

THE ADMINISTRATIVE RULES REVIEW COMMITTEE

2006 Annual Report

I. INTRODUCTION

This report covers the final rulemaking actions that were published in the Iowa Administrative Bulletin from January through December 2006, covering the period beginning with the Committee's February 2006 meeting through the January 2007 meeting. The Committee *generally* reviews rules published the month previous to the actual meeting.

Iowa state government consists of some 130 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 rulemaking 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 names of agencies represent departments or independent entities while lower-case named agencies represent divisions, boards, or other units of larger agencies.

In 2006, 58 of these agencies promulgated 440 filings. This is a ten percent increase over 2005, when 396 filings were promulgated by 54 agencies. The 2006 filings are detailed by agency and by month in Appendix A. As always, the Department of Human Services leads the list, with 61 filings (up from 58 filings in 2005 and 54 filings in 2004). Twenty-six of these agencies adopted only one or two filings.

Rulemaking filings generally contain more than a single rule change; these 440 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 |
|------|----------|---------|------|----------|---------|
| 2006 | 58 | 440 | 2001 | 64 | 419 |
| 2005 | 54 | 396 | 2000 | 52 | 367 |
| 2004 | 56 | 420 | 1999 | 81 | 506 |
| 2003 | 54 | 435 | 1998 | 53 | 398 |
| 2002 | 59 | 523 | 1997 | 50 | 374 |

In 2006, 65 filings were put into effect using the "emergency" rulemaking provisions of the rulemaking process (§§17A.4 and 17A.5, 2005 Iowa Code), a decrease from the 72 filings in 2005, and an even bigger decrease in the percentage of emergency filings. 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 roughly 15 percent of the total filings. The 10-year history for emergency rulemaking is as follows:

| YEAR | EMERGENCY | FILINGS | YEAR | EMERGENCY | FILINGS |
|------|-----------------|---------|------|-----------------|---------|
| 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 |
| 2003 | 73 (17 percent) | 435 | 1998 | 61 (15 percent) | 398 |
| 2002 | 64 (13 percent) | 523 | 1997 | 39 (10 percent) | 374 |

To calculate the volume of rulemaking, only filed documents are counted, either through the normal process or through emergency rulemaking, not the individual rule changes contained within each document. 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 2006 rulemaking filings are broken down by month on the top line of the following chart, which includes :

| | Jan | Feb | Mar | Apr | May | June | July | Aug | Sept | Oct | Nov | Dec | TOT |
|------|-----|-----|-----|-----|-----|------|------|-----|------|-----|-----|-----|-----|
| 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 |
| 1997 | 12 | 26 | 46 | 14 | 34 | 30 | 48 | 24 | 27 | 35 | 31 | 47 | 374 |

II. 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 2006, matching the number in 2005. No session delays were imposed either in 2005 or 2006. One 70-day delay was imposed in 2006. The Committee voted eight general referrals and two requests for a regulatory analysis. The individual actions are summarized below in the next section.

III. CALENDAR OF 2006 RULES REVIEW COMMITTEE ACTIONS

February 2006 through January 2007 ARRC Meetings

EDUCATIONAL EXAMINERS BOARD

General Referral. ARC 4812B. A proposed amendment would have allowed a teacher to petition the board to remove a letter of reprimand from the public information access system. Representatives from the school board association opposed the change. Following discussion, Committee consensus was that information regarding all sanctions should be accessible to the public. The rulemaking was terminated. March 2006.

ENVIRONMENTAL PROTECTION COMMISSION

Regulatory Analysis. ARC 5042B. The EPC proposed rules requiring counties to perform additional inspections of land application sites and reviews of waste management plans. Discussion related to the increased fees for commercial septic tank cleaners and the additional costs to counties. May, 2006.

ENVIRONMENTAL PROTECTION COMMISSION Objection. ARC 5243B. Proposed amendments to 567 IAC chapter 65, relating to animal feeding operations, provided for departmental evaluation of sites and director discretion to deny, modify, or condition a construction permit or manure management plan. The Committee objected on the grounds that the amendments are beyond the authority delegated to the agency. August 2006.

HUMAN SERVICES DEPARTMENT

General Referral. Special review ARC 5368B and ARC 5372B. These proposals were part of the department's overall rewrite of the state Medicaid plan. At issue with these proposals is the effort to limit Medicaid coverage to rehabilitative services, i.e., services which will restore or improve the mental health of the client. Under these revisions the provision of service will be based on a medical model. Some current services which are not deemed to be rehabilitative can no longer be paid for using federal Medicaid funds. October 2006.

HUMAN SERVICES DEPARTMENT

General Referral. ARC 5417B. Case management services are made available under the home and community-based services elderly waiver at a cost not to exceed \$70 per month. November 2006.

HUMAN SERVICES DEPARTMENT

General Referral. ARC 5536B. The amendment adds Medicaid coverage for smoking cessation drugs. December 2006.

LABOR SERVICES DIVISION

Regulatory Analysis: Inspection Of Water Heaters. ARC 5619B. The Division proposed licensing and inspection requirements for water heaters of less than 50 gallons located in places of public assembly. Committee members voiced concerns about the expanded scope of the rules, the fiscal impact the rules will have on businesses and governmental entities throughout the state, and the lack of notification of affected parties. The proposal was never adopted and the request for analysis was withdrawn. January 2007.

PHARMACY BOARD

General Referral. ARC 5151B. The board of medical examiners and the pharmacy examiners board implemented rules concerning collaborative drug therapy management. Committee members expressed doubt that no statutory basis for the rule existed. July 2006.

UTILITIES DIVISION

70-Day Delay. ARC 5380B. These provisions allowed administrative personnel to issue some procedural orders on behalf of the board in contested case proceedings. Committee members expressed concern that the delegation of authority to staff members was too broad, that it would vest too much authority in a single board member, and that such a change should be made statutorily rather than by rule. October 2006.

VETERANS AFFAIRS DEPARTMENT

General Referral. ARC 5179B. This filing, related to the Injured Veterans Grant Program, generated two separate referrals. The first issue related to the large amount of paperwork required by the federal government to verify that a veteran is an Iowan and is indeed injured, while the second issue related to the legislative intent for the uses of the grant money. November 2006.

VETERANS AFFAIRS/INSPECTIONS AND APPEALS

General Referral. ARC 5430B. This review involved the requirement that nursing homes identify residents who are military veterans, who then might be eligible for additional benefits. November, 2006.

IV. SUMMARY OF MAJOR ITEMS BEFORE THE COMMITTEE

AGRICULTURE AND LAND STEWARDSHIP, Grape and Wine Development, 05/24/06
IAB, ARC 5118B, NOTICE. Iowa Code Chapter 175A establishes a program assisting the Iowa wine industry in establishing, improving, and expanding wineries, vineyards, and winemaking operations. Services are provided by the department, with oversight by the grape and wine development commission. There are approximately 58 wineries in Iowa.

Under this new program financial assistance is also available from a state fund of \$250,000. Assistance is limited to \$10,000; however, this amount can be increased to \$25,000 with the mutual consent of the commission and the department. This assistance can be a loan, forgivable loan, cost share, indemnification of costs, or any combination. Assistance is available , for persons beginning or engaged in grape growing or winemaking in Iowa. A business plan is required to demonstrate the viability of the proposed business. The rules set out criteria both for the approval and rejection of an application for assistance. Financial assistance is also available to help offset losses resulting from fire, damaging weather, natural occurrence, or a related condition.

ECONOMIC DEVELOPMENT DEPARTMENT, Renewable Fuel Infrastructure Board, 12/20/06 IAB, ARC 5608B, EMERGENCY.

2006 Iowa Acts, chapter 1142, division III, created the Renewable Fuel Infrastructure Program and §34 of the Act called for emergency implementation of this grant program. The board is responsible for directing the program. The program provides financial incentives for gas stations to install the necessary tanks and equipment to store and dispense E-85 gasoline or biodiesel fuel. Applications for assistance are first reviewed by the Underground Storage Tank Fund Board, which forwards its comments to the infrastructure board for final action.

The main issue in this filing was the availability of waivers which would allow a retailer to cease marketing the product without repaying the grant back to the program. Section 30 of the Act specifically provides for a waiver, but neither the statute nor the rules establish any procedures or criteria for the handling of a waiver. Committee members expressed concern that the lack of criteria gave the board broad discretion to excuse retailers from their obligations under the grant agreement. The board representative responded that waiver criteria would be developed and speculated that waivers could be based on the number of years that the applicant had already been in the program along with proof of economic hardship.

A second concern was the statutory makeup of the board, with some Committee members contending that representatives of petroleum fuels had a disproportionate membership on the board. Members did note this was a statutory issue and that it has been previously referred to the legislature by the Committee.

EDUCATION DEPARTMENT, Extracurricular Competition, 03/29/06 IAB, ARC 4986B, ADOPTED.

The department revised a number of provisions relating to extracurricular school competition, in part implementing 2005 Iowa Acts, House File 423. Under the statutory revisions, a transfer student who is ineligible to play at the "varsity" level of competition as a result of open enrollment restrictions will be allowed to compete at lesser levels. The term "varsity" is defined as "the highest level of competition offered by one school or school district against the highest level of competition offered by an opposing school or school district." This provision is actually substantially similar to a rulemaking earlier proposed by the department.

The rules also revised the "scholarship" rules for extracurricular competition; students must be passing *all* coursework and be making "adequate progress" toward graduation in order to compete in athletic competitions (the department does not have authority to regulate scholastic competitions). Grades are checked only at the time when a final grade is given. If the student fails to pass all such coursework, the student cannot compete in interscholastic athletic contests and competitions for 20 consecutive school days. That 20-day prohibition can be renewed if the student does not improve. The Committee took no action on this rulemaking.

ENVIRONMENTAL PROTECTION COMMISSION (EPC), Animal Feeding Operations: Department Evaluations, 07/19/06 IAB, ARC 5243B, ADOPTED. This adopted rule empowers the EPC to evaluate proposed animal feeding operation sites prior to the issuance of a permit, based on a number of factors that are set out in the rule. These new factors allow consideration of *potential* damage, i.e., the likelihood of future environmental damage as part of the initial permitting process.

Committee opinion was split on this additional regulatory procedure. Some members supported the new rules, stating that additional review is needed to restore balance to the permitting process. They contended the process served as an alternative to local control of the permitting process and provided additional safeguards against the improper location of animal feeding operations. These members felt that adequate safeguards are present in this rule to prevent its abuse. Other members were concerned the rule concentrates too much power in the department and would put pressure on the department to condition or even deny permit applications that would otherwise meet the existing standards and receive a permit. These members contended that this review process is beyond the authority of the department, noting that over the last decade detailed statutes and rules, including master matrix guidelines, have been enacted to provide for the safe design, construction, and operation of these facilities. These members felt that a legislative intent had been clearly established and that the procedures and standards for feedlot regulation are to come from legislation.

The Committee objected to this filing on the grounds that it exceeded the authority of the department. This objection does not delay the implementation of the rule. The objection removes the "presumption of validity" that is normally accorded an administrative rule when challenged in court.

ENVIRONMENTAL PROTECTION COMMISSION (EPC), Water Quality: Stream Designations, 2/15/06 IAB, ARC 4895B and ARC 4897B, ADOPTED.

This filing provides that all perennial streams, and intermittent streams with perennial pools, be designated as Class A1, B(WW-1). This is the highest rating, protecting the designated stream for recreational and aquatic life uses. The federal Clean Water Act (CWA) established a goal that perennial streams and pools be "fishable/swimmable." Every state is required to have water quality standards which meet this federal requirement and ARE approved by the federal Environmental Protection Agency (EPA). The EPA reviews each state's water quality standards to ensure standards are kept current based upon scientific advances and other considerations. The EPA has not formally disapproved Iowa's standards; however, the federal agency has raised issues with several of Iowa's standards contending that some of these standards are inconsistent with the goals and intentions of the federal CWA.

This rulemaking is the first of a two-part process; it does not immediately require any local action. Future rulemaking proceedings will then establish a specific designation for every Iowa stream. This would be a multiyear process. Department representatives emphasized that the designation of each stream would be determined after a field study is conducted using specific criteria and would be accomplished through a rulemaking process, providing for public notice and comment as well as legislative oversight. As specific designations are established, effluents from treatment facilities must be reduced. This will result in reduced levels of ammonia and bacteria. The 20-year cost to achieve this reduction is estimated to be roughly \$1 billion.

Opponents of this program noted that only limited help was available from the state and federal government and that most of the cost would appear as user fees and would disproportionately

impact poorer communities which had older systems. Opponents also stated that the multimillion dollar cost would only address 10 to 20 percent of the water quality problems; they contended most of the water pollution in Iowa comes from the watershed areas, not treatment facilities. Supporters of the change responded that the standard had been required by federal law for many years and that litigation was the likely alternative to this program.

The Committee took no action on this filing, noting the existence of the long-standing federal requirement, but the members stated they would carefully review the case-by-case designations as they are proposed. The General Assembly later enacted 2006 Iowa Acts, Senate File 2363, to address the state's water quality standards. Under the Act, the EPC is required to designate stream segments pursuant to designated uses, e.g., agriculture, aquatic, or recreational use. For each designated use, the EPC is required to adopt water quality standards. The EPC must determine whether a designated use is attainable, and prior to any change in a national pollutant discharge elimination system (NPDES) permit, a use attainability analysis is required. The Act requires that all new or revised stream segment use designations be adopted through the rulemaking process. The EPC will bring each specific designation before the Committee for individual review.

HUMAN SERVICES DEPARTMENT, Remedial Services, 8/30/06 IAB, ARC 5368B NOTICE, Child Welfare Services, Medicaid Program Requirements, 8/30/06 IAB, ARC 5372B, NOTICE.

These proposals are part of the overall rewrite of the state Medicaid plan. These changes will impact adults with mental illness who are receiving adult rehabilitation option (ARO) services and children in foster care who are receiving rehabilitative treatment services (RTS). At issue with these proposals is the effort to limit Medicaid coverage to rehabilitative services, i.e., services which will restore or improve the mental health of the client. Under these revisions, the provision of service will be based on a medical model and some current services, which are not deemed to be rehabilitative, can no longer be paid for using federal Medicaid funds.

A number of issues were presented in regard to these two proposals, including:

- The disruption of services to persons with chronic mental illness and the increased cost to counties to pay for services not covered by Medicaid. Committee members were concerned that nonremedial services cannot be funded with federal dollars.
- The need for department communication with all of the stakeholders affected by these proposals.
- Concerns that a November 1, 2006, implementation date is too rushed.
- The need to define the term "LPHA", which is the licensed professional who is authorized to determine the need for remedial services.
- Concerns that the rules do not clearly delineate when certain services can only be provided by a licensed professional.

The Committee discussed this proposal over two meetings, in September and October. Department representatives committed to maintaining a "safety net" to guarantee services to current recipients through June 30, 2007, with a new plan to be developed to serve the chronically mentally ill. Following lengthy discussion Committee members determined that the rulemaking should proceed, with an "emergency" implementation date of November 1, 2006. Members requested monthly updates concerning the implementation of the program and any issues that arise concerning that implementation.

DEPARTMENT OF INSPECTIONS AND APPEALS, Veterans in Nursing Facilities, 10/11/06 IAB, ARC 5430B, ADOPTED.

2006 Iowa Acts, House File 2363 eliminated a statutory requirement that care facilities submit the names of all new facility residents. The purpose of this requirement is to help determine eligibility or potential eligibility for veterans benefits, as a means of reducing demands on the Medicaid system. The Act requires these facilities to request information from a resident or the resident's personal representative regarding the resident's veteran status and then to report to veterans affairs *only* the names of residents identified as potential veterans along with the names of their spouses and any dependents.

This change was made at the request of the Iowa Department of Veterans Affairs, which had been inundated with raw information about virtually all persons admitted to a care facility. Essentially, facilities must now winnow down that information and eliminate those persons who are not eligible for veterans benefits. It was noted that a loophole remains in the statute; the surviving spouse of a deceased veteran may well be entitled to benefits, but care facilities are not required to report these residents, although many facilities do so voluntarily. The Committee voted a general referral with the recommendation that the legislature consider adding surviving spouses to the reporting requirement.

IOWA FINANCE AUTHORITY (IFA), Wastewater Treatment Financial Assistance Program, 8/30/06 IAB, ARC 5346B, NOTICE.

2006 Iowa Acts, House File 2782, §63, established a Wastewater Treatment Financial Assistance Program for disadvantaged communities with populations of less than 3,000 persons. The program will provide grants to these communities to improve water quality and assist communities to comply with water quality standards adopted by the EPC. In March 2006, the EPC implemented rules designating all perennial streams, and intermittent streams with perennial pools, as "Class A1, B(WW/1)" waters for protection of recreational and aquatic life uses. This is the so-called "fishable-swimmable" standard. Attaining this standard will require the upgrading of many Iowa water treatment facilities. The 20-year cost is estimated to be roughly \$1 billion.

This program is intended to meet a small part of these costs by providing grants to communities serving populations having 51 percent of low-to-moderate income (LMI) persons. Low-to-moderate income is defined as 80 percent of the median household income. For fiscal years 2007 to 2016, the Act calls for a minimum of \$4 million to be appropriated each fiscal year to the Wastewater Treatment Financial Assistance Fund. Assistance may be used to install or upgrade wastewater treatment facilities and systems, and for engineering or technical assistance for facility planning and design. Committee members were concerned that eligibility criteria seemed to provide funding on a first-come, first-served basis.

Representatives of both IFA and the EPC appeared before the Committee presenting a timeline for stream designations. Fieldwork has been conducted and recommendations for stream use designations and rulemaking will occur in the spring/summer of 2007. This will be followed by federal EPA approval and the issuance of an NPDES permit to the local community. Once the affected community has been through this process, the EPC will determine what wastewater treatment projects are necessary to meet the change in water quality standards. An eligible community could then apply for a grant to assist in meeting the new standards; however, only the incremental cost attributable to the change in the standard would be grant eligible.

LABOR DIVISION, Regulation of Water Heaters in Public Places, 12/20/06 IAB, ARC 5619B, NOTICE.

This proposal, which was withdrawn in February 2007, would have extended safety and health regulations and inspections to water heaters with 50 gallon or less capacity. These heaters are

currently not inspected and regulated. Under this proposal all water heaters used in places of public assembly, such as theaters, schools, casinos, or churches, would be regulated and inspected by the division; current regulation applies only to heaters larger than 50 gallons. An agency representative noted that these water heaters are not subject to any national standard and that instances of catastrophic failure have occurred. The agency representative was not able to estimate how many heaters would be subject to the expanded regulation; the representative also stated that the proposal had been drafted without any input from this newly regulated community.

Committee members voiced extreme concern over this new program, noting that the agency did not have even an estimate as to the scope or cost of this regulatory effort. Members were also concerned that no effort had been made to identify members of the regulated community and to involve them in the rulemaking process. The Committee demanded a regulatory analysis of this proposal, in order to determine its scope and impact. Following subsequent discussions, the proposal was .

UTILITIES DIVISION, Authority to Issue Procedural Orders, 09/13/06 IAB, ARC 5380B, ADOPTED.

Under prior administrative procedures, all board orders were approved by a quorum of the three-member Utilities Board. This revision allowed procedural motions to be approved by a single member of the board "*upon the showing of good cause and when the prejudice to a nonmoving party is not great.*" If a board member was not available this authority was delegated to an administrative law judge or the executive secretary of the board.

Board representatives stated this provision would resolve an ongoing problem where minor procedural motions could not be speedily handled when two board members were not available. The example was cited where a motion to delay a hearing was supported by all the parties, but approval was delayed because two board members were not available. The representatives noted this provision is based on a similar procedure used by the Iowa Supreme Court.

Committee members raised three issues with this process. First, some members questioned whether the board could lawfully delegate any authority to a single board member or board staff. Second, members were concerned that the situations allowing the exercise of this discretion were too broad. They included both emergency situations or any other situation "for the efficient and reasonable conduct of proceedings." Committee members felt these provisions are too broad. Third, members were concerned about the requirement for a showing "of good cause and when the prejudice to a nonmoving party is not great." Members felt this language was vague. For these reasons the members believed that additional discussion was necessary and imposed a 70-day delay on this filing, with additional review scheduled at the Committee's November meeting. Following additional discussion at the November meeting Committee members were satisfied that the process would not adversely affect any parties and took no further action.

DEPARTMENT OF VETERANS AFFAIRS, Injured Veterans Grant Program, 07/05/06 IAB, ARC 5179B, EMERGENCY.

2006 Iowa Acts, Senate File 2312, created the Injured Veterans Grant Program, providing immediate financial assistance to an injured veteran so that family members may be with the veteran during recovery and rehabilitation from an injury or illness received in the line of duty in a combat zone or in a designated hostile fire zone. The veteran must be an Iowa resident and the injury or illness must be so severe that the resident was evacuated from the combat zone. To date, the program has assisted over 70 individuals and has paid out over \$400,000.

Discussion revealed that the process used to identify eligible applicants and obtain documentation of the injury or illness is complicated and requires a vast amount of paperwork. It appeared that the federal Veterans Affairs Administration and the Department of Defense do not routinely share information with each other, complicating the verification process further. The Committee took two actions: first, sending an informal letter to Iowa's United States Senators and members of the House of Representatives requesting their assistance in resolving the documentation problem, and second, voting to refer this issue to the General Assembly for the members' information and further review.

Subsequent to the meeting representatives from the department reported back to the Committee that the federal Veterans Affairs Administration and the Department of Defense had taken steps to share information and streamline the application process.

APPENDIX A—SUMMARY OF RULEMAKING IN 2006

| Agency name | Jan | Feb | Mar | Apr | May | June | July | Aug | Sept | Oct | Nov | Dec | Total |
|---|-----|-----|-----|-----|-----|------|------|-----|------|-----|-----|-----|-------|
| HUMAN SERVICES DEPARTMENT[441] | 4 | 4 | 3 | | 6 | 4 | 16 | 5 | | 8 | 7 | 4 | 61 |
| Professional Licensure Division[645] | 6 | 13 | 1 | 4 | 9 | 9 | 5 | 1 | | | 2 | | 59 |
| ELDER AFFAIRS DEPARTMENT[321] | 1 | 5 | 12 | | 1 | | | 1 | | | | | 20 |
| Environmental Protection Commission[567] | | | 2 | 3 | 2 | 4 | 5 | 1 | 2 | | | 1 | 20 |
| PUBLIC SAFETY DEPARTMENT[661] | | 1 | | | 1 | | 4 | | | 4 | 9 | 1 | 20 |
| Ethics And Campaign Disclosure Board, Iowa[351] | | 3 | | | | | | 4 | | 9 | | | 16 |
| Natural Resource Commission[571] | 1 | 2 | 1 | 1 | | 5 | 2 | 2 | | | | 2 | 16 |
| REVENUE AND FINANCE DEPARTMENT[7 1] | 4 | 1 | 1 | 1 | 1 | 1 | | 1 | 1 | 3 | 2 | | 16 |
| ECONOMIC DEVELOPMENT DEPARTMENT [261] | | | 1 | | 1 | 1 | | 4 | | 5 | 1 | 2 | 15 |
| Insurance Division[191] | | 1 | | | | | | 1 | 1 | 7 | 3 | 1 | 14 |
| Labor Services Division[875] | 1 | 2 | 1 | | 1 | | 4 | 3 | | | 1 | 1 | 14 |
| Educational Examiners Board[282] | 1 | 2 | | | 2 | | 4 | 2 | | | 2 | | 13 |
| PUBLIC HEALTH DEPARTMENT[641] | | 2 | 5 | | | 1 | | 3 | | | | 2 | 13 |
| Pharmacy Examiners Board[657] | | | | 7 | | 2 | | | | | | 2 | 11 |
| Iowa Finance Authority[265] | | 2 | | | 1 | | 1 | 2 | 1 | 2 | 1 | | 10 |
| TRANSPORTATION DEPARTMENT[761] | 3 | | | 1 | 1 | | 1 | | | 1 | 3 | | 10 |
| SECRETARY OF STATE[721] | 1 | 1 | | | 3 | 1 | | | 1 | 1 | | | 8 |
| College Student Aid Commission[283] | | 3 | | | | | 2 | | | 2 | | | 7 |
| EDUCATION DEPARTMENT[281] | | | 1 | 1 | | | | 3 | | | | 2 | 7 |
| Utilities Division[199] | | 1 | | | | | 1 | 2 | 1 | 1 | | 1 | 7 |
| ADMINISTRATIVE SERVICES DEPARTMENT [11] | 1 | | | | 1 | | | 2 | | 2 | | | 6 |
| INSPECTIONS AND APPEALS DEPARTMENT[481] | | 1 | | | | | | | | 2 | | 3 | 6 |
| Medical Examiners Board[653] | | | | | 2 | | 1 | | 1 | | 1 | | 5 |

| Agency name | Jan | Feb | Mar | Apr | May | June | July | Aug | Sept | Oct | Nov | Dec | Total |
|-------------------------------------|-----|-----|-----|-----|-----|------|------|-----|------|-----|-----|-----|-------|
| Racing and Gaming Commission[491] | | | | | 1 | | | | | | | | 1 |
| Real Estate Appraisers Bd [193F] | | | | 1 | | | | | | | | | 1 |
| Real Estate Commission[193E] | 1 | | | | | | | | | | | | 1 |
| Records Commission [671] | | | | | | | | | | | | 1 | 1 |
| Savings And Loan Division[197] | | | | | | | | | | 1 | | | 1 |
| School Budget Review [289] | | 1 | | | | | | | | | | | 1 |
| Treasurer of State[781] | | | | | | | | | 1 | | | | 1 |
| Veterans Affairs, Department [80 1] | | | | | | | 1 | | | | | | 1 |
| TOTAL | 26 | 54 | 41 | 27 | 39 | 32 | 51 | 39 | 11 | 59 | 35 | 26 | 440 |

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] | 2 | | 1 | | 1 | 2 | 13 | 1 | | 3 | 1 | 2 | 26 |
| PUBLIC SAFETY DEPARTMENT[661] | | 1 | | | | | 4 | | | 1 | 1 | 1 | 8 |
| SECRETARY OF STATE[721] | | | | | 3 | | | | 1 | | | | 4 |
| Environmental Protection Commission[567] | | | | 1 | 1 | | | 1 | | | | | 3 |
| PUBLIC HEALTH DEPARTMENT[641] | | 1 | | | | | | | | | | 2 | 3 |
| ADMINISTRATIVE SERVICES DEPARTMENT [11] | | | | | 1 | | | 1 | | | | | 2 |
| College Student Aid Commission[283] | | | | | | | 2 | | | | | | 2 |
| ECONOMIC DEVELOPMENT DEPARTMENT [261] | | | | | | 1 | | 1 | | | | | 2 |
| Educational Examiners Board[282] | | | | | | | 2 | | | | | | 2 |
| ELDER AFFAIRS DEPARTMENT[321] | 1 | | 1 | | | | | | | | | | 2 |
| Labor Services Division[875] | | | | | | | 1 | 1 | | | | | 2 |
| Agricultural Development Authority[25] | | | | | | | | | | 1 | | | 1 |
| AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21] | | | | | | | | | | | 1 | | 1 |
| Iowa Finance Authority[265] | | | | | | | | 1 | | | | | 1 |
| Medical Examiners Board[653] | | | | | | | | | 1 | | | | 1 |
| State Public Defender [493] | | | | | | 1 | | | | | | | 1 |

| Agency name | Jan | Feb | Mar | Apr | May | June | July | Aug | Sept | Oct | Nov | Dec | Total |
|-------------------------------------|-----|-----|-----|-----|-----|------|------|-----|------|-----|-----|-----|-------|
| Treasurer of State[781] | | | | | | | | | 1 | | | | 1 |
| Veterans Affairs, Department [80 1] | | | | | | | 1 | | | | | | 1 |
| Voter Registration Commission[821] | | | 1 | | | | | | | | | | 1 |
| Workers' Compensation Division[876] | | | | | | | 1 | | | | | | 1 |
| TOTAL | 3 | 2 | 3 | 1 | 6 | 4 | 24 | 6 | 3 | 5 | 3 | 5 | 65 |

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.

Iowa state government is made up of some 130 entities:

- 22 umbrella departments, with one headed by an elected official.
- 4 agencies created in the Iowa Constitution and headed by elected officials.
- 60 divisions, boards or commissions housed within a department.
- 23 small health-related licensing boards.
- 20 independent agencies.
- 1 legislative agency.

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