

# THE ADMINISTRATIVE RULES REVIEW COMMITTEE

## 2004 Annual Report

### I. INTRODUCTION

This report covers the final rulemaking actions that were published in the Iowa Administrative Bulletin from January through December 2004; it covers the period beginning with the committee's February 2004 meeting through the January 2005 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 and commissions; the list is set out in Appendix "C". In 2004 56 of these entities promulgated rules. The 420 filings in 2004 is roughly even with the 435 filings by 54 agencies in 2003. The 2004 filings are detailed by agency and by month in Appendix "A". As always, the Department of Human Services leads the list, with 54 filings (down from 80 in 2003 and 92 in 2002), while 22 of these agencies promulgated 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
2004	56	420	1999	81	506
2003	54	435	1998	53	398
2002	59	523	1997	50	374
2001	64	419	1996	56	392
2000	52	367	1995	53	399

In 2004 59 filings were put into effect using the "emergency" rulemaking provisions of the rulemaking process (§§17A.4 and 17A.5, 2005 Code), a decrease from the 73 emergency filings in 2003. 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 14 percent of the total filings, a slight reduction from 2003. The emergency filings are tabulated in Appendix "B". Note that 24 of the 59 emergency filings were promulgated by the Department of Human Services; 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
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
2000	75 (20 percent)	367	1995	66 (16 percent)	399

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 agencies which adopted rules in 2004 are set out in Appendix “A”. For the purposes of this report, the term “agency” ignores the statutory groupings of departments, divisions, boards, etc. Instead, the Appendix “A” chart independently lists every rulemaking unit without regard to its location within a larger “umbrella” department. Capitalized agencies represent departments or independent entities while lower-case agencies represent divisions, boards, or other units of state government. 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. The 2004 rulemaking filings are broken down by month in the following chart:

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	TOT
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 declined in 2004. No objections were imposed in 2004; traditionally one or two are filed each year. One session delay was imposed in 2004, while three were imposed in 2003 and two were imposed in each of the previous three years. The committee imposed two general referrals, Six 70-day delays, and two requests for a regulatory analysis. The committee took 11 formal actions, down from 16 in 2003. The individual actions are summarized below in the next section.

## III. CALENDAR OF 2004 RULES REVIEW COMMITTEE ACTIONS

### February 2004 through January 2005 ARRC Meetings

**INSPECTIONS AND APPEALS DEPARTMENT**, 70-Day Delay, ARC 3080B, relating to the registration fee imposed on distributors of certain amusement devices [February 2004].

**COLLEGE STUDENT AID COMMISSION**, 70 Day Delay, ARC 3156B, relating to certification, accreditation, and approval standards for out-of-state postsecondary schools [March 2003].

**HUMAN SERVICES DEPARTMENT**, Session Delay, ARC 2900B, relating to changes in the adoption subsidy program [March 2004].

**PHYSICIAN ASSISTANT EXAMINERS**, 70 Day Delay, ARC 3345B, relating to the practice of physician assistants [June 2004].

**PUBLIC SAFETY DEPARTMENT**, Regulatory Analysis, ARC 3482B, relating to training standards for firefighter certification [August 2004].

**ENVIRONMENTAL PROTECTION DIVISION**, 70 Day Delay, ARC 3517B, relating to the phosphorous content of manure applied to cropland [August 2004].

**DENTAL BOARD**, 70 Day Delay, ARC 3520B, relating to reporting requirements for licensee discipline [August 2004].

**EDUCATION DEPARTMENT**, General Referral, ARC 3612B, relating to extended school programs [September 2004].

**COLLEGE STUDENT AID COMMISSION**, Regulatory Analysis, ARC 3739B, relating to the approval of out-of-state secondary schools [November 2004].

**STATE PUBLIC DEFENDER**, 70 Day Delay, ARC 3813B, relating to the reimbursement for public defenders [December 2004].

**INSPECTIONS AND APPEALS DEPARTMENT**, General Referral, ARC 3848B, relating to excellence in care awards to care facilities [January 2005].

#### **IV. SUMMARY OF ISSUES BEFORE THE COMMITTEE**

**AGRICULTURE AND LAND STEWARDSHIP**, Termination of chronic wasting disease (CWD) program for cervids, 07/07/04 IAB, ARC 3413B, EMERGENCY.

In an informal opinion the Attorney General's office informally advised the department that the various fees imposed regulating farm deer for the program cannot be collected. For that reason on July 2<sup>nd</sup> the department emergency implemented rules to terminate the fee and the CWD inspection program for cervids. Committee members and industry representatives were very concerned that without an inspection program it may be impossible to move cervids into other states, where inspection and certification is a condition for entry; it was also noted that federal rules currently being developed would require an inspection program. The department responded that no federal program was currently in place and that without additional funding the department could not absorb the cost of the program. Committee members were insistent that a rescission of the inspection program was not a viable option and that some type of inspection program be re-established as soon as possible. By August 2004 the department received a one-time, one-year funding from the federal government and so reinstated, by emergency rule, the CWD inspection portion of the original rules.

**COLLEGE STUDENT AID COMMISSION**, Advisory committee on post secondary registration, 10/13/04 IAB, ARC 3739B, NOTICE (Not adopted).

Chapter 261B, 2005 Code, requires that post-secondary schools be registered with the Secretary of State, following approval for operation by the College Student Aid Commission. The commission published a proposed amendment to its' existing rules detailing the commissions role in the approval process and adding six new criteria for those approvals.

At issue in this proposal was the role of the non-governmental Iowa Coordinating Council for Post High School Education in making recommendations regarding the approval of out-of-state schools. One commenter stated this council, which made up of representatives from Iowa-based schools, had too much influence in the approval process; that commenter also stated that consultation with this council should not be mandatory and that applicants should not be required

to follows the procedures of the council. Committee members echoed this concern and questioned whether it was appropriate to require any applicant for state approval to be reviewed by a non-governmental body. Committee members also expressed some concern that since the council was comprised of in-state educational institutions it was not a completely objective review body, since the applicant would be in competition with the members of the council. Committee members requested a §17A.4A regulatory analysis to determine whether this process placed an unfair burden on out-of-state applicants. The commission subsequently terminated this proposal.

**EDUCATIONAL EXAMINERS BOARD, Codes for professional rights and responsibilities, 08/04/04 IAB, ARC 3553B and 3554B, ADOPTED.**

These provisions update the existing standards of professional conduct by setting out eight general principles each of which are then explained in detailed standards. Committee members questioned why one specific prohibition against discrimination used the phrase "definable minority" and did not follow the prohibited discrimination language in the Iowa Civil Rights Act, as specifically set out in §216.9. Board representatives responded that the rule is a professional ethical standard, not a civil rights provision; they also noted the term "definable minority" is supported by federal case law.

A companion filing established a code of rights and responsibilities for licensees. These rights and obligations essentially already exist, but are now set out in rule form. Putting these principles in rule serves clear function; once established in rule these principles can provide at least a partial defense against professional complaints since the rule has the fore and effect of law.

**ENVIRONMENTAL PROTECTION COMMISSION (EPC), Hydrogen sulfide standard for confinement feeding, 08/18/04 IAB, ARC 3588B, ADOPTED.**

The EPC is authorized by §459.207(3), 2005 Code to develop plans and programs to control "*...airborne pollutants emitted by an animal feeding operation[which] are present at a separated location at levels commonly known to cause a material and verifiable adverse health effect.*" In 2004 the EPC implemented a "health effects value" and a "health effects standard" for hydrogen sulfide emitted by animal feeding operations; both standards were set at 30 parts per billion (ppb). Roughly eight ppb is the odor threshold. The term "health effects standard" means the level of an airborne pollutant required to trigger plans and programs to abate emissions of airborne pollutants. The term "health effects value" means the level of an airborne pollutant commonly known to cause a material and verifiable adverse health effect as contemplated in the statute (citation above).

This filing was controversial for a number of reasons. Opponents questioned the need for both a health effects value and a health effects standard for hydrogen sulfide and suggested the rule seems to set two standards where the statute calls for only one. Opponents stated that the statutory requirement that the level was to be set "*...levels commonly known to cause a material and verifiable adverse health effect*" had not been met by the 30 ppb level and questioned whether verifiable effects occur at such low-level exposure; EPC representatives responded that there are verifiable adverse health effects at the 30 ppb level. Opponents also were concerned about locating the testing equipment away from a separated location, noting that the statute calls for monitoring "at" the separated location. EPC representatives noted this final rule was the culmination of over three years of effort, including a study by the University of Iowa and Iowa State University. Those representatives defended the 30 ppb level, contending that it was based on sound science. They also contended that the 30 ppb was a benchmark, not a standard; they stated that the 30 ppb level was simply the point at which the department would consider additional rulemaking to actually reduce emissions. EPC representatives promised that additional

rules would have to be adopted through the rulemaking process before any enforcement could occur. Some committee members also voiced support for the rules, stating they were reasonable and within the statutory mandate. No action was taken by the committee.

**ENVIRONMENT PROTECTION COMMISSION, Phosphorus index, 07/21/04 IAB, ARC 3517B, ADOPTED.**

Section 459.312, 2005 Code, requires the EPC to establish a "phosphorus index" setting the manner and timing, on a per-field basis, for the land application of manure from a confinement feeding operation. The index will determine application rates, based on the number of pounds of phosphorus that may be applied per acre and application practices to be used in the process. The phosphorus index is part of the original manure management plan filed by the operation and any update to the plan. Persons who have already submitted manure management plans will have 2 to 4 years before compliance is required.

Commentators were concerned the applicator could be responsible for an over-application of fertilizer by the landowner; such an over application could exceed the allowable phosphorous limits for the soil if the applicator, unaware that the landowner had fertilized the area, then applied manure. Commentators contended that the applicator should only be held responsible for the terms of the agreement between the landowner and the applicator.

Committee members feel this issue could be resolved with further discussion and delayed this provision for 70 days. This issue was resolved early in 2005 by a revision which held the applicator responsible for excessive applications of fertilizer only if the applicator knew or should have known that the landowner had applied fertilizer .

**ENVIRONMENTAL PROTECTION COMMISSION, Water quality: cold water designations, 11/10/04 IAB, ARC 3805B, ADOPTED.**

Water quality rules have a protection classification for "Class B(CW) Cold Water". This classification protects the temperature levels in designated streams for the benefit of trout and other fauna that thrive in colder waters. These streams are located in North East Iowa. The EPC established in this filing a specific protocol setting out characteristics that define and identify a cold water stream, thus setting a standard for more uniform determinations. Committee members expressed concern about the future impact these criteria would have on the small communities located on these streams; it was noted that the cost of that protecting the temperature of these streams could have a significant financial impact on those communities. Members also noted that cold water rulemaking is a two-part process. Once the protocol itself was adopted in rule, each stream identified according to the standard must itself be adopted through the rulemaking process in order to achieve the protected status. Members were concerned that the true impact of this regulatory program could not be properly evaluated until the actual communities impacted by the restrictions were identified and the costs of compliance determined. EPC representatives emphasized that no community would be impacted until further rulemaking took place, and that the communities would have notice and opportunity to comment and that local impact would be determined at that time.

**INSPECTIONS AND APPEALS DEPARTMENT, Licensing of certain amusement devices, 01/07/04 IAB, ARC 3080B, ADOPTED.**

§§99B.10 and 99B10A, Code 2003 imposed a \$2,500 annual registration for a manufacturer or distributor of an "electrical and mechanical amusement device" which dispenses a prize. These devices are similar to video slot machines; upon winning, the player receives a paper slip awarding merchandise regularly sold at the premises. Under the wording of the statute and the

departments rules, registered machines must be purchased from a manufacturer, manufacturer's representative, or distributor which also has been registered with the department. Under the rules the term "distributor", and hence the \$2,500 annual fee, did not apply to a person who owns a device but does not intend to sell or lease it to another; thus a chain store could pay for a single distributor's license and then place machines in many separate locations. The committee questioned whether this was the actual intent of §99B.10A and imposed a 70 day delay.

2004 Iowa Acts, chapter 1118 was enacted to resolve a number of issues with these devices. That legislation made a number of major changes in the regulation of these devices; in part the Act:

- froze the number of registered devices at the 2004 level,
- provided that registered electrical and mechanical amusement devices could be located only at an establishment holding a class "A," "B," "C," or "D" liquor license or a class "B" or "C" beer permit,
- required a counting mechanism to determine business volume,
- limited the advertising by the owner or operator of the device,
- created a \$5,000 distributor fee applicable to a person that owns registered devices that are offered for use by the public at more than a single location.
- provided that a person under the age of 21 cannot operate a registered device.

**HUMAN SERVICES DEPARTMENT, Adoption subsidies, 10/29/03 IAB, ARC 2900B, ADOPTED.**

The department adopted a series of revisions to the adoption subsidy program, intended to save some \$400,000. This program encourages the adoption of special needs children by providing a variety of benefits. The committee heard testimony from a number of adoptive parents who contend the changes would discourage future adoptions and make it extremely difficult to care for special needs children who are currently adopted. Commentators noted that it was especially unfair to change the subsidies available to those who had already adopted children. The revisions were placed under a 70 day delay, and in March, 2004 a session delay was imposed.

**INSURANCE DIVISION, Diminished value determinations, 04/14/04 IAB, ARC 3306B, EMERGENCY.**

This rulemaking introduced the concept of "diminished value" in determining the value, for insurance loss purposes, of a repaired motor vehicle. The concept emerged from a 1995 Iowa Supreme Court case holding that the diminished value of a repaired vehicle was part of the compensable damage, even though the repair itself restored the vehicle to pre-accident condition. Committee members were unsure whether it was necessary or even desirable to establish a general policy based on a single judicial holding. Members also noted that many issues relating to damage were decided at common law and never codified into rule. For this reason the Committee imposed a session delay on that portion of the filing relating to diminished value. During the 2004 session the division met with a variety of stakeholders and agreed to rescind this rule, keeping open the possibility of future rulemaking.

**IOWA LAW ENFORCEMENT ACADEMY, Reserve peace officer personal standards, 04/14/04 IAB, ARC 2944B, ADOPTED.**

Under the previous rule the academy set standards only for reserve officer weapons certification. This is now expanded to include personal selection standards. Applicants must be at least 18 years of age and not be addicted to drugs or alcohol. Applicants cannot have uncorrected vision less than 20/100; corrected vision must be 20/20. Hearing must be corrected to a normal standard. Applicants must pass a thorough background investigation including a fingerprint search

conducted on local, state and national fingerprint files, and has not been convicted of a felony or a crime involving moral turpitude. Reserve peace officers are regulated in Code Chapter 80D; they are sworn peace officers who serve *"in a supplementary capacity"* to certified, regular officers.

**PERSONNEL DEPARTMENT, IPERS "buy back", 09/15/04 IAB, ARC 3670B, ADOPTED.**

Iowa §97B.74, 2005 Code, allows an eligible member of the Iowa Public Employees' Retirement System (IPERS) to buy back previously refunded IPERS credit. This deals with the situation where a covered public employee leaves public service and withdraws the amounts already paid into the system. If that person later returns to public service that person can "buy back" the years of previous service and thus increase future retirement benefits. In 1998 legislation was enacted which mandated that the buy-back contribution be *"the actuarial cost of the service purchase."* In essence this means payment of both the members share and the government entities share. Under prior law the buy-back cost was roughly the members' required contribution plus interest that would have accrued had the contribution remained in the system.

The provisions of the 1998 legislation were not *fully* implemented on the Acts' effective date (July 1, 1999). On that date *"the actuarial cost of the service purchase."* was calculated, but only about 40% of that amount was charged to the purchasing member. That amount was higher than the prior cost calculation, but still less than the full actuarial cost. In 2003 IPERS determined that it was necessary to fully implement the "actuarial cost" provisions, which was done effective January 14, 2004. At that point the cost of a buy-back increased significantly.

Two issues were discussed. First, committee members were concerned that the "actuarial cost" language was not fully implemented on July 1, 1999. IPERS representatives stated that the present Chief Executive Officer acted quickly to correct this problem once it was discovered, but they were uncertain about the rationale for the previous action. It was suggested that the rationale for this decision related to the retention, by the System, of the employers contribution for a member receiving a refund. In this scenario the definition of actuarial cost for the purposes of a buy-back took into account the System's retention of employer contributions. Committee members noted, according to Legislative Services Agency estimates, the additional expense to the IPERS system was approximately \$30,000,000. Members also conceded that when a member requests a refund, much (and at one time all) of the employers' contribution remains in the system. Although a refund extinguishes any future right or entitlement to an IPERS benefit, some members felt that buy-backs should properly reflect, at least in part, past employer contributions. Committee members did request additional information concerning the number of members who took advantage of the buy-back provisions during the 1999-2004 period when the reduced-cost calculation was used.

The second issue was whether IPERS members were entitled to a higher level of notice that the actuarial cost language of the statute and rule was to be implemented on January 14, 2004 and that a substantial increase in the buy-back cost would occur at that time. IPERS did notify the benefits advisory committee and post notice on the website, stating that after January 14, 2004 the cost of buy-backs would increase. IPERS notified its membership via employer, employee, and retiree newsletters prior to January 14, 2004. IPERS data suggested that members were aware of the impending change since IPERS experienced a several month spike in the number of buy-backs. Additionally, IPERS honored all service purchase quotes for six-months from anyone requesting a quote prior to January 14, 2004. Several IPERS members were investigating the cost of buy-backs in late 2003 and were unaware the cost would significantly increase in January,

2004. At issue was whether any additional notice was required, since the statute itself required "actuarial cost". There was some discussion of this issue, but no consensus was reached.

**PROFESSIONAL LICENSURE DIVISION, Responsibilities of a physician assistant, 05/12/04 IAB, ARC 3345B, ADOPTED.**

The board of physician assistant examiners adopted a series of rule changes generally relating to the physician assistant's practice, and more specifically relating to the relationship between the supervising physician and the physician assistant. The revisions also allowed broader scope of practice by physician assistants. For example, previous rules allowed the assistant to perform only "*office* surgical procedures"; the revision used a more open-ended phrase: "surgical procedures".

There was significant concern this filing greatly expanded the scope of a physician assistant's responsibility without providing for adequate supervision by a physician who was qualified in the particular area where the assistant worked. The committee imposed a 70 day delay and in that time the board adopted, on an emergency basis, a series of revisions that resolved much of the controversy. A major issue relating to the skill and knowledge of the supervising physician was resolved by adding the phrase: "for which the supervising physician has sufficient training or experience" which ensured the supervising physician had the expertise needed for meaningful supervision of delegated tasks. Issues dealing with the delegation of surgical and obstetrical procedures were resolved by returning to previous rule language which imposed narrow limits on these procedures.

## APPENDIX A—SUMMARY OF RULEMAKING IN 2004

Agency name	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
HUMAN SERVICES DEPARTMENT[441]	06	02	04	02		03	12	02	07	11	05		54
Professional Licensure Division[645]	01	01	03	03	03	02	02		04	01	02	03	25
Administrative Services Department [11]	09	03	01	01	02	01	02		01	01	02	01	24
ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]		02	02		08		05		03		04		24
Natural Resource Commission[571]	01					07	02		06			07	23
Environmental Protection Commission[567]	01	2	01	01	01	01	03		06		02	01	19
REVENUE AND FINANCE DEPARTMENT[701]	01	03		02					04	02	03	01	16
Educational Examiners Board[282]	01	01	02	01		02	01	02		03	01		14
AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]		02	01	01	03	01	01		03			01	13
SECRETARY OF STATE[721]			03				02		05		03		13
Utilities Division[199]	02		01	03	01	01		01	02	02			13
ELDER AFFAIRS DEPARTMENT[321]		02		04					03		01	01	11
PUBLIC SAFETY DEPARTMENT[661]		01		04			02	01	01	01		01	11
ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]	01		03	02				01			02	01	10
INSPECTIONS & APPEALS DEPARTMENT[481]	01	02	03				01	01	02				10
Pharmacy Examiners Board[657]			03					01			06		10
EDUCATION DEPARTMENT[281]		01				04	02		01			01	9
Medical Examiners Board[653]			02			02		01	02		02		9
PUBLIC HEALTH DEPARTMENT[641]		02	03						02			02	9
TRANSPORTATION DEPARTMENT[761]	02		02		01			02				01	8
Emergency Management Division[605]			01		01	01		01	02		01		7
CORRECTIONS DEPARTMENT[201]												06	6
Dental Examiners Board[650]		03					01		01		01		6
Iowa Finance Authority[265]								01	03	02			6
IPERS [495]	01					02			01		01		5
Regents [681]					01	01				03			5
Workers' Compensation Division[876]						01	02		01		01		5
ATTORNEY GENERAL[61]		01			02				01				4
College Student Aid Commission[283]		02								02			4
PETROLEUM STORAGE TANK FUND BOARD[591]					01	01			01	01			4
Public Broadcasting Division [288]								04					4
Racing and Gaming Commission[491]					01				02		01		4
Engineering and Land Surveying Examining Board[193C]					01					02			3
Insurance Division[191]				02							01		3
Labor Services Division[875]								01			01		2
Landscape Architectural Examining Board[193D]				01							01		2
LAW ENFORCEMENT ACADEMY[501]				01					01				2
NATURAL RESOURCE DEPARTMENT[571]			01				01						2
Real Estate Commission[193E]					01				01				2
State Public Defender[493]						01					01		2
Voter Registration Commission [821A]		01						01					2
Accountancy Board [193A]		01											1
Architectural Examining Board[193B]									01				1
CULTURAL AFFAIRS DEPARTMENT [221]			01										1
Capital Investment Board [123]										01			1
Historical Division [223]						01							1

Credit Union Division[189]											01		1
Deaf Services Division [429]			01										1
Lottery Division[705]							01						1
MANAGEMENT DEPARTMENT[541]	01												1
Nursing Board[655]										01			1
Parole Board [205]						01							1
Volunteer Service Commission [555]			01										1
PUBLIC EMPLOYMENT RELATIONS BOARD							01						1
Records Commission [671]						01							1
TELECOMMUNICATIONS & TECHNOLOGY COMM.[751]												01	1
TOTAL	28	32	39	28	27	34	41	20	67	33	43	28	420

### APPENDIX B—EMERGENCY RULEMAKING IN 2004

Agency name	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
HUMAN SERVICES DEPARTMENT[441]	02		01			01	08	02	03	06	01		24
SECRETARY OF STATE[721]							02		01		02		05
ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]					04								04
Professional Licensure Division[645]					01	01			02				04
AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]						01	01		01				03
Administrative Services Department				01			01						02
Utilities Division[199]	01								01				02
Workers' Compensation Division[876]							02						02
Dental Examiners Board[650]											01		01
ELDER AFFAIRS DEPARTMENT[321]											01		01
Environmental Protection Commission[567]												01	01
Insurance Division[191]				01									01
IPERS [495]						01							01
Lottery Division[705]							01						01
Medical Examiners Board[653]			01										01
PUBLIC EMPLOYMENT RELATIONS BOARD							01						01
Regents[681]										01			01
PUBLIC HEALTH DEPARTMENT[641]												01	01
PUBLIC SAFETY DEPARTMENT[661]												01	01
REVENUE AND FINANCE DEPARTMENT[701]										01			01
State Public Defender[493]						01							01
TOTAL	3	0	2	2	5	5	16	2	8	8	5	3	59

## 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]  
        Engineering and Land Surveying  
        Examining Board[193C]  
        Landscape Architectural Examining  
        Board[193D]  
        Real Estate Commission[193E]

    Real Estate Appraiser Examining  
    Board[193F]  
    Savings and Loan Division[197]  
    Utilities Division[199]  
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