowa great places agreement, as described in 261—Chapter 171 will receive 5 extra points.

Applications must receive a minimum of 60 points to be recommended for funding.

53.10(4) Application review and approval. Rescinded IAB 7/4/07, effective 6/15/07.

261—53.11(15) Modernization project component. The general program policies described in rule 261—53.6(15) are applicable to modernization projects. Exceptions to these general rules are identified in this rule. If there is a conflict between the general program policies and the modernization project component requirements as described in this rule, this rule will take priority. Applications must receive a minimum of 60 points to be recommended for funding.

53.11(1) Additional criteria and targeting for modernization projects. Modernization projects shall meet the following additional requirements:

- a. Applications for this component must be for businesses with projects that offer a quality economic opportunity to Iowans.
- b. The business shall demonstrate that it is modernizing and retooling to remain competitive.
- c. The business shall demonstrate how employee job skills are being enhanced through advanced training and educational opportunities.

53.11(2) Applications. Businesses applying for assistance under this component shall use the general business financial assistance application form provided by the department. The department may, at its option, transfer requests to a different financial assistance program administered by the department.

53.11(3) Project period. Rescinded IAB 7/4/07, effective 6/15/07.

53.11(4) Rating system. Eligible applications will be reviewed and rated using the following criteria:

a. *Strength of the business proposal.* Factors to be considered include, but are not limited to, the following:

- (1) Description of the business and the overall industry;
- (2) Description and feasibility of the modernization project;
- (3) Market identification and the business's current position in that market;
- (4) Project financial history and projections;
- (5) Total cost of the modernization project.

Maximum — 25 points.

b. *Job positions associated with the project.* Factors to be considered include, but are not limited to, the following:

- (1) Increase in job skills as a result of the project as measured by job training and educational opportunities;
- (2) Increased quality of the wages and benefits as a result of the project;
- (3) Number of jobs impacted by the project.

NOTE: For the modernization project component, CEBA funds will not be leveraged on a per-job basis.

Maximum — 25 points.

c. *Leverage of other additional funding sources.* The amount of the total project costs coming from sources other than CEBA modernization funds including, but not limited to, private equity investment, conventional loans, owner equity investment, or other acceptable forms of investment as determined by the department. Maximum — 15 points.

d. *Regional financial support.* The amount of the total project costs attributable to regional funding sources including, but not limited to, city, county, community college, chamber of commerce, economic development groups, utilities, or other regional sources, compared to the resources reasonably available from those sources. Maximum — 15 points.

e. *Potential for improved efficiency, capacity and competitiveness of the business.* Maximum — 10 points.

f. *Potential for future growth of the business and the industry.* Maximum — 10 points.

53.11(5) Application review and approval. Rescinded IAB 7/4/07, effective 6/15/07.

261—53.12(15) Comprehensive management assistance and entrepreneurial development.

53.12(1) Eligible applicants. Application for comprehensive management assistance is limited to:

- a. Businesses that have either previously received a CEBA award or have a CEBA application under current review by the department; or

b. Businesses requesting assistance in meeting the regulatory requirements of other government agencies.

53.12(2) Use of funds. Assistance is available only in the form of technical or professional assistance. This may be accomplished by use of department staff or department-contracted professional services in assisting the business to develop:

- a.* Entrepreneurial management skills;
- b.* Employment hiring, recruiting, or personnel assistance;
- c.* Inventory controls;
- d.* Financial controls;
- e.* Marketing plans; or
- f.* Other related business assistance.

53.12(3) Determination of assistance. Rescinded IAB 7/4/07, effective 6/15/07.

261—53.13(15) Award process. Rescinded IAB 7/4/07, effective 6/15/07.

261—53.14(15) Administration of projects—financial management. Rescinded IAB 7/4/07, effective 6/15/07.

261—53.15(15) Default. Rescinded IAB 7/4/07, effective 6/15/07.

261—53.16(15) Standards for negotiated settlements or discontinuance of collection efforts. Rescinded IAB 7/4/07, effective 6/15/07.

261—53.17(15) Miscellaneous. Rescinded IAB 7/4/07, effective 6/15/07.

261—53.18(15,83GA,SF344) Applicability of CEBA program after July 1, 2009.

53.18(1) Effective July 1, 2009, the CEBA program is rescinded by 2009 Iowa Acts, Senate File 344, and replaced with the grow Iowa values financial assistance program. Rules for the grow Iowa values financial assistance program may be found in 261—Chapter 74.

53.18(2) For awards made prior to July 1, 2009, the rules of 261—Chapter 53 shall govern for purposes of contract administration and closeout of projects. A contract amendment is not allowable if the result of the amendment is to increase the benefits available.

This rule is intended to implement 2009 Iowa Acts, Senate File 344.
[ARC 7970B, IAB 7/15/09, effective 7/1/09]

These rules are intended to implement Iowa Code sections 15.315 to 15.320.

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◊ Two or more ARCs