

# THE ADMINISTRATIVE RULES REVIEW COMMITTEE

## 2008 Annual Report

### I. INTRODUCTION - State Administrative Agencies

The rulemaking process of Iowa Code chapter 17A only applies to executive branch state agencies. Accordingly, several agencies housed within either the legislative or judicial branches of state government are not considered in this report.

Iowa Code chapter 7E, refers to departments, divisions within departments, independent agencies, and separate constitutional offices; however, there is no overarching structure to Iowa state government. For example, the Department of Commerce has no independent duties other than coordination between its various divisions, which operate independently. Similarly, the Department of Inspections and Appeals is a large regulatory agency; however, it also houses the Racing and Gaming Commission, which is a agency with its own significant regulatory responsibilities. As a practical matter, it is best to define an "agency" as a policy-making body, thereby ignoring certain statutory designations. Using this broad definition there are 125 executive branch administrative agencies: 21 umbrella departments, 46 semi-autonomous divisions, bureaus, and entities within those departments, 27 licensing boards, 26 independent agencies, and 4 separate constitutional offices. The Governor, but not the Governor's office is excluded from this list because the chief executive is exempt from the rulemaking process; however, any agency housed within that office is subject to the rulemaking process.

### II. OVERVIEW OF 2008 RULEMAKING

This report covers the final rulemaking actions in calendar year 2008, published in the Iowa Administrative Bulletin from January through December 2008. Accordingly, this publication period covers the Administrative Rules Review Committee's ("Committee") February 2008 meeting through its January 2009 meeting. The Committee *generally* reviews rules published the month previous to the Committee's monthly meeting.

In 2008, 52 agencies adopted 468 filings. The 2008 filings are detailed by agency and by month in Appendix A. As always, the Department of Human Services leads the list with 76 filings (up from 72 filings in 2007 and 61 filings in 2006). Twenty of these agencies adopted only one or two filings.

Rulemaking filings generally contain more than a single rule change. The 468 filings actually represent over 2,000 individual rule additions, amendments, or repeals. Rulemaking activity for the last 10 years is set out below:

| YEAR | AGENCIES | FILINGS | YEAR | AGENCIES | FILINGS |
|------|----------|---------|------|----------|---------|
| 2008 | 52       | 468     | 2003 | 54       | 435     |
| 2007 | 51       | 446     | 2002 | 59       | 523     |
| 2006 | 58       | 440     | 2001 | 64       | 419     |
| 2005 | 54       | 396     | 2000 | 52       | 367     |
| 2004 | 56       | 420     | 1999 | 81       | 506     |

In 2008, 98 filings became effective using the "emergency" rulemaking provisions of the rulemaking process (Iowa Code §§ 17A.4 and 17A.5), similar to the 93 emergency filings in 2007, but a significant increase from the 65 emergency filings in 2006. Virtually all of these filings were "double barreled", i.e., published as a notice of intended action at the same time the

notice of emergency rulemaking is published. Emergency rulemaking filings account for roughly 21 percent of the total filings. The 10-year history for emergency rulemaking is as follows:

| YEAR | EMERGENCY       | FILINGS | YEAR | EMERGENCY       | FILINGS |
|------|-----------------|---------|------|-----------------|---------|
| 2008 | 98 (21 percent) | 468     | 2003 | 73 (17 percent) | 435     |
| 2007 | 93 (21 percent) | 446     | 2002 | 64 (13 percent) | 523     |
| 2006 | 65 (14 percent) | 440     | 2001 | 57 (14 percent) | 419     |
| 2005 | 72 (18 percent) | 394     | 2000 | 75 (20 percent) | 367     |
| 2004 | 59 (14 percent) | 420     | 1999 | 55 (10 percent) | 506     |

To calculate the volume of rulemaking, only *filed* documents are counted, either through the normal process or through emergency rulemaking. Individual rule changes contained within each document are not counted. If notices were included, the volume of rulemaking would virtually double. Each filing put into effect contains one or more individual rule changes; on the average each filing contains approximately four individual changes. The 2008 rulemaking filings are broken down by month on the top line of the following chart, which tracks the previous ten years:

|      | Jan | Feb | Mar | Apr | May | June | July | Aug | Sept | Oct | Nov | Dec | TOTAL |
|------|-----|-----|-----|-----|-----|------|------|-----|------|-----|-----|-----|-------|
| 2008 | 51  | 20  | 10  | 30  | 17  | 26   | 98   | 31  | 34   | 40  | 49  | 62  | 468   |
| 2007 | 36  | 33  | 14  | 26  | 25  | 30   | 38   | 80  | 26   | 62  | 32  | 44  | 446   |
| 2006 | 26  | 54  | 41  | 27  | 39  | 32   | 51   | 39  | 11   | 59  | 35  | 26  | 440   |
| 2005 | 23  | 39  | 15  | 09  | 23  | 33   | 80   | 32  | 24   | 19  | 54  | 45  | 396   |
| 2004 | 28  | 32  | 39  | 28  | 27  | 34   | 41   | 20  | 67   | 33  | 43  | 28  | 420   |
| 2003 | 20  | 41  | 39  | 23  | 31  | 25   | 38   | 44  | 35   | 48  | 38  | 53  | 435   |
| 2002 | 39  | 52  | 43  | 45  | 56  | 33   | 32   | 52  | 57   | 49  | 35  | 30  | 523   |
| 2001 | 34  | 44  | 23  | 31  | 43  | 19   | 36   | 23  | 34   | 60  | 21  | 51  | 419   |
| 2000 | 19  | 29  | 22  | 28  | 22  | 34   | 23   | 38  | 34   | 56  | 45  | 17  | 367   |
| 1999 | 14  | 51  | 29  | 26  | 111 | 45   | 35   | 29  | 44   | 33  | 28  | 61  | 506   |
| 1998 | 13  | 32  | 18  | 34  | 32  | 28   | 58   | 31  | 39   | 30  | 35  | 48  | 398   |

### III. OVERVIEW OF THE COMMITTEE ACTIONS

The number of formal actions taken by the Committee has remained steady, albeit at a low level. One objection was imposed in 2008, matching the number in the past three years. Three session delays were imposed, the first since 2004. Seven 70-day delays were imposed in 2008. The Committee also approved two general referrals and two requests for a regulatory analysis. The individual actions are summarized below in the next section.

### IV. CALENDAR OF 2008 RULES REVIEW COMMITTEE ACTIONS

#### February 2008 through January 2009 ARRC Meetings

#### ENVIRONMENTAL PROTECTION COMMISSION

Regulatory analysis. Water quality assessment, ARC 6596B. Reviewed in March.

70-day delay and session delay. Technical standards and corrective action plans for owners and operators of underground storage tanks, ARC 6892B. Reviewed in July and October.

Objection. Commission voting and quorum, ARC 6921B. Reviewed in August.

Informal regulatory analysis. Protected streams - antidegradation, "tier 2 and 1/2 protections", ARC 7368B. Reviewed in December.

#### **HUMAN SERVICES DEPARTMENT**

General referral. Periodontal services for Medicaid recipients 21 and older, ARC 7396B. Reviewed in December.

#### **INSURANCE DIVISION**

70-day delay. Pharmacy benefits managers, ARC 7082B. Reviewed in September.

#### **IOWA FINANCE AUTHORITY**

70 day delay. Title plant requirements for abstractors, ARC 7403. Reviewed in December.

#### **PHARMACY BOARD**

70-day delay. Practice of pharmacy technicians, ARC 6668B. Reviewed in April.

70-day delay. Centralized prescription filling and processing, ARC 6671B. Reviewed in April.

#### **PHYSICAL THERAPY BOARD**

General referral. Employment relationships with physicians, ARC 7442B. Reviewed in January, 2009.

#### **PUBLIC HEALTH DEPARTMENT**

70 day delay and session delay. Definition of dental home, ARC 7023B. Reviewed in August and October.

#### **PUBLIC SAFETY DEPARTMENT**

70 day delay and session delay. Closed circuit surveillance systems, ARC 6591B. Reviewed in March and June.

### **V. SUMMARY OF MAJOR ITEMS BEFORE THE COMMITTEE**

#### **ENVIRONMENTAL PROTECTION COMMISSION, Quorum Requirement, 07/02/08 IAB, 6921B, EMERGENCY.**

Previous Commission rules required an affirmative vote of five members to pass any measure. For over seven months in 2007-2008 Commission operations had been hampered by two vacancies—there were only seven sitting members on the board. In June 2008, the Commission resolved this issue, by adopting a procedural rule that allowed a measure to be adopted by four votes when the Commission only has seven of the nine positions filled. This rule was adopted through emergency rulemaking. The substance of this rule was supported by statutory authority in Iowa Code § 455A.6; however, the "emergency" filing was questioned by Committee members.

The Commission defended the emergency filing stating that the previous voting requirement resulted in delayed agency action, gridlock, and stalemate, with the minority at times deciding an issue. The Commission asserted that the conditions created by the previous rule fulfilled the statutory requirements for emergency rulemaking. A representative from the Attorney General's Office conveyed the Attorney General's position that adequate grounds for emergency rulemaking did not exist, specifically noting that 95 percent of the Commission's votes would have been unaffected by this rule.

Committee members noted their general opposition to the use of emergency rulemaking and commented that emergency rulemaking was not appropriate in this situation. Committee members also discussed how this change in the voting rules might affect the Governor's expediency in filling vacant positions on the Commission. Committee members also expressed concern with the Commission's failure to proceed pursuant to the advice of the Attorney General's office and DNR legal counsel. Committee discussion indicated that the objection related only to the use of the emergency rulemaking procedures, and not to the substance of the rule.

Ultimately, the rule was adopted using the "regular" rulemaking process.

\* \* \*

Underground storage tanks: monitoring and remediation, 07/02/08 IAB, ARC 6892B, ADOPTED.

This Commission rulemaking was reviewed four times in 2008 and was the subject of a regulatory analysis. Commission rules have long established procedures relating to detection, prevention, and correction of releases from underground storage tanks. After over ten years of experience it was determined that the computer model used to predict the movement of groundwater contamination overestimated that movement, resulting in unnecessary expense for the cleanup of contamination that posed no threat to the public. The rulemaking updated and improved this model, with the result that many sites could cease corrective action or monitoring. The rules also imposed new requirements relating to testing and monitoring near a "sensitive area", which in most cases is an area near a public water supply.

All stakeholders supported the adoption of the new computer model, noting that its' improved accuracy will save cleanup costs. However, opponents contended that the cost of a "screening" assessment for all newly discovered releases was \$2,000 per site, and that there is estimated assessment and modeling expense of \$100,000 at 20 percent of all new release sites each year. Committee members imposed a session delay on this filing with the request that the Commission and concerned stakeholders work to resolve these issues. The delayed rules were rescinded and compromises were implemented in March 2009.

\* \* \*

Stream designations, 05/07/08 IAB, ARC 6351B, ADOPTED.

The federal Clean Water Act (CWA) established a goal that perennial streams (year-around flow) and pools be "fishable/swimmable." Every state is required to have water quality standards that meet this federal requirement and that are approved by the federal Environmental Protection Agency (EPA). To implement this requirement, early in 2006 the Commission promulgated rules which designated approximately 26,000 perennial streams and intermittent streams with perennial pools as Class A1, B(WW-1) protected waters; this is the highest designation, protecting the stream for recreational and aquatic life uses.

This rulemaking was later supplemented by legislation, 2006 Iowa Acts, Senate File 2363, to address the state's water quality standards. Under the Senate File 2363, the Commission is required to designate stream segments pursuant to designated uses, e.g., agriculture, aquatic, or recreational use.

As required in both the rules and the legislation, the Commission began a series of rulemaking proceedings to establish a specific designation for each Iowa stream. Each designation is determined following a field study using specific criteria. In this process each stream is evaluated and assigned to one of three categories based on its condition. Primary contact recreational use

(class A1) includes waters used for such things as swimming, diving, water skiing, and water contact recreational canoeing. Secondary contact recreational use (class A2) includes waters in which recreational or other uses, such as boating, may result in contact with the water that is either incidental or accidental. Children's recreational use (Class A3) includes waters in which recreational uses by children are common. Streams currently having an A1 classification may be downgraded if the study determines that the class A1 use is neither existing nor attainable.

The designation process has now begun. Following six public hearings, hundreds of streams are being re-designated. As specific designations are established, effluents from treatment facilities must be reduced to meet the assigned level. This will result in reduced levels of ammonia and bacteria. The 20-year cost to achieve this reduction is estimated to be as high as \$1 billion. However, those costs may be reduced for those streams with lower levels of protection.

\* \* \*

**NATURAL RESOURCES DEPARTMENT**, Landfill regulation, 12/31/08 IAB, ARC 7474B, ADOPTED.

In 2006 the Department of Natural Resources commenced rulemaking to re-write an existing program relating to the construction, operation, and closure of municipal solid waste landfills, implementing the federal Resource Conservation and Recovery Act (RCRA) and the rules implementing that Act. Earlier rules had been in place since 1997. Following numerous reviews, in December 2007, the committee placed an objection on a significant portion of those rules. Members expressed concern that the 2007 regulations were being applied retroactively. The committee then filed an objection to this filing; members believed that that landfills in compliance with the previous rules were in essence "grandfathered" in place by those rules. An objection places the burden of proof on the agency to demonstrate that its rule is not unreasonable, arbitrary, capricious, or otherwise beyond the authority delegated to the agency.

The 2008 rulemaking proceeding allowed existing landfills to continue to use previously approved landfill cells which have a basal liner and leachate collection system until those cells have been filled. A number of landfills argued for a renewal of the 2007 objection, by asserting that the new rules still improperly restrict the use of existing landfill cells. Department representatives stated that the new rules clarified that construction of a liner is only necessary if waste disposal capacity remains over areas that do not already have a liner beneath them. The representatives also stated that 15 of the 19 landfills that were adversely impacted by the original rulemaking would see a significant benefit from the new rule in that no additional construction is necessary. After debate Committee members considered a motion to renew the 2007 objection; the motion failed. However, at the February 2009 Committee meeting, that issue was again considered and the objection was adopted.

**HUMAN SERVICES DEPARTMENT**, Periodontal dental services, 12/03/08 IAB, 7396B, EMERGENCY AFTER NOTICE.

Under this rulemaking, the Department restored Medicaid coverage of periodontal and endodontic dental services for Medicaid members 21 years of age or older. This coverage was previously eliminated in 2002. These rules were controversial because the legislature specifically considered restoring this coverage during the 2008 session, but had rejected it because of the cost. Department representatives noted that treatment for these infectious diseases continued to be provided, on a case-by-case basis, as an exception to policy, with an 85 percent approval rating. The representatives stated that providing periodontal and endodontic dental services is

cost-effective because it can avoid future medical problems and avoid the costs of extractions and dentures.

Committee members continued to question the propriety of the Department's action, in light of the earlier legislative rejection. However, Committee members did agree that the service was needed and could perhaps, in the long run, avoid higher costs brought on by the failure to treat the disease at an early stage. Ultimately, the Committee members reached a compromise by allowing the rule to go into effect, but at the same time referring the issue to the General Assembly to determine whether additional funding could be provided.

**PUBLIC HEALTH DEPARTMENT, Smoking restrictions, 07/30/08 IAB, 6989B, EMERGENCY.**

2008 Iowa Acts, House File 2212 sets out specific restrictions on smoking; essentially prohibiting smoking in any *enclosed* space including places of employment or places of public use; however, exceptions include tobacco shops, private residences, personal motor vehicles, certain commercial motor vehicles, and the gaming area of a casino. As part of the overall rulemaking, an interested party requested a regulatory analysis pursuant to Iowa Code § 17A.4A. The resulting analysis was published in the September 10, 2008 Iowa Administrative Bulletin.

The Department's rules were subject to an extensive rulemaking. The initial draft was posted on June 3, 2008 on a special internet website. That website also contained the text of the statute, a frequently asked questions section, and comment box for soliciting questions and comments. Public hearings were held around the state and hundreds of comments were received. An initial review of the emergency filing was held at the Committees' June 2008 meeting.

The most controversial portion of these rules was the so-called bar exemption. Section 3, subsection 2, paragraph "b" of the Act prohibits outdoor smoking at the: "[o]utdoor seating or serving areas of restaurants." This prohibition actually works to *allow* smoking in the outdoor seating or serving areas of bars, since the prohibition is very specifically limited to restaurants. Opponents of the rules contended that the Department construed the definition of bar too narrowly. The rules define a bar as an establishment where only snack foods and prepackaged sandwiches or pizzas are served. No grills or kitchens are allowed. The Department asserted that there is no other practical means to provide the exemption with detailed record-keeping and enforcement requirements. Department representatives noted that it was possible to establish an outside area where neither food service or chairs were provided, where customers could go to smoke.

Opponents also protested that the smoking ban did not extend to the casino floors or the state fair. Committee members agreed this was an issue that should be addressed through the courts.

Comments were also received on the regulatory analysis performed by the Department. That analysis, citing several studies, concluded that the smoking restrictions would not negatively affect restaurant or tavern business. Bar owners contended that business had dropped 30 percent in some cases.

Bar owners also protested enforcement actions by the Alcoholic Beverages Division to impose license sanctions without a hearing before a judicial magistrate. Department representatives noted that licensing agencies have authority, independent of the Department to take action under the Act.

Committee members noted that many of the expressed concerns related to the statute itself and not the rules. Accordingly, such concerns were beyond the jurisdiction of the Committee.

**PUBLIC SAFETY DEPARTMENT**, Closed circuit surveillance systems, 2/13/08 IAB, 6591B, ADOPTED.

Gambling activities on excursion gambling boats and at racetracks must be continuously recorded and Department rules implementing that requirement mandate the use of a closed circuit surveillance system. This rulemaking contained a number of revisions including expanding the surveillance rules to apply to all gambling structures, requiring all facilities to have digital recording systems by 2011, and requiring a closed network with limited access. Additionally, all equipment used to monitor or record views obtained by a surveillance system must also be located in a room on the same premises as the casino or adjacent property and be used exclusively for casino surveillance security purposes. The casino is also required to develop policies designating employee access and the transmission or release of live or recorded images, video, or audio. The Committee imposed a 70-day delay on the rulemaking during its March 2008 meeting.

Representatives of the gaming industry opposed portions of these rules, contending that much of this regulation should come from the Racing and Gaming Commission, which has general authority over the gaming industry. The Committee imposed a session delay on these provisions and requested the Department to work with the industry in re-drafting these provisions. Early in 2009 new rules were implemented which resolved the disputed issues.

**TRANSPORTATION DEPARTMENT**, Close-clearance warning signs, 12/17/08 IAB, ARC 7452B, NOTICE TERMINATED.

2007 Acts, ch. 164 required the owner of a railroad track to place a warning device at a location where there is "close clearance" between the track and a building, machinery, trees, brush, or other object which impedes a person who is riding the side of a train. The Department published a notice of intended action in July 2008. Stakeholders complained that the proposed rules were the weakest regulation in the nation and urged the adoption of a more comprehensive national code to ensure proper worker safety. At the Committee's September 2008 meeting, members requested that the Department meet with stakeholders and resolve this issue. Subsequent discussions have not resolved these differences, and the six-month window for adopting the proposal has passed. A new rule-making is likely to be commenced in 2009.

**APPENDIX A—SUMMARY OF RULEMAKING IN 2007**

| Agency name                           | Jan | Feb | Mar | Apr | May | June | July | Aug | Sept | Oct | Nov | Dec | Total |
|---------------------------------------|-----|-----|-----|-----|-----|------|------|-----|------|-----|-----|-----|-------|
| HUMAN SERVICES DEPARTMENT[441]        | 13  |     |     | 04  | 05  | 05   | 18   |     | 09   | 06  | 08  | 08  | 76    |
| PUBLIC HEALTH DEPARTMENT[641]         | 12  |     |     | 01  |     | 03   | 09   |     |      |     | 01  | 05  | 31    |
| Educational Examiners Board[282]      |     |     | 06  | 02  | 01  |      | 16   |     |      | 01  | 04  |     | 30    |
| PUBLIC SAFETY DEPARTMENT[661]         | 02  | 01  |     |     |     |      | 12   | 03  |      | 01  | 06  | 01  | 26    |
| Natural Resource Commission[571]      | 02  |     |     | 02  |     | 03   | 09   |     | 01   | 01  |     | 05  | 23    |
| ECONOMIC DEVELOPMENT DEPARTMENT [261] |     |     | 03  | 01  |     | 01   |      |     |      | 15  | 02  |     | 22    |
| Iowa Finance Authority[265]           | 02  | 01  |     |     |     | 01   | 05   | 02  | 01   | 02  | 01  | 03  | 18    |
| Professional Licensure Division[645]  |     | 01  |     | 02  |     | 01   |      | 05  | 02   | 02  | 03  | 02  | 18    |

|  |    |    |    |    |    |    |    |    |    |    |    |    |    |
|--|----|----|----|----|----|----|----|----|----|----|----|----|----|
| Environmental Protection Commission[567]             |    | 03 |    | 01 | 02 |    | 03 |    | 03 | 02 |    | 03 | 17 |
| Ethics And Campaign Disclosure Board, Iowa[351]      |    |    |    | 03 |    |    |    |    | 04 |    |    | 08 | 15 |
| REVENUE AND FINANCE DEPARTMENT[701]                  |    | 04 |    |    | 01 | 01 |    |    |    |    | 05 | 04 | 15 |
| ELDER AFFAIRS DEPARTMENT[321]                        | 05 |    |    |    |    |    | 05 |    | 02 |    |    | 02 | 14 |
| Insurance Division[191]                              | 01 |    |    |    |    |    |    | 02 | 02 |    | 09 |    | 14 |
| Medical Examiners Board[653]                         |    |    |    | 03 |    |    |    | 05 |    | 03 | 01 |    | 12 |
| EDUCATION DEPARTMENT[281]                            |    | 02 |    | 03 |    |    |    | 01 |    | 01 |    | 03 | 10 |
| Labor Services Division[875]                         | 01 | 02 |    |    |    | 02 | 04 |    | 01 |    |    |    | 10 |
| College Student Aid Commission[283]                  |    | 02 |    |    |    |    |    | 03 |    |    |    | 04 | 9  |
| Pharmacy Examiners Board[657]                        |    |    |    |    |    | 01 | 02 |    | 01 |    |    | 05 | 9  |
| SECRETARY OF STATE[721]                              | 03 |    |    | 01 |    |    | 02 |    |    | 01 |    | 01 | 8  |
| VETERANS AFFAIRS DEPARTMENT [801]                    |    |    |    |    | 01 |    | 03 |    | 03 | 01 |    |    | 8  |
| AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]      |    |    |    | 01 | 02 | 01 |    |    | 01 | 02 |    |    | 7  |
| Utilities Division[199]                              | 01 |    |    |    | 02 |    |    | 01 |    |    | 01 | 01 | 6  |
| Historical Division[223]                             | 01 |    |    |    |    |    | 01 | 01 |    | 01 |    | 01 | 5  |
| INSPECTIONS AND APPEALS DEPARTMENT[481]              |    |    |    | 02 |    |    | 01 | 02 |    |    |    |    | 5  |
| IPERS [495]  | 01 |    |    |    |    |    | 01 | 01 | 01 |    |    | 01 | 5  |
| Real Estate Commission[193E]                         | 02 |    |    |    |    |    |    | 01 |    |    | 01 | 01 | 5  |
| TRANSPORTATION DEPARTMENT[761]                       | 01 |    |    |    |    | 03 | 01 |    |    |    |    |    | 5  |
| ADMINISTRATIVE SERVICES DEPARTMENT [11]              |    |    |    |    |    |    |    |    |    |    | 04 |    | 4  |
| Professional Licensing and Regulation Bureau[193]    |    |    |    |    |    | 01 |    |    | 01 | 01 |    |    | 3  |
| Racing and Gaming Commission[491]                    | 01 |    |    |    |    |    | 01 |    |    |    | 01 |    | 3  |
| State Public Defender [493]                          |    | 01 |    | 02 |    |    |    |    |    |    |    |    | 3  |
| Telecommunications And Technology Commission[751]    |    |    |    |    |    |    | 02 |    |    |    |    | 01 | 3  |
| CORRECTIONS DEPARTMENT[201]                          |    |    |    |    | 01 |    |    |    |    |    |    | 01 | 2  |
| Credit Union Division[189]                           |    | 01 |    |    |    |    |    |    |    |    |    | 01 | 2  |
| Dental Examiners Board[650]                          | 01 |    |    |    |    |    |    | 01 |    |    |    |    | 2  |
| Engineering and Land Surveying Examining Board[193C] |    |    | 01 |    | 01 |    |    |    |    |    |    |    | 2  |
| Homeland Security And Emergency Management           |    | 01 |    |    |    |    | 01 |    |    |    |    |    | 2  |

|   |    |    |    |    |    |    |    |    |    |    |    |    |     |
|---|----|----|----|----|----|----|----|----|----|----|----|----|-----|
| Division[605]                                     |    |    |    |    |    |    |    |    |    |    |    |    |     |
| Lottery Division[705]                             |    |    |    |    |    |    |    | 02 |    |    |    |    | 2   |
| Propane Education & Research Council [599]        | 01 |    |    |    |    | 01 |    |    |    |    |    |    | 2   |
| TREASURER [781]                                   |    | 01 |    |    |    |    |    |    |    |    |    | 01 | 2   |
| Workers' Compensation Division[876]               |    |    |    | 01 |    |    | 01 |    |    |    |    |    | 2   |
| Banking Division[187]                             |    |    |    |    |    |    |    |    |    |    | 01 |    | 1   |
| Empowerment Board[349]                            |    |    |    |    |    | 01 |    |    |    |    |    |    | 1   |
| Energy Independence Office[350]                   | 01 |    |    |    |    |    |    |    |    |    |    |    | 1   |
| Landscape Architectural Examining Board[193D]     |    |    |    |    | 01 |    |    |    |    |    |    |    | 1   |
| MANAGEMENT DEPARTMENT[541]                        |    |    |    |    |    |    |    |    |    |    | 01 |    | 1   |
| Petroleum UST Fund Board, Iowa Comprehensive[591] |    |    |    |    |    | 01 |    |    |    |    |    |    | 1   |
| Real Estate Appraisers Board [193F]               |    |    |    | 01 |    |    |    |    |    |    |    |    | 1   |
| Regents [681]                                     |    |    |    |    |    |    |    | 01 |    |    |    |    | 1   |
| Soil Conservation Division[27]                    |    |    |    |    |    |    | 01 |    |    |    |    |    | 1   |
| Veterinary Medicine Board[811]                    |    |    |    |    |    |    |    |    | 01 |    |    |    | 1   |
| Workforce Development Department[871]             |    |    |    |    |    |    |    |    | 01 |    |    |    | 1   |
| TOTAL   | 51 | 20 | 10 | 30 | 17 | 26 | 98 | 31 | 34 | 40 | 49 | 62 | 468 |

**APPENDIX B—EMERGENCY RULEMAKING IN 2007**

| Agency name                                     | Jan | Feb | Mar | Apr | May | June | July | Aug | Sept | Oct | Nov | Dec | Total |
|---|-----|-----|-----|-----|-----|------|------|-----|------|-----|-----|-----|-------|
| PUBLIC SAFETY DEPARTMENT[661]                   | 02  | 01  |     |     |     |      | 12   | 03  |      | 01  | 06  | 01  | 26    |
| HUMAN SERVICES DEPARTMENT[441]                  | 02  |     |     | 01  | 02  | 02   | 08   |     | 03   | 02  |     | 01  | 21    |
| ECONOMIC DEVELOPMENT DEPARTMENT [261]           |     |     | 01  | 01  |     | 01   |      |     |      | 04  | 02  |     | 9     |
| Iowa Finance Authority[265]                     | 01  |     |     |     |     |      | 01   | 01  | 01   | 02  | 01  |     | 7     |
| AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21] |     |     |     |     | 02  | 01   |      |     | 01   |     |     |     | 4     |
| SECRETARY OF STATE[721]                         |     |     |     | 01  |     |      | 02   |     |      | 01  |     |     | 4     |
| Ethics And Campaign Disclosure Board, Iowa[351] |     |     |     |     |     |      |      |     | 01   |     |     | 02  | 3     |
| Historical Division[223]                        |     |     |     |     |     |      | 01   | 01  |      | 01  |     |     | 3     |

|  |    |   |   |    |   |    |    |    |    |    |   |   |    |
|--|----|---|---|----|---|----|----|----|----|----|---|---|----|
| Labor Services Division[875]               |    |   |   |    |   | 01 | 02 |    |    |    |   |   | 3  |
| VETERANS AFFAIRS, DEPARTMENT [801]         |    |   |   |    |   |    | 03 |    |    |    |   |   | 3  |
| Environmental Protection Commission[567]   |    |   |   |    |   |    | 01 |    | 01 |    |   |   | 2  |
| INSPECTIONS AND APPEALS DEPARTMENT[481]    |    |   |   |    |   |    |    | 02 |    |    |   |   | 2  |
| Insurance Division[191]                    | 01 |   |   |    |   |    |    |    | 01 |    |   |   | 2  |
| Natural Resource Commission[571]           | 01 |   |   |    |   | 01 |    |    |    |    |   |   | 2  |
| Pharmacy Examiners Board[657]              |    |   |   |    |   |    | 02 |    |    |    |   |   | 2  |
| Workers' Compensation Division[876]        |    |   |   | 01 |   |    | 01 |    |    |    |   |   | 2  |
| Educational Examiners Board[282]           |    |   |   |    |   |    | 01 |    |    |    |   |   | 1  |
| IPERS [495]                                |    |   |   |    |   |    | 01 |    |    |    |   |   | 1  |
| Propane Education & Research Council [599] | 01 |   |   |    |   |    |    |    |    |    |   |   | 1  |
| TOTAL                                      | 8  | 1 | 1 | 4  | 4 | 6  | 35 | 7  | 8  | 11 | 9 | 4 | 98 |

### APPENDIX C: IOWA AGENCIES

The Reorganization Act of 1986 (Iowa Code Chapter 7E) established most of Iowa's state agencies in a number of umbrella departments, with divisions, bureaus, sections, and units as subunits of a department. In addition to these departments, a variety of independent agencies are also established. Iowa Code chapter 7E defines a variety of agencies which include:

- An authority which is a body with independent power to issue and sell bonds.
- A board which has policymaking powers and the power to hear contested cases.
- A commission which has rulemaking powers.
- A committee which is appointed to study a specific problem and terminate on the completion of its assignment.
- A council which is an advisory body.
- A licensing board which sets standards of professional competence and conduct for a profession or occupation under its supervision.

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 AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]  
 Agricultural Development Authority[25]  
 Soil Conservation Division[27]  
 ATTORNEY GENERAL[61]  
 AUDITOR OF STATE[81]  
 BEEF INDUSTRY COUNCIL, IOWA[101]

BLIND, DEPARTMENT FOR THE[111]  
 CAPITAL INVESTMENT BOARD, IOWA[123]  
 CITIZENS' AIDE[141]  
 CIVIL RIGHTS COMMISSION[161]  
 COMMERCE DEPARTMENT[181]  
 Alcoholic Beverages Division[185]  
 Banking Division[187]  
 Credit Union Division[189]

Insurance Division[191]  
Professional Licensing and Regulation Bureau[193]  
Accountancy Examining Board[193A]  
Architectural Examining Board[193B]  
Engineering and Land Surveying Examining Board[193C]  
Landscape Architectural Examining Board[193D]  
Real Estate Commission[193E]  
Real Estate Appraiser Examining Board[193F]  
Interior Design Examining Board[193G]  
Savings and Loan Division[197]  
Utilities Division[199]  
CORRECTIONS DEPARTMENT[201]  
Parole Board[205]  
CULTURAL AFFAIRS DEPARTMENT[221]  
Arts Division[222]  
Historical Division[223]  
ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]  
City Development Board[263]  
IOWA FINANCE AUTHORITY[265]  
EDUCATION DEPARTMENT[281]  
Educational Examiners Board[282]  
College Student Aid Commission[283]  
Higher Education Loan Authority[284]  
Iowa Advance Funding Authority[285]  
Libraries and Information Services Division[286]  
Public Broadcasting Division[288]  
School Budget Review Committee[289]  
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ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]  
EXECUTIVE COUNCIL[361]  
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Deaf Services Division[429]  
Persons With Disabilities Division[431]  
Latino Affairs Division[433]  
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Status of Women Division[435]  
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LAW ENFORCEMENT ACADEMY[501]  
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Appeal Board, State[543]  
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County Finance Committee[547]  
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Energy and Geological Resources Division[565]  
Environmental Protection Commission[567]  
Natural Resource Commission[571]  
Preserves, State Advisory Board for[575]  
PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD, IOWA COMPREHENSIVE[591]  
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PROPANE EDUCATION AND RESEARCH COUNCIL, IOWA[599]  
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Nursing Board[655]  
Pharmacy Board[657]  
PUBLIC SAFETY DEPARTMENT[661]  
RECORDS COMMISSION[671]  
REGENTS BOARD[681]  
Archaeologist[685]  
REVENUE DEPARTMENT[701]  
SECRETARY OF STATE[721]  
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BOARD, IOWA[741]  
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TECHNOLOGY COMMISSION,  
IOWA[751]  
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DEPARTMENT[761]

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IOWA[787]  
UNIFORM STATE LAWS  
COMMISSION[791]  
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DEPARTMENT OF[801]  
VETERINARY MEDICINE BOARD[811]  
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DEPARTMENT[871]  
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Workforce Development Center  
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