

THE ADMINISTRATIVE RULES REVIEW COMMITTEE

2005 Annual Report

I. INTRODUCTION

This report covers the final rulemaking actions that were published in the Iowa Administrative Bulletin from January through December 2005, covering the period beginning with the committee's February 2005 meeting through the January 2006 meeting. [Note: The committee *generally* reviews rules that were published the month previous to the actual meeting.]

Iowa state government consists of some 114 rulemaking entities with a variety of titles: departments, divisions, boards, commissions and authorities; the list is set out in Appendix "C". All of these entities are referred to using the generic term "agency". Regardless of size, each agency that is listed has rule-making authority and some level of autonomy; for that reason, all are treated as state agencies regardless of formal designation or location within a larger umbrella agency. Capitalized agencies represent departments or independent entities while lower-case agencies represent divisions, boards, or other units of state government.

In 2005 54 of these agencies promulgated 396; this is a small reduction from 2004, when 420 filings by were promulgated by 56 agencies. The 2005 filings are detailed by agency and by month in Appendix "A". As always, the Department of Human Services leads the list, with 58 filings (up from the 54 filings in 2004, but still down considerably from the 80 in 2003 and 92 in 2002). 21 of these agencies adopted only one or two filings.

Rulemaking filings generally contain more than a single rule change; these 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
2005	54	396	2000	52	367
2004	56	420	1999	81	506
2003	54	435	1998	53	398
2002	59	523	1997	50	374
2001	64	419	1996	56	392

In 2005 72 filings were put into effect using the "emergency" rulemaking provisions of the rulemaking process (§§17A.4 and 17A.5, 2005 Code), a significant increase from the 59 filings in 2004. Virtually all of these filings were "double barreled"; i.e.: published as a notice of intended action at the same time. These emergency rulemaking filings account for 18 percent of the total filings, the highest percentage since 2000. The emergency filings are tabulated in Appendix "B". Note that 26 of the 72 emergency filings were promulgated by the Department of Human Services, similar to 2004; these emergency provisions are a tradition for that department where it utilizes specific emergency rulemaking authority granted by the legislature to emergency implement statutorily mandated revisions. Under this process the initial filings are submitted to the committee in document form to allow review before they go into effect. The 10-year history for emergency rulemaking is as follows:

YEAR	EMERGENCY	FILINGS	YEAR	EMERGENCY	FILINGS
2005	72 (18 percent)	394	2000	75 (20 percent)	367
2004	59 (14 percent)	420	1999	55 (10 percent)	506
2003	73 (17 percent)	435	1998	61 (15 percent)	398
2002	64 (13 percent)	523	1997	39 (10 percent)	374
2001	57 (14 percent)	419	1996	94 (24 percent)	392

To calculate the volume of rulemaking only filed documents are counted instead of the individual rule changes contained within each document. Notices of intended action are not included in the count; only adoptions in final form are counted, either through the normal process or through emergency rulemaking. If notices were included, the volume of rulemaking would almost double. Each filing put into effect contains one or more individual rule changes; on the average, each filing contains roughly four individual changes. The 2005 rulemaking filings are broken down by month in the following chart:

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	TOT
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
1997	12	26	46	14	34	30	48	24	27	35	31	47	374
1996	34	31	31	18	23	31	52	34	32	44	30	32	392

II. OVERVIEW OF THE COMMITTEE ACTIONS

The number of formal actions taken by the committee has continued to decline. One objection was imposed in 2005 (none in 2004). No session delays or 70 day delays were imposed. The committee voted six general referrals and two requests for a regulatory analysis. The committee took nine formal actions, down from 11 in 2004 and 16 in 2003. The individual actions are summarized below in the next section.

III. CALENDAR OF 2005 RULES REVIEW COMMITTEE ACTIONS

February 2005 through January 2006 ARRC Meetings

INSPECTIONS AND APPEALS DEPARTMENT/IOWA LOTTERY AUTHORITY, General referral, Lottery Authority notice -ARC 4732B and Inspection and Appeals Department rule-531 IAC Chapter 14 , ARC 4342B, relating to the distribution of video lottery terminals and certain amusement devices [May 2005].

HUMAN SERVICES DEPARTMENT, General Referral, ARC 4184B, relating to the collection of personally identifiable data [June 2005].

REVENUE DEPARTMENT, General referral, 401 IAC 18.58, relating to sales tax exemption for computers, [June 2005].

NATURAL RESOURCE COMMISSION, Regulatory analysis, ARC 4237B - ARC 4243B, relating to a commercial leases and dock fees [July 2005].

UTILITIES DIVISION, Objection, ARC 4342B, relating to the issuance of tax credits for wind and alternative energy [September, 2005].

INSURANCE DIVISION, General referral, ARC 4570B, relating to the use of "date certain" in adoptions by reference [November, 2005].

ENVIRONMENTAL PROTECTION COMMISSION, Regulatory analysis, ARC 4652B, relating to new fees for NPDES permits [December 2005].

DENTAL EXAMINERS, General referral, relating acts and omissions by licensees that must be reported to the board [January, 2006].

IV. SUMMARY OF ISSUES BEFORE THE COMMITTEE

AGRICULTURE AND LAND STEWARDSHIP, Regulation of farmers markets, 21 IAC Chapter 50, SPECIAL REVIEW. MAY, 2005.

The farmer's market program is a federal/state cooperative effort administered by the department. There are two assistance programs connected with farmer's markets: the Special Supplemental Food Program for Women, Infants and Children (WIC) and the *Senior Farmers' Market Nutrition Program*; both programs are similar, providing coupons which can be redeemed for Iowa-fresh produce.

The department implemented a number of changes to the program; concerns had been expressed that the nutrition program was underused due to requirements that required a minimum number of participating vendors at a farmers market in order to participate in the nutrition program vouchers and a variety of other requirements. It was noted that in southern Iowa only a few farmers markets were available and that seniors and WIC program participants had to travel long distances to redeem the vouchers; with only \$28 worth of vouchers for a season, many seniors and WIC recipients did not want to travel long distances to find a certified vendor. Supporters of the current program stated that these requirements help to develop strong farmers' markets and ensure that certified vendors of fresh produce will be present at authorized markets during specified hours. Supporters also noted the economic and social benefits to small markets in rural areas participating in the program.

In response to those concerns the department extensively revised the program to make the nutrition program readily accessible to voucher holders. Markets are now approved with three vendors instead of a minimum of five and permanent individual farmstands may be approved for the program. Up to two moveable farmstands may also be authorized in cities that are not located within ten miles of an authorized farmers' market. These changes met with general approval; however, concern was expressed over a new requirement that eligibility (60 years old and who have household incomes of not more than 185% of the federal poverty income guidelines) for the vouchers be verified. Traditionally, local agencies simply accept self-verification from the applicant.

DENTAL BOARD OF EXAMINERS, Mandatory reporting of acts or omissions by licensees, ARC 4165B.

Essentially, this filing required a board licensee (e.g.: dentist, dental hygienist or dental assistant) to report to the board "acts or omissions" of a licensee that could result in the imposition of licensee discipline. The issue was whether this requirement is beyond the scope of the statute. Iowa Code §272C.4(6)-- requires licensees to report acts or omissions that are grounds for *revocation or suspension* of a license, while the board rule instead refers generally to

"[a]ny acts or omissions which could result in *discipline*". Board representatives maintained that any act or omission might be grounds for suspension or revocation, depending on the severity of the offense, and for that reason the board wanted to review any act or omission, to determine its' severity. They also noted this same policy is similar to that in effect for other licensing boards. Board representatives also provided to committee members copies of informal advice from the board's assistant attorney general in support of that position.

The Iowa Dental Association opposed this requirement and expressed concern that such a broad interpretation requires licensees to report virtually any infraction, real or perceived; they also contend the statutory phrase was much narrower than the rule, limiting mandatory reporting to only serious acts or omissions which could result in revocation or suspension of a license.

The committee referred this issue to the General Assembly for addition review. House Joint Resolution 2006 was proposed to terminate this rule.

ECONOMIC DEVELOPMENT DEPARTMENT, Grow Iowa Values Fund, ARC 4414B-tax credits, 4420B-fund, 4421B-jobs training, 4372B-new jobs and income. AUGUST, 2005.

In 2005 the legislature created the multi-year "Grow Iowa Values Fund" and the department emergency adopted a series of rules to implement this far-reaching program. Two House Files, 868 and 809, together created the fund which is the successor to the Vision Iowa Fund. Under these Acts, for *each* of the next ten fiscal years (2005-2015) \$50,000,000 dollars from the general fund is appropriated to the Vision Iowa Fund, with \$35,000,000 of that amount annually appropriated to fund business development type activities. Activities funded under the various Vision Iowa programs include:

\$5,000,000 annually appropriated for board of regents institutions for "capacity building infrastructure" in technology commercialization, for marketing and business development efforts in areas related to technology commercialization, entrepreneurship, and business growth, and for infrastructure projects and programs for university based research.

\$1,000,000 annually appropriated for targeted state parks, state banner parks (multiple use) and destination parks. A similar amount is also appropriated for the Iowa cultural trust.

\$7,000,000 annually appropriated for the workforce training and economic development funds administered by Iowa's community colleges.

\$1,000,000 annually appropriated for economic development regional assistance.

\$350,000 annually appropriated to Iowa State University to provide financial assistance to establish small business development centers.

Committee members discussed the various aspects of these rules, but took no formal action.

HUMAN SERVICES DEPARTMENT, Audits of Medicaid service providers, 441 IAC 77.44, SELECTIVE REVIEW. APRIL, 2005

As provided in Department of Human Services rule 441 IAC 77.44 accredited school districts may participate in the medical assistance program (Medicaid) as providers of local education agency (LEA) services under rule 441 IAC 78.50. Commonly provided school-based health services that qualify for Medicaid reimbursement include physical, occupational, and speech therapy as well as diagnostic, preventive, and rehabilitative services. The issue was raised whether the rules, and the department manual materials which supplement those rules, adequately detail the record-keeping requirements imposed on participating school districts. A state agency is required by statute to establish at least general standards for the programs it administers.

This issue sparked a number of reviews in 2005, centering around Medicaid audits performed on a particular school district. It was determined that any committee action was inappropriate because the matter was under appeal. The issue remains unresolved as of April, 2006.

HUMAN SERVICES DEPARTMENT, Collection of personally identifiable data, ARC 4184B. JUNE, 2005

These provisions require that personally identifiable data on persons served under county management plans for mental health, mental retardation and developmental disability services be electronically forwarded to the department. Service providers expressed concerns over the integrity and security of the department's central database. The department was urged to create a system that would capture the required information, but would "de-identify" the individual.

Committee members agreed that confidentiality was essential for this information and requested that the department continue to work on the system to increase the level of security. The committee also referred these concerns to the General Assembly with the request that legislation be considered to require the use of unique identifiers to insure the security of the information .

HUMAN SERVICES DEPARTMENT, Shelter care, ARC 4313B; EMERGENCY. SEPTEMBER, 2005

2005 Acts, House File 825, §30 required the department to revise a request for proposal (RFP), relating to the statewide availability of emergency juvenile shelter care services; the amendment increased the statewide daily average number of shelter care beds covered under the RFP to 288 beds in order to include 15 unallocated beds statewide for emergency placements. The department implemented emergency rules which provided that the department would contract for over 345 shelter beds statewide, but guarantee payment for approximately only 246 beds. Department representatives noted that House File 825 did not identify any number of beds for which payment should be *guaranteed*, requiring only a 288 daily average. Department representatives contended that the state should not pay for beds it does not use. Moreover, they noted the current provisions allowed them the flexibility to obtain beds geographically close to the clients home, thus minimizing travel time. Shelter care representatives responded that a bed guarantee was essential to ensure a reliable stream of income; they also noted that shelter facilities have already closed due to a lack of income.

Committee members were concerned that more shelters, especially in rural Iowa, could be closed unless actual payment for 288 beds was actually guaranteed. After a series of discussions the department provided a guarantee for 288 beds.

IOWA LOTTERY AUTHORITY, Monitor vending machines, ARC 4097B; EMERGENCY; MAY 2005 and JANUARY 2006.

Monitor vending machines are regulated by the Iowa Lottery Authority; and "electrical or mechanical" amusement devices are registered with the Iowa Department of Inspections and Appeals. A monitor vending machine (MVM) is a vending machine that dispenses or prints and dispenses lottery tickets that have been determined to be winning or losing tickets by a predetermined pool-drawing machine prior to the dispensing of the tickets. An MVM has a video monitor for display of symbols and audio capabilities to provide entertainment value. The Iowa Lottery Authority is prohibited from installing slot machines; Iowa Code §99G.3(7) provides that the Authority: "... shall not authorize a player-activated gaming machine that utilizes an internal randomizer to determine winning and nonwinning plays and that upon random internal selection of a winning play dispenses coins, currency, or a ticket, credit, or token to the player that is

redeemable for cash or a prize..." The MVMs do not fall under this prohibition because they do nothing but display the results on a screen; "random internal selection" is not part of the function.

An electrical or mechanical amusement device is defined by Iowa Code 99B.1(1), as: "... *an electrical or mechanical device possessed and used in accordance with section 99B.10. When possessed and used in accordance with that section, an amusement device is not a game of skill or game of chance, and is not a gambling device.*" Iowa Code Section 99B.10 lists a number of requirements that electrical or mechanical amusement devices must meet in order to be registered with the Department of Inspections and Appeals, including that: "... *a prize of merchandise exceeding five dollars in value or cash shall not be awarded for use of the device ...*"

The committee's concern with electrical or mechanical amusement devices and monitor vending machines was only tangentially related to the Lottery Authority's rules filing regarding its advertising restrictions on MVMs. Committee members understood that there are legal distinctions between MVMs and electrical or mechanical amusement devices, but expressed concern about consumers' ability to differentiate between the machines, noting that functionally both devices appear to be slot machines.

Members also expressed concern about the venues where electrical or mechanical amusement devices and MVMs are located, as both types of machines can be operated at retail establishments open to all members of the public. Committee members were not convinced that supervision was adequate to prevent play by minors. Authority representatives noted that in locations where minors were admitted only two MVMs could be placed, in a supervised area; and in locations closed to minors (e.g. taverns) four MVMs could be placed. Similar restrictions exist on the number of electrical or mechanical amusement devices that can be placed in a business establishment.

The committee referred both provisions to the General Assembly for addition review. Legislation has been enacted to ban the use of monitor vending machines.

NATURAL RESOURCES COMMISSION, Dock regulation/lease rates, ARC 4237B and 4243B. JULY 2005

The commission regulates the placement and construction of docks adjacent to Iowa's public waterways. Controversy centered around proposed rules relating to the leasing fees for commercial docks, which includes commercial marinas or other shoreline business. Under the proposal the annual fee is determined by a formula based on the value of the property itself; the formula states:

"Assessed land value per square foot of the adjacent privately owned parcel, as it appears in the records of the local property tax assessor, multiplied by 8 percent; multiplied by the square feet leased; multiplied by 75 percent."

Unfortunately, when that formula was applied to high-value properties, such as Spirit Lake or Lake Okoboji, it resulted in unreasonably high fees. Department representatives conceded this result was unintended. Commercial property owners agreed that some revision in the lease rates was appropriate, but reiterated that the proposed formula was unreasonable. They also suggested that the issue should have been discussed prior to the rulemaking.

Committee members requested a regulatory analysis on these filings to accurately determine the economic impact of this fee structure on commercial activities. However, the department determined that the public concerns were well-founded and agreed to terminate both notices. These provisions will now be re-drafted and a new rulemaking commenced.

NATURAL RESOURCES COMMISSION, Rifle season for deer hunting, ARC 4339B. AUGUST, 2005.

Iowa Code §481A.38 empowers the natural resources commission to specify the methods of take for most game. In a significant shift in policy, for the 2005-06 deer season, a limited deer rifle season was added. The rifle hunt applies only across Iowa's southern two tiers of counties, where department representatives stated that deer herds are thick and the hilly, wooded terrain provide protection against long-range rifle fire; in addition the season was limited to a seven-day extension of the January antlerless season. Department representatives stated that especially in the southern part of the state, deer populations continue to grow and an additional incentive was required to encourage the taking of female deer. It was also noted that with the exception of Illinois the states surrounding Iowa allow the use of rifles.

The issue of safety was extensively discussed; department representatives stated that the limited season, late in January and the topography of southern Iowa all work to limit the risk. It was also noted that high-powered rifles are already in use, for hunting coyote. Some individuals opposed the rifle season, contending that the longer range of a high-powered rifle posed a public threat, and suggesting that such a significant change in policy should be accomplished only through a statutory change.

PHARMACY EXAMINERS BOARD, database to track all purchases of certain prescription drugs, ARC 4307B, NOTICE ONLY. AUGUST, 2005.

During the 2005 legislative session legislation was considered that *would* have created a database to monitor the misuse, abuse, and diversion of certain controlled substances and other drugs. The bill was passed by the House of Representatives, but it did not pass the Senate. In August the board published a notice of intended action to implement a portion of that surveillance database; the board takes this action because, for a limited period of time, federal funds are available to pay for the system. Under the proposal information for schedule II through schedule V drugs must be submitted to the board, including over-the-counter purchases that contain pseudoephedrine. The required information included the name, address and age of the patient.

The proposal was controversial, especially with the groups that successfully opposed the enactment of the legislation. The board maintained that while specific legislation is desirable to establish the database, existing authority provided adequate authority for the board to demand and maintain that information, with the goal of uncovering prescription abuse. Members appreciated the need to track the sale of certain drugs, especially pseudoephedrine; nevertheless, members were very concerned about the precedent being set of turning failed legislation into an administrative rule. The board ultimately terminated this rulemaking in order to pursue legislation in the 2006 session.

In 2006 House File 722 was enacted into law, creating this database in statute.

DEPARTMENT OF PUBLIC SAFETY, Minimum training standards for volunteer fire fighters, ARC 4230B. JULY, 2005.

Iowa Code §100B.2 empowers the department to adopt minimum training standards for volunteer firefighters. The rules adopted by the department require completion of the training requirements of the fire fighter I certification program only for those persons who enter a hazardous environment which requires the use of self contained breathing apparatus. The rules do not require the actual fire fighter I certification. In addition, the rules also specify a series of continuing education requirements. All volunteers must annually obtain at least 24 hours of continuing training. Training may be provided at the local level.

The adopted rule also extends the deadline for meeting the fire fighter I standard for four years---to July 1, 2010. To ensure that local departments or volunteers are not burdened by additional costs, further extensions of this deadline will be granted whenever there is not sufficient state money available for the training.

REVENUE DEPARTMENT, Sales tax exemption for computers, 401 IAC 18.58, SPECIAL REVIEW. JULY, 2005.

Iowa Code §423.3(47)"a" provides an exemption from sales tax for: "(4) Computers used in processing or storage of data or information by an insurance company, financial institution, or commercial enterprise." The question presented by this exemption was what type of device is encompassed in the word "computer". The device in question is sold to radio stations that basically stores audio files for use in the station program; it was the position of the department that an audio file was not "data or information" as contemplated in the statute, because audio files did not exist when the statute was enacted in 1985.

Department representatives noted that under common law exemptions to taxing statutes are to be defined and construed narrowly; that the taxpayer must prove that the exemption is available; and that any doubt regarding the exemption is to be resolved in favor of taxation. Department representatives contended that re-interpretation can lead to unintended consequences, since many devices can now be considered computers, including: slot machines, telephone answering systems, bar code readers PDA's and even cell phones.

Committee members felt that the devices were computers within the meaning of the statute, and voted a general referral of rule 18.58 to the legislature, with the recommendation that the legislature consider updating the definition of the term "computer".

UTILITIES DIVISION, Renewable energy tax credits, ARC 4342B. EMERGENCY. AUGUST and SEPTEMBER, 2005.

2005 Acts, Senate File 390 created a tax credit program for small, renewable energy projects of less than 2 Megawatts; it was effective on enactment (June 15, 2005). House File 882 amended an existing tax credit program for larger, commercial scale wind projects; these provisions became effective July 1, 2005. A number of issues were raised concerning this filing, all relating to the wind energy production tax credits under House File 882; the most significant was that the rules implementing wind energy production tax credits were placed in emergency effect on June 20th, 2005, *before* the effective date of HF 882. Committee members felt that the value of placing these rules in immediate effect did not outweigh the value of having public review and participation in the decision-making process; moreover, they noted that a rule could never be effective prior to the effective date of the enabling statute.

A second issue related to the required documentation to demonstrate a market for the wind energy; the Act required "*A copy of an executed power purchase agreement or other agreement to purchase electricity...*", while the rule allowed: "*...a binding statement from the applicant that designates which party will be eligible to apply for the renewable energy tax credit....*" The committee felt that the language of the Act showed a legislative intent that only an *executed* agreement could be accepted in the application process.

A final issue involved the ownership of these wind facilities. House File 882, stated: "*[a]n owner shall not be an owner of more than two qualified facilities*" The committee members felt the statutory language evidenced a clear legislative intent that the board should consider both direct and indirect ownership interests and not rely solely on corporate business structures to determine ownership. The committee noted that of the seven projects awarded eligibility under

the House File 882 program, credits were awarded to at least five entities with the same equity owners.

As a result of these concerns the committee filed an objection to those rules which implemented House File 882. In 2006 the board amended these provisions in light of the committee objection and no further action was taken.

APPENDIX A—SUMMARY OF RULEMAKING IN 2005

Agency name	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
HUMAN SERVICES DEPARTMENT[441]	03	02	01		05	01	21	01		02	14	08	58
Professional Licensure Division[645]		02	01	01	01	02	16	13	06		07	07	56
PUBLIC HEALTH DEPARTMENT[641]		14	03			01	06						24
ECONOMIC DEVELOPMENT DEPARTMENT [261]	02						07				12	01	22
PUBLIC SAFETY DEPARTMENT[661]	03	01	01	01	01	04	02			03	04	02	22
ADMINISTRATIVE SERVICES DEPARTMENT [11]	01	01		02		01	04	01	01	02	01	03	17
Ethics And Campaign Disclosure Board, Iowa[351]		05	01						03			04	13
NATURAL RESOURCES DEPARTMENT [571]		01				06		03				03	13
Environmental Protection Commission[567]			02		02	01		01	03		03		12
Pharmacy Examiners Board[657]	02				01	07	01	01					12
REVENUE AND FINANCE DEPARTMENT[701]	02	02	01			01	01			02	01	02	12
Natural Resource Commission[571]	01		01				05			01	01		09
Insurance Division[191]	03				01	01						03	08
TRANSPORTATION DEPARTMENT[761]		01			01	01	01			03	01		08

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]				01	01	01	01		01	01	01		07
EDUCATION DEPARTMENT[281]					02			01				04	07
INSPECTIONS AND APPEALS DEPARTMENT[481]		02					04					01	07
Iowa Finance Authority[265]					01			02	02	01	01		07
Educational Examiners Board[282]	01	02	01					02					06
Utilities Division[199]		01			01	01	01				01	01	06
CORRECTIONS DEPARTMENT[201]	01						01		01		02		05
Engineering and Land Surveying Examining Board[193C]			02					01		01			04
Labor Services Division[875]						02		01	01				04
Medical Examiners Board[653]	01						01	01	01				04
State Public Defender [493]						01		01	01			01	04
Capital Investment Board [---]				01		01				01			03
Deaf Services Division [429]					03								03
Dental Examiners Board[650]		01					01		01				03
Nursing Board[655]				01			02						03
Regents [681]	01						02						03
Real Estate Commission[193E]							01	01				01	03
Soil Conservation Division[27]			01						01			01	03
Workers' Compensation Division[876]							01	01			01		03
Architectural Examining Board[193B]										02			02
IPERS [495]					01							01	02
Racing and Gaming Commission[491]					01						01		02
SECRETARY OF STATE[721]											01	01	02
Accountancy Exam. Bd [193A]		01											01
Agency name	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Alcoholic Beverages Division[185]		01											01
ATTORNEY GENERAL[61]	01												01
Banking Division[187]		01											01
Real Estate Appraisers Board [193F]					01								01
College Student Aid Commission[283]				01									01
Historical Division[223]	01												01
CULTURAL AFFAIRS DEPARTMENT [221]									01				01
Credit Union Division [189]											01		01
ELDER AFFAIRS DEPARTMENT[321]						01							01
Landscape Architectural Examining Board[193D]											01		01
Lottery Division[705]				01									01
MANAGEMENT DEPARTMENT [541]		01											01
PETROLEUM STORAGE TANK FUND BOARD [591]								01					01
Railway Finance[[765]												01	01
Volunteer Service Commission[817]							01						01
Records Commission [671]									01				01
TOTAL	23	39	15	09	23	33	80	32	24	19	54	45	396

APPENDIX B—EMERGENCY RULEMAKING IN 2005

Agency name	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
HUMAN SERVICES DEPARTMENT[441]	02	01			02	01	16			02	01	01	26
ECONOMIC DEVELOPMENT DEPARTMENT [261]	01						07						08
PUBLIC SAFETY DEPARTMENT[661]			01	01	01	02	02						07
ADMINISTRATIVE SERVICES DEPARTMENT [11]		01					03						04
AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]						01	01		01	01			04
Natural Resource Commission[571]							03			01			04
Environmental Protection Commission[567]									01		01		02
Soil Conservation Division[27]									01			01	02
State Public Defender [493]						01			01				02
Workers' Compensation Division[876]							01	01					02
Capital Investment Board [---]				01									01
Dental Examiners Board[650]							01						01
Educational Examiners Board[282]								01					01
ELDER AFFAIRS DEPARTMENT[321]						01							01
Insurance Division[191]												01	01
Labor Services Division[875]									01				01
Lottery Division[705]				01									01
Agency name	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
NATURAL RESOURCES DEPARTMENT [571]						01							01
Pharmacy Examiners Board[657]					01								01
REVENUE AND FINANCE DEPARTMENT[701]			01										01
Utilities Division[199]							01						01
TOTAL	03	02	02	03	04	07	35	02	05	04	02	03	72

APPENDIX C-IOWA AGENCIES

23 Departments

58 subunits of these departments

4 Constitutional agencies

29 Independent entities

114 Total rulemaking entities

“Umbrella” agencies and elected officials are set out below at the left-hand margin in CAPITAL letters.

Divisions (boards, commissions, etc.) are indented and set out in lowercase type under their statutory “umbrellas.”

Other autonomous agencies which were not included in the original reorganization legislation as “umbrella” agencies are included alphabetically in small capitals at the left-hand margin, e.g., BEEF INDUSTRY COUNCIL, IOWA[101].

The following list will be updated as changes occur:

ADMINISTRATIVE SERVICES
DEPARTMENT[11]
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
 Division[193]
 Accountancy Examining Board[193A]
 Architectural Examining Board[193B]
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