IOWA ADMINISTRATIVE BULLETIN

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PREFACE

The Iowa Administrative Bulletin is published biweekly pursuant to Iowa Code chapters 2B and 17A and contains Notices of Intended Action and rules adopted by state agencies.

It also contains Proclamations and Executive Orders of the Governor which are general and permanent in nature; Regulatory Analyses; effective date delays and objections filed by the Administrative Rules Review Committee; Agenda for monthly Administrative Rules Review Committee meetings; and other materials deemed fitting and proper by the Administrative Rules Review Committee.

The Bulletin may also contain public funds interest rates [12C.6]; usury rates [535.2(3)"a"]; agricultural credit corporation maximum loan rates [535.12]; and other items required by statute to be published in the Bulletin.

PLEASE NOTE: Underscore indicates new material added to existing rules; ~~strike through~~ indicates deleted material.

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CITATION of Administrative Rules

The Iowa Administrative Code shall be cited as (agency identification number) IAC (chapter, rule, subrule, paragraph, subparagraph, or numbered paragraph).

This citation format applies only to external citations to the Iowa Administrative Code or Iowa Administrative Bulletin and does not apply to citations within the Iowa Administrative Code or Iowa Administrative Bulletin.

441 IAC 79	(Chapter)
441 IAC 79.1	(Rule)
441 IAC 79.1(1)	(Subrule)
441 IAC 79.1(1)"a"	(Paragraph)
441 IAC 79.1(1)"a"(1)	(Subparagraph)
441 IAC 79.1(1)"a"(1)"1"	(Numbered paragraph)

The Iowa Administrative Bulletin shall be cited as IAB (volume), (number), (publication date), (page number), (ARC number).

IAB Vol. XII, No. 23 (5/16/90) p. 2050, ARC 872A

Note: In accordance with Iowa Code section 2B.5A, a rule number within the Iowa Administrative Code includes a reference to the statute which the rule is intended to implement: 441—79.1(249A).

Schedule for Rulemaking—2026

REGULATORY ANALYSIS SUBMISSION DEADLINE	REGULATORY ANALYSIS PUB. DATE	HEARING AND COMMENTS 20 DAYS	FIRST † POSSIBLE NOTICE SUBMISSION DEADLINE	NOTICE PUB. DATE	HEARING AND COMMENTS 20 DAYS	FIRST POSSIBLE ADOPTION DATE 35 DAYS	FIRST POSSIBLE ADOPTED FILING SUBMISSION DEADLINE	ADOPTED PUB. DATE	FIRST POSSIBLE EFFECTIVE DATE 35 DAYS	FIRST POSSIBLE EXPIRATION OF NOTICE 180 DAYS
Dec. 17 '25	Jan. 7	Jan. 27	Jan. 29	Feb. 18	Mar. 10	Mar. 25	Mar. 26	Apr. 15	May 20	Aug. 17
Dec. 31 '25	Jan. 21	Feb. 10	Feb. 12	Mar. 4	Mar. 24	Apr. 8	Apr. 9	Apr. 29	June 3	Aug. 31
Jan. 15	Feb. 4	Feb. 24	Feb. 26	Mar. 18	Apr. 7	Apr. 22	Apr. 23	May 13	June 17	Sep. 14
Jan. 29	Feb. 18	Mar. 10	Mar. 12	Apr. 1	Apr. 21	May 6	**May 6**	May 27	July 1	Sep. 28
Feb. 12	Mar. 4	Mar. 24	Mar. 26	Apr. 15	May 5	May 20	May 21	June 10	July 15	Oct. 12
Feb. 26	Mar. 18	Apr. 7	Apr. 9	Apr. 29	May 19	June 3	June 4	June 24	July 29	Oct. 26
Mar. 12	Apr. 1	Apr. 21	Apr. 23	May 13	June 2	June 17	**June 17**	July 8	Aug. 12	Nov. 9
Mar. 26	Apr. 15	May 5	**May 6**	May 27	June 16	July 1	July 2	July 22	Aug. 26	Nov. 23
Apr. 9	Apr. 29	May 19	May 21	June 10	June 30	July 15	July 16	Aug. 5	Sep. 9	Dec. 7
Apr. 23	May 13	June 2	June 4	June 24	July 14	July 29	July 30	Aug. 19	Sep. 23	Dec. 21
May 6	May 27	June 16	**June 17**	July 8	July 28	Aug. 12	Aug. 13	Sep. 2	Oct. 7	Jan. 4 '27
May 21	June 10	June 30	July 2	July 22	Aug. 11	Aug. 26	**Aug. 26**	Sep. 16	Oct. 21	Jan. 18 '27
June 4	June 24	July 14	July 16	Aug. 5	Aug. 25	Sep. 9	Sep. 10	Sep. 30	Nov. 4	Feb. 1 '27
June 17	July 8	July 28	July 30	Aug. 19	Sep. 8	Sep. 23	Sep. 24	Oct. 14	Nov. 18	Feb. 15 '27
July 2	July 22	Aug. 11	Aug. 13	Sep. 2	Sep. 22	Oct. 7	Oct. 8	Oct. 28	Dec. 2	Mar. 1 '27
July 16	Aug. 5	Aug. 25	**Aug. 26**	Sep. 16	Oct. 6	Oct. 21	**Oct. 21**	Nov. 11	Dec. 16	Mar. 15 '27
July 30	Aug. 19	Sep. 8	Sep. 10	Sep. 30	Oct. 20	Nov. 4	**Nov. 4**	Nov. 25	Dec. 30	Mar. 29 '27
Aug. 13	Sep. 2	Sep. 22	Sep. 24	Oct. 14	Nov. 3	Nov. 18	**Nov. 18**	Dec. 9	Jan. 13 '27	Apr. 12 '27
Aug. 26	Sep. 16	Oct. 6	Oct. 8	Oct. 28	Nov. 17	Dec. 2	**Dec. 2**	Dec. 23	Jan. 27 '27	Apr. 26 '27
Sep. 10	Sep. 30	Oct. 20	**Oct. 21**	Nov. 11	Dec. 1	Dec. 16	**Dec. 16**	Jan. 6 '27	Feb. 10 '27	May 10 '27
Sep. 24	Oct. 14	Nov. 3	**Nov. 4**	Nov. 25	Dec. 15	Dec. 30	**Dec. 30**	Jan. 20 '27	Feb. 24 '27	May 24 '27
Oct. 8	Oct. 28	Nov. 17	**Nov. 18**	Dec. 9	Dec. 29	Jan. 13 '27	Jan. 14 '27	Feb. 3 '27	Mar. 10 '27	June 7 '27
Oct. 21	Nov. 11	Dec. 1	**Dec. 2**	Dec. 23	Jan. 12 '27	Jan. 27 '27	Jan. 28 '27	Feb. 17 '27	Mar. 24 '27	June 21 '27
Nov. 4	Nov. 25	Dec. 15	**Dec. 16**	Jan. 6 '27	Jan. 26 '27	Feb. 10 '27	Feb. 11 '27	Mar. 3 '27	Apr. 7 '27	July 5 '27
Nov. 18	Dec. 9	Dec. 29	**Dec. 30**	Jan. 20 '27	Feb. 9 '27	Feb. 24 '27	Feb. 25 '27	Mar. 17 '27	Apr. 21 '27	July 19 '27
Dec. 2	Dec. 23	Jan. 12 '27	Jan. 14 '27	Feb. 3 '27	Feb. 23 '27	Mar. 10 '27	Mar. 11 '27	Mar. 31 '27	May 5 '27	Aug. 2 '27
Dec. 16	Jan. 6 '27	Jan. 26 '27	Jan. 28 '27	Feb. 17 '27	Mar. 9 '27	Mar. 24 '27	Mar. 25 '27	Apr. 14 '27	May 19 '27	Aug. 16 '27
Dec. 30	Jan. 20 '27	Feb. 9 '27	Feb. 11 '27	Mar. 3 '27	Mar. 23 '27	Apr. 7 '27	Apr. 8 '27	Apr. 28 '27	June 2 '27	Aug. 30 '27

PLEASE NOTE:

Rules will not be accepted by the Publications Editing Office after **12:00 p.m. noon** on a submission deadline unless prior approval has been received from the Administrative Rules Coordinator and the Administrative Code Editor. If the submission deadline falls on a legal holiday, submissions made on the following business day will be accepted.

†To allow time for review by the Administrative Rules Coordinator prior to the Notice submission deadline, Notices should generally be submitted in RMS four or more business days in advance of the deadline. The first possible Notice submission deadline noted above may not allow sufficient time for this. **Agencies should plan accordingly.**

****Bold and asterisks indicate change of regular submission deadline****

The Administrative Rules Review Committee will hold its regular, statutory meeting on Monday, March 9, 2026, at 10 a.m. in Room 116, State Capitol, Des Moines, Iowa. For more information, contact Jack Ewing at jack.ewing@legis.iowa.gov. The following rules will be reviewed:

NOTE: See also Agenda published in the February 18, 2026, Iowa Administrative Bulletin.

ARCHITECTURAL EXAMINING BOARD[193B]

Professional Licensing and Regulation Bureau[193]

Licensure, 2.1, 2.2(1) Notice **ARC 0070D** 2/18/26

ECONOMIC DEVELOPMENT AUTHORITY[261]

Sustainable aviation fuel production tax credit program, ch 80 Notice **ARC 0068D** 2/18/26

EDUCATION DEPARTMENT[281]

Dispute resolution: practice before mediators and administrative law judges, 120.811 Notice **ARC 0102D** 3/4/26

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Iowa ethics and campaign disclosure board, ch 1 Notice **ARC 0084D** 3/4/26
Public records and fair information practices, rescind ch 2 Notice **ARC 0085D** 3/4/26
Campaign disclosure procedures, ch 4 Notice **ARC 0089D** 3/4/26
Use of public resources for a political purpose, ch 5 Notice **ARC 0095D** 3/4/26
Executive branch ethics, ch 6 Notice **ARC 0094D** 3/4/26
Personal financial disclosure, ch 7 Notice **ARC 0093D** 3/4/26
Executive branch lobbying, ch 8 Notice **ARC 0092D** 3/4/26
Complaint, investigation, and resolution procedures, ch 9 Notice **ARC 0096D** 3/4/26
Contested case procedures, rescind ch 11 Notice **ARC 0097D** 3/4/26
Declaratory orders, rescind ch 12 Notice **ARC 0098D** 3/4/26
Petitions for rule making, rescind ch 13 Notice **ARC 0099D** 3/4/26
Board procedure for rule making, rescind ch 14 Notice **ARC 0101D** 3/4/26
Waivers or variances from administrative rules, rescind ch 15 Notice **ARC 0100D** 3/4/26

HIGHER EDUCATION LOAN AUTHORITY[284]

EDUCATION DEPARTMENT[281]"umbrella"

Organization and operations, ch 1 Filed **ARC 0104D** 3/4/26
Petitions for rulemaking, ch 2 Filed **ARC 0105D** 3/4/26
Declaratory orders, ch 3 Filed **ARC 0106D** 3/4/26
Agency procedure for rulemaking, ch 4 Filed **ARC 0107D** 3/4/26
Public records and fair information practices, ch 5 Filed **ARC 0108D** 3/4/26

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

911 telephone systems, ch 10 Filed **ARC 0072D** 2/18/26
Emergency assistance, ch 11 Filed **ARC 0073D** 2/18/26

HUMAN SERVICES DEPARTMENT[441]

Healthy and well kids in Iowa (hawki) program—cancellation or suspension, 86.7 Notice **ARC 0086D** 3/4/26
Protective locked environment, 105.1, 105.8(10), 106.1, 114.2, 115.2, 115.6, 115.7 Filed **ARC 0109D** 3/4/26
Kinship foster care approval standards, ch 125 Filed **ARC 0110D** 3/4/26
Payments for foster care, ch 156 Filed **ARC 0074D** 2/18/26
Opioid settlement fund disbursement, ch 306 Filed **ARC 0111D** 3/4/26

INSPECTIONS AND APPEALS DEPARTMENT[481]

Bingo location, 103.9 Notice **ARC 0087D** Filed Emergency **ARC 0088D** 3/4/26
Fire control administration—adoption by reference of the International Building Code, 280.8(2) Notice **ARC 0083D** . 3/4/26
Dental assistants—practical training in lieu of registration, amendments to chs 570, 572 to 575, 577, 581 Amended Notice **ARC 0071D** 2/18/26

IOWA FINANCE AUTHORITY[265]

Home and community-based services revolving loan program, ch 21 Filed **ARC 0112D** 3/4/26
Military service member home ownership assistance program, ch 27 Filed **ARC 0113D** 3/4/26
HOME investment partnerships program, ch 39 Filed **ARC 0114D** 3/4/26
Community housing and services for persons with disabilities revolving loan program, ch 43 Filed **ARC 0115D** 3/4/26

LAW ENFORCEMENT ACADEMY[501]

Reciprocity application; level II academies, 3.3 to 3.6, 3.9, 3.12 Filed **ARC 0075D** 2/18/26

NATURAL RESOURCE COMMISSION[571]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

Licenses—fees, 15.10 Notice **ARC 0103D** 3/4/26
Deer hunting, 106.1, 106.7(1), 106.10, 106.12 to 106.14, 106.16 Filed **ARC 0116D** 3/4/26
Wild furbearer trapping and hunting, 108.1, 108.4 Filed **ARC 0117D** 3/4/26

PUBLIC HEALTH DEPARTMENT[641]

Permits to operate ionizing radiation producing machines or administer radioactive materials for medical imaging, ch 38 Amended Notice **ARC 0082D** 3/4/26
Radon testing and analysis requirements, ch 43 Amended Notice **ARC 0081D** 3/4/26
Radon mitigation requirements, ch 44 Amended Notice **ARC 0080D** 3/4/26
County medical examiners, ch 127 Filed **ARC 0076D** 2/18/26
Child support noncompliance, ch 192 Filed **ARC 0077D** 2/18/26

PUBLIC SAFETY DEPARTMENT[661]

Ignition interlock devices, ch 158 Filed **ARC 0118D** 3/4/26

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Appraiser qualifications board criteria—adoption by reference, 2.1 Filed **ARC 0079D** 2/18/26

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WORKFORCE DEVELOPMENT DEPARTMENT[871]

Mailing statements to reimbursable employers—last four digits of social security number, 23.10(2) Notice **ARC 0090D** Filed Emergency **ARC 0091D** 3/4/26
Employer liability appeal submission, 23.52(3) Filed **ARC 0119D** 3/4/26
Contested case proceedings, ch 26 Filed **ARC 0120D** 3/4/26

ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

Regular, statutory meetings are held each month at the seat of government as provided in Iowa Code section 17A.8. A special meeting may be called by the Chair at any place in the state and at any time.

Senator Kara Warme
Chair
Senate District 26

Senator Mike Bousselot
Senate District 21

Senator Dan Dawson
Senate District 10

Senator Janet Petersen
Senate District 18

Senator Cindy Winckler
Senate District 49

Representative Chad Ingels
Vice Chair
House District 68

Representative Austin Harris
House District 26

Representative Joshua Meggers
House District 54

Representative Amy Nielsen
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The following list will be updated as changes occur.

"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 are included alphabetically in SMALL CAPITALS at the left-hand margin.

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  Soil Conservation and Water Quality Division[27]
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  Employment Appeal Board[486]
  Child Advocacy Board[489]
  Racing and Gaming Commission[491]
  State Public Defender[493]
IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]
IOWA PUBLIC INFORMATION BOARD[497]
LAW ENFORCEMENT ACADEMY[501]

LIVESTOCK HEALTH ADVISORY COUNCIL[521]
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Regulatory Analysis

Notice of Intended Action to be published: 7—Chapters 2500 through 2506
"Uniform Rules on Agency Procedure"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A.24
State or federal law(s) implemented by the rulemaking: Iowa Code section 17A.24

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 24, 2026 10 a.m.	Room G14 1007 East Grand Avenue Des Moines, Iowa

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Administrative Rules Coordinator (ARC) no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Stan Thompson
State Capitol
Des Moines, Iowa 50319
Phone: 515.218.4791
Email: stan.thompson@governor.iowa.gov

Purpose and Summary

Effective January 13, 2026, the Administrative Rules Coordinator adopted the new Uniform Rules on Agency Procedure (uniform rules), including rules implementing uniform procedures, as Chapters 2500 through 2506. These rules are already effective and apply to any agency that does not have an existing rule addressing the scope of a particular topic covered by the uniform rules.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

No class of person will bear the costs of the proposed rules.

- **Classes of persons that will benefit from the proposed rulemaking:**

Taxpayers benefit from the proposed rules because they provide more uniformity in practice amongst all State agencies in the areas covered by Chapters 2500 through 2506 and increased use of electronic submissions and filings.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

Updating the uniform rules is not anticipated to result in different kinds of costs nor increase the quantity of agency actions in the covered areas.

- **Qualitative description of impact:**

The updated uniform rules are intended to enhance quality of agency practice by providing a more modern, simple, uniform and consistent practice before agencies.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

There are no costs borne by agencies.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Given the legislative directive to update the uniform rules in 2024, inaction is not permissible.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

No less costly alternatives are available, given the directive in Iowa Code section 17A.24.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

No alternative methods for meeting this obligation are available.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

No such alternative methods are available.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

The updated uniform rules are expected to benefit small business by having more modern, simple, uniform and consistent rules for State agencies in the covered areas.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** 7—Chapter 2500:

CHAPTER 2500
UNIFORM RULES ON AGENCY PROCEDURE DEFINITIONS

7—2500.1(17A) Definitions. As used in this chapter and 7—Chapters 2501 through 2506:

"Agency" means the same as defined in Iowa Code section 17A.2 and means the agency on which these rules are imposed pursuant to Iowa Code section 17A.24.

"Agency's address" means the agency's physical or mailing address as listed on the agency's website.

"Agency's email" means the agency's general contact email as listed on the agency's website.

"Agency's telephone number" means the agency's telephone number as listed on the agency's website.

This rule is intended to implement Iowa Code chapter 17A.

ITEM 2. Adopt the following **new** 7—Chapter 2501:

CHAPTER 2501
AGENCY PROCEDURE FOR RULEMAKING

7—2501.1(17A) Rulemaking procedure. The agency will comply in all material respects with the rulemaking obligations established in Iowa Code chapter 17A, as may be amended from time to time by the general assembly, as well as any other guidance issued by the governor or general assembly. All future amendments to Iowa Code chapter 17A that impact the rulemaking process are incorporated herein by reference as of the effective date of any such change.

This rule is intended to implement Iowa Code chapter 17A.

ITEM 3. Adopt the following **new** 7—Chapter 2502:

CHAPTER 2502
PETITIONS FOR RULEMAKING

7—2502.1(17A) Requesting rules be made. Any person may file a petition for rulemaking with the agency by submitting an original petition for rulemaking to the agency at the agency's address or to the agency's email. The petition is considered filed when received at either address. The agency will provide the petitioner with a file-stamped copy of the petition upon request. The agency can only accept petitions that are typewritten or legibly handwritten in ink. Petitioners are also obligated to submit the petition so that it substantially conforms to the following:

[AGENCY NAME]

Petition by [name of petitioner] for the [adoption, amendment, or rescission] of rules relating to [state subject matter].	PETITION FOR RULEMAKING

Petitioners are obligated to provide the following information in the petition:

1. A statement of the specific rulemaking request from the petitioner that includes the text or a summary of the proposed rule or requested change to a rule. If the petition requests to change or rescind a rule, the petitioner is also directed to identify the rule by number and the language that the petitioner requests be changed or removed.
2. A citation to any law the petitioner believes supports the petitioner's request for the agency's ability to make or change the requested rule.
3. A summary of the petitioner's arguments in support of the action urged in the petition.
4. A summary of any data supporting the action urged in the petition.
5. The names and addresses of other persons, or a description of any group of persons, known by petitioner to be affected by or interested in the proposed request for changing or removing the rule.
6. Any request for a meeting provided for by rule 7—2502.3(17A) if desired.

2502.1(1) The petitioner is obligated to ensure the petition includes:

a. The signature of petitioner or petitioner's representative;

b. The date of signature;

c. The name, mailing address, email, and telephone number of the petitioner and petitioner's representative; and

d. Contact information for the person (petitioner or petitioner's representative) to whom the agency should direct communications concerning the petition.

2502.1(2) The agency may deny a petition if it does not substantially conform to requirements above.

7—2502.2(17A) Briefs. The petitioner may attach a brief to the petition in support of the petition. The agency may also request briefing concerning the petition.

7—2502.3(17A) Consideration by the agency.

2502.3(1) Within 14 days after the filing of a petition, the agency will submit a copy of the petition and any accompanying brief to the administrative rules coordinator and to the administrative rules review committee. Upon request by the petitioner, the agency will schedule an informal meeting with the petitioner to discuss the petition. The agency may request that the petitioner submit additional information or argument in support of the petition. The agency may request and receive comments from any person regarding the petition.

2502.3(2) Within 60 days after the filing of the petition, or a longer period if agreed to by the petitioner, the agency will provide its decision in writing regarding the petitioner's request. The agency may deny the petition and notify petitioner of its decision and the specific reasons for the denial, or the agency may grant the petition and notify petitioner that it has started rulemaking proceedings based upon the petitioner's request. The petitioner is considered properly notified of the denial or granting of the petition on the date when the agency mails or delivers by electronic means the notification to petitioner.

2502.3(3) Denial of a petition because it does not substantially conform to the requirements does not prevent the petitioner from filing a new petition.

These rules are intended to implement Iowa Code section 17A.7(1).

ITEM 4. Adopt the following **new** 7—Chapter 2503:

CHAPTER 2503
DECLARATORY ORDERS

7—2503.1(17A) Petition for declaratory order.

2503.1(1) Any person may file a petition with the agency requesting that the agency issue a declaratory order in accordance with Iowa Code section 17A.9. The petition can only be reviewed by the agency if the agency has the authority to consider the petition. Petitioners seeking a declaratory order are obligated to file the petition at the agency's address or agency's email. The petition is considered filed when received at either address. The agency will provide the petitioner with a file-stamped copy of the petition upon request. The agency can only accept petitions that are typewritten or legibly handwritten in ink. Petitioners are also obligated to submit the petition so that it substantially conforms to the following:

[AGENCY NAME]

Petition by [name of petitioner] for a declaratory order on [cite provisions of law involved].	PETITION FOR DECLARATORY ORDER

Petitioners are obligated to provide the following information in the petition:

1. A clear and concise statement of all facts the petitioner believes relevant to the order requested.
2. A citation to and the language of the specific statutes, rules, policies, decisions, or orders the petitioner is affected by or has concerns about and any other relevant law.
3. A concise statement of the questions petitioner wants answered.
4. The petitioner's proposed answers to the questions, as well as any support for the proposed answers.
5. The reasons the petitioner is requesting the declaratory order and an explanation of why the petitioner is interested in the outcome.

6. A statement explaining whether the petitioner is currently a party to another proceeding involving the questions at issue and whether, to the petitioner's knowledge, those questions have been decided by, are pending determination by, or are under investigation by any agency or court of law.

7. The names and addresses of other persons, or a description of any group of persons, known by petitioner to be affected by or interested in the questions presented in the petition.

8. Any request by petitioner for a meeting with the agency to discuss the petition.

2503.1(2) The petitioner is obligated to ensure the petition includes:

a. The signature of petitioner or petitioner's representative;

b. The date of signature;

c. The name, mailing address, email, and telephone number of the petitioner and petitioner's representative; and

d. Contact information for the person (petitioner or petitioner's representative) to whom the agency should direct communications concerning the petition.

7—2503.2(17A) Notice of petition. The petitioner is obligated to serve the petition on interested parties in accordance with rule 7—2503.5(17A). Within 15 days after receipt of a petition for a declaratory order, the agency will give notice of the petition to all persons not served by the petitioner to the extent required by applicable law. The agency may also give notice to any other persons.

7—2503.3(17A) Intervention.

2503.3(1) A person who qualifies under the law as an intervenor may intervene in a proceeding for a declaratory order by filing a petition for intervention within 30 days of the notice provided in accordance with rule 7—2503.2(17A).

2503.3(2) If a person files a petition for intervention before a proceeding for a declaratory order concludes, the agency has discretion to allow the person to intervene.

2503.3(3) An intervenor seeking to intervene in a petition for declaratory order is obligated to file the petition for intervention at the agency's address or agency's email. The petition for intervention is considered filed when received at either address. The agency will provide the intervenor with a file-stamped copy of the petition upon request. The agency can only accept petitions for intervention that are typewritten or legibly handwritten in ink. Intervenors are also obligated to submit the petition so that it substantially conforms with the following:

[AGENCY NAME]

Petition by [name of original petitioner] for the [adoption, amendment, or rescission] of rules relating to [state subject matter].	PETITION FOR INTERVENTION

1. Facts supporting the intervenor's standing and qualifications for intervention.

2. The answers urged by the intervenor to the question or questions presented and a summary of the reasons urged in support of those answers.

3. Reasons for requesting intervention and disclosure of the intervenor's interest in the outcome.

4. Whether the intervenor is currently a party to any proceeding involving the questions at issue and whether, to the intervenor's knowledge, those questions have been decided by, are pending determination by, or are under investigation by any agency or court of law.

5. The names and addresses of any additional persons, or a description of any additional class of persons, known by the intervenor to be affected by or interested in the questions presented.

6. Whether the intervenor consents to be bound by the determination of the matters presented in the declaratory order proceeding.

2503.3(4) The intervenor is obligated to ensure the petition for intervention includes:

a. The signature of intervenor or intervenor's representative;

b. The date of signature;

c. The name, mailing address, email, and telephone number of the intervenor and intervenor's representative; and

d. Contact information for the person (intervenor or intervenor's representative) to whom the agency should direct communications concerning the petition for intervention.

7—2503.4(17A) Briefs. A petitioner or intervenor may file a brief in support of the position urged. The agency may request a brief from a petitioner, an intervenor, or any other person concerning the questions raised.

7—2503.5(17A) Filing and service of petitions and other papers.

2503.5(1) *Filing—when required.* All petitions for declaratory orders, petitions for intervention, briefs, or other papers in a proceeding for a declaratory order will be filed with the agency at the agency's address or agency's email.

2503.5(2) *When service required.* Except where otherwise provided by law, a person filing a petition for declaratory order, petition for intervention, brief, or other paper in a proceeding for a declaratory order is obligated to concurrently serve the document on each party to the proceeding and on all other persons identified in the petition for declaratory order or petition for intervention as affected by or interested in the questions presented. If the petitioner lacks sufficient information to effectuate service, the petitioner will notify the agency, and the agency will thereafter attempt to effectuate service on the interested person.

2503.5(3) *Method of service, time of filing, and proof of mailing or electronic delivery.* Rule 7—2506.12(17A) governs the method of service, time of filing, and proof of mailing or electronic delivery.

7—2503.6(17A) Consideration by the agency. The agency may solicit comments from any person on the questions raised in the petition. Any person may submit comments to the agency on the questions raised in the petition.

7—2503.7(17A) Action on petition. The chief executive of the agency or that person's designee will review the petition for declaratory order and take action on the petition in accordance with the statutory provisions and the timelines set forth in Iowa Code section 17A.9(5) and 17A.9(8).

7—2503.8(17A) Refusal to issue order.

2503.8(1) The agency will not issue a declaratory order if Iowa Code section 17A.9(1) does not allow it to. The agency may refuse to issue a declaratory order when:

a. The petition does not substantially comply with the requirements of rule 7—2503.1(17A).

b. The petition does not contain facts sufficient to demonstrate that the petitioner will be aggrieved or adversely affected if the agency does not issue an order.

c. The agency does not have jurisdiction over the questions presented in the petition.

d. The questions presented by the petition are also presented in a current rulemaking, contested case, or other agency or judicial proceeding that may definitively resolve them.

e. The questions presented by the petition would more properly be resolved in a different type of proceeding or by another body with jurisdiction over the matter.

f. The facts or questions presented in the petition are unclear, overbroad, insufficient, or otherwise inappropriate as a basis upon which to issue an order.

g. There is no need to issue an order because a change in circumstances has eliminated the need to answer the questions raised in the petition.

h. Instead of being based upon facts calculated to aid in the planning of future conduct, the petition is based upon previous conduct or seeks to challenge an agency decision already made.

i. The requested order would necessarily determine the legal rights, duties, or responsibilities of other persons who have not joined in the petition, intervened separately, or filed a similar petition and whose position on the questions presented may fairly be presumed to be adverse to that of petitioner.

j. The petitioner requests the agency to determine whether a statute is unconstitutional on its face.

k. The petition seeks interpretation of a rule or statute that the agency does not have the authority to interpret.

2503.8(2) A refusal to issue a declaratory order will indicate the specific grounds for the refusal and constitutes final agency action on the petition.

2503.8(3) Refusal to issue a declaratory order under this rule does not prevent the filing of a new petition that seeks to eliminate the grounds for the refusal to issue an order.

7—2503.9(17A) Copies of orders. The agency will promptly mail to or email the original petitioner and all intervenors a copy of each order issued in response to a petition for a declaratory order.

7—2503.10(17A) Effect of a declaratory order. A declaratory order has the same status and binding effect as a final order issued in a contested case proceeding. It is binding on the agency, the petitioner, and any intervenors (who consent to be bound) and is applicable only in circumstances where the relevant facts and the law involved are indistinguishable from those on which the order was based. As to all other persons, a declaratory order serves only as precedent and is not binding on the agency. The issuance of a declaratory order constitutes final agency action on the petition.

These rules are intended to implement Iowa Code section 17A.9.

ITEM 5. Adopt the following **new** 7—Chapter 2504:

CHAPTER 2504
RULE WAIVERS

7—2504.1(17A) Application.

2504.1(1) Any person may submit a petition to waive, in whole or in part, any rule in the agency's jurisdiction by submitting the petition to the agency.

2504.1(2) The petitioner bears the burden of persuasion to show by clear and convincing evidence all the factors provided in Iowa Code section 17A.9A(2).

2504.1(3) A petitioner seeking to have a rule waived is obligated to file the petition for waiver at the agency's address or agency's email. The petition for waiver is considered filed when received at either address. The agency will provide the petitioner with a file-stamped copy of the petition upon request. The agency can only accept petitions for waiver that are typewritten or legibly handwritten in ink. Petitioners are also obligated to submit the petition so that it substantially conforms with the following:

BEFORE THE [INSERT NAME OF AGENCY]

Petition by [name of petitioner] for the waiver of [rule citation] related to [state subject matter].	PETITION FOR WAIVER

1. The petitioner's name, mailing address, email, and telephone number or, if applicable, petitioner's representative.
2. A description and citation of the rule(s) that are the subject of the petition.
3. The specific waiver requested, including the scope and duration of the waiver.
4. All relevant facts and reasons the petitioner believes justify the waiver, including specific information satisfying the requirements of subrule 2504.1(2).
5. If applicable, the case number of any contested case related to the petition.
6. If applicable, a history of all previous contacts between the petitioner and the agency that may relate to or be affected by the rule(s) that are the subject of the petition.
7. If known, information about the agency's treatment of other persons in similar circumstances.

8. If known, the name and contact information of any person who would be adversely affected or disadvantaged if the agency waives the rule.

9. If applicable, signed releases from any person with knowledge relevant to the petition.

10. An attestation that all information in the petition is true and accurate.

11. A dated signature by the petitioner or, if applicable, petitioner's representative.

7—2504.2(17A) Filing and service of petitions and other papers.

2504.2(1) *Filing—when required.* All petitions for waiver, petitions for intervention, briefs, or other papers in a proceeding for a waiver will be filed with the agency at the agency's address or agency's email.

2504.2(2) *When service required.* Except where otherwise provided by law, a person filing a petition for waiver, petition for intervention, brief, or other paper in a proceeding for a waiver is obligated to concurrently serve the document on each party to the proceeding and on all other persons identified in the petition for waiver or petition for intervention as affected by or interested in the questions presented. If the petitioner lacks sufficient information to effectuate service, the petitioner will notify the agency and the agency will thereafter attempt to effectuate service on the interested person.

2504.2(3) *Method of service, time of filing, and proof of mailing or electronic delivery.* Rule 7—2506.12(17A) governs the method of service, time of filing, and proof of mailing or electronic delivery.

7—2504.3(17A) Evaluation.

2504.3(1) The agency will notify the petitioner of the receipt of the petition.

2504.3(2) The agency will evaluate the petition in accordance with Iowa Code section 17A.9A. The agency may request additional information from the petitioner or any person as part of its evaluation of the petition.

a. Additional information will be obtained by an evidentiary hearing consistent with Iowa Code chapter 17A if:

(1) The petition was filed as a contested case;

(2) An evidentiary hearing is required by any law; or

(3) The agency requests an evidentiary hearing.

b. If an evidentiary hearing is not required, the agency's request for additional information may be informal.

7—2504.4(17A) Issuance.

2504.4(1) The agency will issue a written decision granting or denying the petition.

2504.4(2) After issuing a decision, the agency will index, file, make publicly available, and transmit its decision as required by Iowa Code section 17A.9A(4).

2504.4(3) If the agency does not issue a decision on a petition for waiver within 180 days from the date of its receipt by the agency, the petition is deemed denied.

2504.4(4) If the agency grants a petition in whole or in part, the waiver granted will comply with the requirements of Iowa Code section 17A.9A(3), including content, duration, conditions, and renewability.

7—2504.5(17A) Remedies.

2504.5(1) With appropriate notice, the agency may withdraw, cancel, or modify any waiver granted under this rule if the agency issues a written order finding one or more of the following:

a. The petitioner withheld or misrepresented material facts in the petition;

b. The waiver no longer adequately protects the public health, safety, and welfare;

c. The waiver may burden the substantial rights of any person; or

d. The petitioner has not complied with any of the waiver conditions imposed by the agency.

2504.5(2) A petitioner aggrieved by any final order of the agency may seek judicial review in accordance with Iowa Code chapter 17A.

These rules are intended to implement Iowa Code section 17A.9A.

ITEM 6. Adopt the following **new** 7—Chapter 2505:

CHAPTER 2505
FAIR INFORMATION PRACTICES

7—2505.1(17A,22) Definitions. As used in this chapter:

"Confidential record" means a record that is not available for examination under applicable law.

"Lawful custodian" means the same as defined in Iowa Code section 22.1.

"Personally identifiable information" means information contained in a record that is about or pertains to an individual that identifies or that could be used to identify an individual.

"Public records" means the same as defined in Iowa Code section 22.1.

7—2505.2(17A,22) Statement of policy. The purpose of this chapter is to facilitate broad public access to public records. It also seeks to facilitate sound agency determinations with respect to the handling of confidential records and the implementation of the fair information practices Act. This agency is committed to the policies set forth in Iowa Code chapter 22; agency staff are obligated to cooperate with members of the public in implementing the provisions of that chapter.

7—2505.3(17A,22) Requests for access to records.

2505.3(1) *Location of record.* A request for access to public records should be directed to the agency's address, the agency's email, or the agency's office where the record is kept. Agency staff will promptly forward public records requests to the lawful custodian when such a request is misdirected.

2505.3(2) *Office hours.* The agency is obligated to provide access to the public records it maintains during its regular office hours. The agency will post the schedule of these office hours on the agency's website to facilitate access to public records.

2505.3(3) *Request for access.* Requests for access to public records maintained by the agency shall be made, whenever possible, by email. Otherwise, requests can be made in writing, in person, by telephone using the agency's telephone number, or through other electronic means made available by the agency. Requests should identify the particular public records sought by name or description in order to facilitate identification of relevant public records. Requests should include the name, address, email, and telephone number of the person requesting the information. A member of the public need not give a reason for requesting public records. For public records requests that involve searches of electronic stores of information, the agency may condition the search on the requester providing search terms for the search.

2505.3(4) *Response to requests.* Access to public records will be provided promptly upon request unless the size or nature of the request requires additional time to complete. If the size or nature of the request causes a delay in compliance, the lawful custodian will comply with the request as soon as feasible. Access to public records may be delayed for one of the purposes authorized by Iowa Code section 22.8(4) or 22.10(4). The lawful custodian will promptly give notice to the requester of the reason for any delay in access to public records and an estimate of the length of that delay and, upon request, will promptly provide that notice to the requester in writing.

The agency that maintains a record claimed to be a public record may deny access to the record only if a denial is appropriate under Iowa Code sections 22.8(4) and 22.10(4) or based on a reasonable belief that the record is a confidential record or that its disclosure is prohibited by a court order. In addition, access to confidential records is generally not allowed. However, access may be allowed pursuant to the provisions of rule 7—2505.4(17A,22), as well as other applicable provisions of law.

2505.3(5) *Security of record.* No person may, without permission from the lawful custodian, search or remove any public record from the agency's files. Examination and copying or transmission

of agency public records will be supervised by the lawful custodian or that person's designee. Public records will be protected from damage and disorganization.

2505.3(6) *Copying.* Electronic copies of records will be provided in response to a public records request whenever possible. When physical paper copies are demanded by a requester, a reasonable number of such physical copies of a public record may be made in the agency's office. If photocopy equipment is not available in the office where a public record is kept, the lawful custodian will permit its examination in that office and arrange to have copies promptly made elsewhere.

2505.3(7) *Fees.*

a. When charged. The agency may charge fees in connection with the examination or copying of public records only if the fees are allowed under the law. To the extent permitted by applicable law, the payment of fees may be waived when the imposition of fees is inequitable or when a waiver is in the public interest. The determination of whether to waive fees is in the sole discretion of the agency.

b. Fees and costs. The agency may charge for the actual cost of producing public records. These charges may include the actual cost of making photocopies, the actual cost of media necessary to convey electronic copies of public records, and the actual costs of mailing public records. Pricing schedules for these actual costs will be prominently posted on the agency's website. The agency may also charge for the expense associated with supervising and searching for public records. These hourly charges will be based on the actual hourly rate of the person performing the task. The agency will ensure that the employee rate charged is as low as possible based on the circumstances. The agency may impose hourly charges only after the first three hours of labor, which will be provided at no cost to the requester. For any additional review by the agency to address questions of confidentiality, the agency may charge the requester the actual hourly rate of the attorney performing the review, although the first three hours of the attorney's time will be provided at no cost to the requester.

c. Advance payment. When the estimated total fee exceeds $250, the agency may require an advance payment from the requester to cover all or a part of the estimated fee before proceeding with the work of gathering and reviewing potentially relevant records. If a requester has an unpaid balance from a previous records request, the agency may require the requester to pay both the unpaid balance and the current estimate, regardless of value, before proceeding with the review of public records.

7—2505.4(17A,22) Access to confidential records. If the agency reasonably believes that a record is or may be confidential, the following procedures apply to requests for access to the record and are in addition to other rules specified for access to public records.

2505.4(1) *Support for claimed access.* The agency may require a person requesting access to a potentially confidential record to provide proof of identity as well as proof of the person's authority to secure access to the record. The lawful custodian may also compel the requester to submit the request in writing and sign a certified statement or affidavit that the requester is entitled to access the record.

2505.4(2) *Notice to subject of record.* Before releasing a potentially confidential record, an agency may make reasonable efforts to notify the confidentiality claimant or any person whose information is in the records that may be subject to a claim of confidentiality. A "confidentiality claimant" is a person who has claimed confidentiality of a record or whose personally identifiable information is in a record.

2505.4(3) *Injunction—notice to the confidentiality claimant.* If practical and in the public interest, the lawful custodian may delay release for a reasonable period of time and notify the confidentiality claimant of the person's right to seek an injunction under Iowa Code section 22.8. Any notice provided to the confidentiality claimant in this regard will identify the time allowed the confidentiality claimant to seek an injunction. Failure to file an injunction after notice constitutes waiver of the confidentiality claim.

2505.4(4) *Request denied—notice to the requester.* When the lawful custodian denies a request for access to a potentially confidential record, the lawful custodian will promptly notify the requester. Written notification of the denial will be provided upon request, and this notification will include the

name and title or position of the lawful custodian, as well as the legal reason for the denial and a brief explanation.

2505.4(5) *Request granted.* When the lawful custodian grants a request for access to a potentially confidential record, the lawful custodian will notify the person granted access of any lawful limitations the custodian imposes on that person's examination and copying of the record.

2505.4(6) *Redactions.* The lawful custodian may but is not compelled to redact confidential information from a document so that nonconfidential portions of the record can be provided to a requester. If the requester receives a redacted record and later requests access to the unredacted version of the record, the custodian may deny the request or notify the confidentiality claimant so the claimant may seek an injunction under subrule 2505.4(3).

2505.4(7) *Timing of decision.* The lawful custodian may decide whether a record is confidential at any time.

7—2505.5(17A,22) Requests for treatment of a record as a confidential record and its withholding from examination. Requests to the agency to treat a record as confidential will be addressed in accordance with the following rules. The lawful custodian may treat a record as a confidential record and withhold it from examination only in accordance with applicable law.

2505.5(1) *Persons who may request.* Persons who believe they may be harmed by a potential disclosure of a record may request that the lawful custodian declare the record as confidential.

2505.5(2) *Request.* Any person may submit a request to treat a record as confidential. To be valid, the request will:

a. Be in writing,

b. Be filed with the lawful custodian,

c. Explain the legal and factual reasons the record should be confidential,

d. Include the requester's contact information, and

e. Be accompanied by a redacted copy of the record.

The lawful custodian may also require a signed statement or affidavit supporting the confidentiality claim. If the request for confidentiality is for a specific period of time, the requester is also obligated to identify the time frame.

2505.5(3) *Failure to request.* The lawful custodian may treat a record as confidential even if no person files a request to treat the record as confidential. However, the agency has discretion to determine whether voluntary submission of an unredacted record to the agency, such as in the context of a bidder submitting an unredacted bid in response to a procurement, constitutes waiver of any argument that the person may have had that the record is in fact confidential.

7—2505.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records. Unless prohibited by law, a person may file a request with the lawful custodian to review, and have a written statement of additions, dissents, or objections entered into, a record containing personally identifiable information pertaining to that person. The requester must send the request and written statement of additions, dissents, or objections to the lawful custodian or to the agency at the agency's address or agency's email. The request must be dated and signed by requester and the requester's representative, if any, and must include the current address, email, and telephone number of the requester and the requester's representative, if any. A person who is a subject of such a record shall not alter the original record and shall not expand the official record of any agency proceeding, except as set forth in this rule. An agency's need to preserve the original record as required by applicable law is a valid reason for denying a request to modify the agency's records.

7—2505.7(17A,22) Consent to disclosure by the subject of a confidential record. To the extent permitted by law, a person who is the subject of a confidential record may have the portion of the record concerning that person disclosed to a third party. A request for such a disclosure must be in writing, identify the particular record or records to disclose, identify the person or class of persons

to whom the record may be disclosed, and state when and where the disclosure should be made. The lawful custodian may require the requester and, where applicable, the person to whom the record is to be disclosed to provide proof of identity and may, when necessary, impose additional obligations for special classes of records. Except where legally prohibited, a request by a person's attorney is presumed to be a request by the person to disclose records about that person to the attorney. The attorney making such request may be required to show proof of representation.

7—2505.8(17A,22) Notice to suppliers of information. When the agency requests a person to supply information about that person, the agency will notify the person of the use that will be made of the information, which persons outside the agency might routinely be provided this information, which parts of the requested information are mandatory and which are optional, and the consequences of a failure to provide the information requested. This notice may be given in a manner that the agency in its discretion deems appropriate to adequately notify the person in accordance with this rule.

These rules are intended to implement Iowa Code chapters 17A and 22.

ITEM 7. Adopt the following **new** 7—Chapter 2506:

CHAPTER 2506
CONTESTED CASES

7—2506.1(17A) Scope and applicability. This chapter applies to contested case proceedings conducted by the agency, including vendor appeals.

7—2506.2(17A) Definitions. Except where otherwise specifically defined by law:

"Contested case" means a proceeding defined by Iowa Code section 17A.2(5) and includes any matter defined as a no factual dispute contested case under Iowa Code section 17A.10A.

"Issuance" means the date of mailing or electronic filing of a decision or order or date of delivery if service is by other means unless another date is specified in the order.

"Party" means each person named or admitted as a party or properly seeking and entitled as of right to be admitted as a party.

"Presiding officer" means the person designated pursuant to Iowa Code section 17A.11.

"Proposed decision" means the presiding officer's recommended findings of fact, conclusions of law, decision, and order in a contested case in which the agency did not preside.

7—2506.3(17A) Time obligations.

2506.3(1) Time is computed as provided in Iowa Code section 4.1(34).

2506.3(2) For good cause, the presiding officer may extend or shorten the time to take any action, except when prohibited by statute. Except for good cause stated in the record, before extending or shortening the time to take any action, the presiding officer will afford all parties an opportunity to be heard or to file written arguments.

7—2506.4(17A) Electronic requests for contested case proceeding.

2506.4(1) A person entitled to a contested case proceeding must electronically file written request for such a proceeding within the time specified by the governing rules or statutes or, if no rule or statute sets such a time, the time set by the agency.

2506.4(2) The request for a contested case proceeding must state the name, email, and address of the requester and identify the specific agency action disputed. Where the requester is represented by an attorney, the request must identify the law or precedent requiring or authorizing the holding of a contested case proceeding and include a short and plain statement of the issues of material fact in dispute.

7—2506.5(17A) Notice of hearing.

2506.5(1) *Delivery.* The agency will deliver notice of a hearing. Delivery shall, whenever possible, be effectuated through electronic means. Otherwise, delivery can be effectuated by:

a. Personal service as provided in the Iowa Rules of Civil Procedure; or

b. Certified mail, return receipt requested; or

c. First-class mail; or

d. Publication as provided in the Iowa Rules of Civil Procedure.

2506.5(2) *Contents.* The notice of hearing must state:

a. The time, place, and nature of the hearing;

b. The legal authority and jurisdiction under which the hearing is to be held;

c. The particular sections of the statutes and rules involved;

d. Briefly and plainly, the matters asserted. If a party cannot state the matters in detail when the notice is served, the party may limit the initial notice to a statement of the issues involved but must supplement it with a more definite and detailed statement if requested by another party;

e. All parties, including the name, address, and telephone number of the person who will advocate for each party;

f. The procedural rules governing conduct of the contested case proceeding;

g. The procedural rules governing informal settlement;

h. The identity of the presiding officer, if known, or, if not, a description of who will serve as presiding officer; and

i. The deadline to request under Iowa Code section 17A.11 and rule 7—2506.6(17A) that the presiding officer be an administrative law judge.

7—2506.6(17A) Presiding officer.

2506.6(1) Any party that wants an administrative law judge employed by the department of inspections, appeals, and licensing to serve as the presiding officer must file a request. The deadline for that request is 20 days after service of a notice of hearing that identifies someone other than an administrative law judge as the presiding officer.

2506.6(2) The agency or its designee may deny the request for any of the reasons set forth in Iowa Code section 17A.11(1)*"a."*

2506.6(3) The agency or its designee is obligated to issue a written ruling specifying the grounds for its decision within 20 days after a request for an administrative law judge is filed.

2506.6(4) Except as otherwise prohibited by law, the agency may appeal all final rulings by an administrative law judge acting as presiding officer. A party is obligated to seek any available appeal to the agency in order to exhaust available administrative remedies.

2506.6(5) Except as otherwise set forth in law, heads of agencies and members of governmental agencies, when reviewing a proposed decision upon appeal to the agency, have the powers and duties of this chapter applicable to presiding officers.

7—2506.7(17A) Waiver of procedures. Unless otherwise prohibited by law, the parties in a contested case proceeding may waive any portion of this chapter. However, the agency in its discretion may refuse to give effect to such a waiver when it deems the waiver to be inconsistent with the public interest.

7—2506.8(17A) Telephone proceedings. The presiding officer may resolve preliminary procedural motions by telephone or videoconference in which all parties have an opportunity to participate. Other telephone proceedings may be held with the consent of all parties. The presiding officer will determine the location of the parties and witnesses for telephone hearings. The convenience of the witnesses or parties, as well as the nature of the case, must be considered when a location is chosen.

7—2506.9(17A) Disqualification.

2506.9(1) A presiding officer or other person must withdraw from participation in the making of any proposed or final decision in a contested case if that person:

a. Has a personal bias or prejudice concerning a party or a representative of a party;

b. Has personally investigated, prosecuted, or advocated in connection with that case, the specific controversy underlying that case, another pending factually related contested case, or a pending factually related controversy that may culminate in a contested case involving the same parties;

c. Is subject to the authority, direction or discretion of any person who has personally investigated, prosecuted, or advocated in connection with that contested case, the specific controversy underlying that contested case, or a pending factually related contested case or controversy involving the same parties;

d. Has acted as counsel to any person who is a private party to that proceeding within the past two years;

e. Has a personal financial interest in the outcome of the case or any other significant personal interest that could be substantially affected by the outcome of the case;

f. Has a spouse or relative within the third degree of relationship who is:

(1) A party to the case or an officer, director or trustee of a party;

(2) An attorney in the case;

(3) Known to have an interest that could be substantially affected by the outcome of the case; or

(4) Likely to be a material witness in the case; or

g. Has any other legally sufficient cause to withdraw from participation in the decision making in that case.

2506.9(2) The term "personally investigated" means taking affirmative steps to interview witnesses directly or to obtain documents or other information directly. The term does not include general direction and supervision of assigned investigators, unsolicited receipt of information relayed to assigned investigators, review of another person's investigative work product in the course of determining whether there is probable cause to initiate a proceeding, or exposure to factual information while performing other agency functions, including fact gathering for purposes other than investigation of the matter that culminates in a contested case. If the presiding officer in the case has received factual information relevant to the merits of a contested case before being assigned as the presiding officer, the presiding officer is obligated to disclose that information to the parties to the extent required by Iowa Code section 17A.17(3) and subrules 2506.9(3) and 2506.23(9).

2506.9(3) A party that believes a presiding officer is disqualified must file a motion supported by an affidavit in accordance with Iowa Code section 17A.17(7). The motion must be filed as soon as practicable after the reason alleged in the motion becomes known to the party.

a. If a party during the course of the hearing becomes aware of evidence of bias or other grounds for disqualification, the party may move for disqualification at that time but must establish the grounds introducing the evidence into the record.

b. If disqualification is required, the presiding officer or other person is obligated to withdraw. If withdrawal is not required, the presiding officer will enter an order to that effect. A party asserting disqualification may seek an interlocutory appeal under rule 7—2506.25(17A) and seek a stay under rule 7—2506.29(17A).

7—2506.10(17A) Consolidation—severance.

2506.10(1) *Consolidation.* The presiding officer may consolidate matters at issue in two or more contested case proceedings if:

a. The matters involve common parties or common questions of fact or law;

b. Consolidation would expedite and simplify consideration of the issues involved; and

c. Consolidation would not adversely affect the rights of any of the parties to those proceedings.

2506.10(2) *Severance.* The presiding officer may, for good cause shown, order any contested case or portion of a contested case severed.

7—2506.11(17A) Pleadings.

2506.11(1) *Filing requirements.* Filing requirements may be imposed by rule, by the notice of hearing, or by order of the presiding officer.

2506.11(2) *Petition.*

a. Any necessary petition in a contested case proceeding will be filed within 20 days of delivery of the notice of hearing or subsequent order of the presiding officer unless otherwise ordered.

b. A petition will state in separately numbered paragraphs the following:

(1) The persons or entities on whose behalf the petition is filed;

(2) The particular provisions of statutes and rules involved;

(3) The relief demanded and the facts and law relied upon for such relief; and

(4) The name, address, email, and telephone number of the petitioner and the petitioner's attorney, if any.

2506.11(3) *Answer.* A party against whom a petition is filed must file an answer within 20 days of service of the petition unless otherwise ordered. A party may instead move to dismiss or apply for a more definite and detailed statement when appropriate.

a. An answer must state on whose behalf it is filed and specifically admit, deny, or otherwise answer all material allegations of the pleading to which it responds. It must state all facts deemed to show an affirmative defense and contain as many additional defenses as the pleader may claim.

b. An answer must state the name, address, email, and telephone number of the person filing the answer, the person or entity on whose behalf it is filed, and the attorney representing that person, if any.

c. Any allegation in the petition not denied in the answer is considered admitted. If a defense could have been raised in the answer but was not, the presiding officer may refuse to consider it if doing so would prejudice any party.

2506.11(4) *Amendment.* Any notice of hearing, petition, or other charging document may be amended before a responsive pleading has been filed. Amendments to pleadings after a responsive pleading has been filed and to an answer may be allowed with the consent of the other parties or in the discretion of the presiding officer who may impose terms or grant a continuance.

7—2506.12(17A) Electronic service and filing of pleadings and other papers.

2506.12(1) *Filing and service electronically.* Every pleading, motion, document, or other paper that is filed or served shall be executed electronically whenever possible. Filing or service by a non-electronic method can only be upon a showing to the presiding officer of undue hardship to use email.

2506.12(2) *When service mandated.* Except where otherwise provided by law, every pleading, motion, document, or other paper filed in a contested case proceeding and every paper relating to discovery in such a proceeding must be served upon each of the parties of record to the proceeding, including the person designated as advocate or prosecutor for the state or the agency. Service must be at the same time as filing. Except for the original notice of hearing and an application for rehearing, as described in Iowa Code section 17A.16(2), the party filing a document is responsible for service on all parties.

2506.12(3) *Service—how made.* Service upon a party represented by an attorney will be made upon the attorney unless otherwise ordered. Service shall be made electronically or, to the extent permitted in subrule 2506.12(1), by mailing a hard copy to the person's last-known address. Service by mail is complete upon mailing, except where otherwise specifically provided by statute, rule, or order.

2506.12(4) *Filing—when mandated.* After the notice of hearing, all pleadings, motions, documents or other papers in a contested case proceeding must be filed with the agency at the agency's address or agency's email. All pleadings, motions, documents or other papers that need to be served upon a party must be filed with the agency at the same time they are served.

2506.12(5) *Filing—when made.* Except where otherwise provided by law, a document is deemed filed at the time it is submitted to the department of inspections, appeals, and licensing electronic

filing system, submitted to a separate agency electronic filing system, delivered to the agency's address or agency's email, delivered to an established courier service for immediate delivery to that office, or mailed by first-class mail or state interoffice mail to that office, so long as there is proof of mailing.

2506.12(6) *Copies by email.* Whenever possible, the parties shall provide opposing parties copies of all filings by email.

2506.12(7) *Proof of mailing.* In circumstances where non-electronic service is approved by the presiding officer, a proof of mailing is required, which includes either a legible United States Postal Service postmark on the envelope, a certificate of service, or a certification in substantially the following form:

> I certify under penalty of perjury under the laws of Iowa that, on (date of mailing), I mailed copies of (describe document) addressed to the agency at the agency's address, and to the names and addresses of the parties listed below by depositing the same in (method of delivery).
>
> (Date) (Signature)

7—2506.13(17A) Discovery.

2506.13(1) Discovery procedures applicable in civil actions are applicable in contested cases. Unless lengthened or shortened by these rules or by order of the presiding officer, time periods for compliance with discovery are as set forth in the Iowa Rules of Civil Procedure. No new discovery under Iowa Rules of Civil Procedure 1.509, 1.510, and 1.512 may be served within 40 days of the scheduled hearing. All discovery must be completed no later than ten days before the scheduled hearing.

2506.13(2) Parties must not file motions relating to discovery unless they have first in good faith attempted to resolve the issue with the opposing party. A party filing a discovery motion must certify, under penalty of perjury, that it has made that good-faith attempt. Lack of such a certificate constitutes sufficient grounds for denying the motion.

2506.13(3) Unless shortened in accordance with subrule 2506.13(1), a discovery motion is ripe for ruling by the presiding officer ten days after the motion is filed. Opposing parties may file a response within that time. The presiding officer may order argument or rule on the parties' filings.

2506.13(4) Evidence obtained in discovery may be used in the contested case proceeding if that evidence would otherwise be admissible in that proceeding.

7—2506.14(17A) Subpoenas.

2506.14(1) *Issuance.*

a. A presiding officer must issue a subpoena upon a party's written request. Unless there is good cause, a party must request a witness subpoena at least three days before the scheduled hearing. The request will include the name, address, email, and telephone number of the requesting party.

b. Except as otherwise set forth by law, parties are responsible for serving their own subpoenas and for paying witness fees and mileage expenses. Subpoenas that do not include the required witness fees and mileage expenses are not valid.

2506.14(2) *Motion to quash or modify.* The presiding officer may quash or modify a subpoena in accordance with the Iowa Rules of Civil Procedure. A motion to quash or modify a subpoena will be set for argument promptly.

7—2506.15(17A) Motions.

2506.15(1) Motions are not required to be in a particular form. However, prehearing motions are to be in writing, state the grounds for relief, and state the relief sought.

2506.15(2) Any party may file a written response to a motion within ten days after the motion is served unless the time period is extended or shortened by rules of the agency or the presiding officer. The presiding officer may consider a failure to respond within the time period in ruling on a motion.

2506.15(3) The presiding officer may schedule oral argument on any motion.

2506.15(4) Unless there is good cause, motions pertaining to the hearing, except motions for summary judgment, must be filed and served at least ten days before the date of hearing. This time may be lengthened or shortened by rule of the agency or an order of the presiding officer.

2506.15(5) Motions for summary judgment.

a. Iowa Rules of Civil Procedure 1.981 through 1.983 govern motions for summary judgment, except where they conflict with this rule or legal requirements governing contested case proceedings.

b. Motions for summary judgment must be filed and served at least 45 days before the scheduled hearing date. Any party resisting the motion then has 15 days to file and serve a resistance. The time fixed for hearing or nonoral submission will be not less than 20 days after the filing of the motion. The presiding officer may by order change any of these deadlines. An order rendering summary judgment on all issues in a contested case is subject to rehearing pursuant to rule 7—2506.28(17A) and appeal pursuant to rule 7—2506.27(17A).

7—2506.16(17A) Prehearing conference.

2506.16(1) Any party may request a prehearing conference. A written request for prehearing conference or an order for prehearing conference on the presiding officer's own motion will be filed not less than seven days before the hearing date. A prehearing conference will be scheduled not less than three business days before the hearing date. The presiding officer may change these deadlines for good cause.

2506.16(2) Witness and exhibit lists.

a. Each party will bring to the prehearing conference a final list of:

(1) The witnesses whom the party anticipates will testify at hearing. Unless there is good cause for the omission, the presiding officer may exclude the testimony of unlisted witnesses; and

(2) Exhibits that the party anticipates will be introduced at hearing. Unless there is good cause for the omission, the presiding officer may exclude unlisted, non-rebuttal exhibits.

b. Witness or exhibit lists may be amended subsequent to the prehearing conference within the time limits established by the presiding officer at the prehearing conference. Any such amendments are to be served on all parties.

2506.16(3) The parties at a prehearing conference may:

a. Stipulate to law or fact;

b. Stipulate to the admissibility of exhibits;

c. Identify matters that the parties intend to request be officially noticed;

d. Consider any additional matters that will expedite the hearing.

2506.16(4) Prehearing conferences will be conducted by telephone unless otherwise ordered. Parties are obligated to exchange and receive witness and exhibit lists before the conference.

7—2506.17(17A) Continuances. Applications for continuances can be made to the presiding officer.

2506.17(1) A written application for a continuance will:

a. Be made at the earliest possible time and no less than seven days before the hearing, except in case of unanticipated emergencies;

b. State the specific reasons for the request; and

c. Be signed by the requesting party or the party's representative.

No application for continuance will be made or granted without notice to all parties, except in an emergency where notice is not feasible. The agency may waive notice of such requests for a particular case or an entire class of cases.

2506.17(2) In determining whether to grant a continuance, the presiding officer may consider:

a. Prior continuances;

b. The interests of all parties;

c. The likelihood of informal settlement;

d. The existence of an emergency;

e. Any objection;
f. Any applicable time obligations;
g. The existence of a conflict in the schedules of counsel, parties, or witnesses;
h. The timeliness of the request; and
i. Other relevant factors.

The presiding officer may order a party to furnish evidence of facts supporting or opposing the request.

7—2506.18(17A) Withdrawals. A party requesting a contested case proceeding may withdraw that request only in accordance with agency rules. Unless otherwise provided, a withdrawal will be with prejudice.

7—2506.19(17A) Intervention.

2506.19(1) *Motion.* A motion for leave to intervene in a contested case proceeding must state the grounds for the proposed intervention, the position and interest of the proposed intervenor, and the possible impact of intervention on the proceeding. The proposed intervenor must attach a proposed answer or petition in intervention, as appropriate, to the motion. Any party may file a response within 14 days of service of the motion to intervene unless the time period is extended or shortened by the presiding officer.

2506.19(2) *When filed.* A motion for leave to intervene must be filed as early as possible to avoid prejudice on existing parties or the conduct of the proceeding and, at any rate, before the prehearing conference, if any, or at least 20 days before the date scheduled for hearing. Later motions must show good cause for being untimely. Unless inequitable or unjust, an intervenor is bound by any agreement, arrangement, or other matter previously raised in the case. Requests by untimely intervenors for continuances that would delay the proceeding will ordinarily be denied.

2506.19(3) *Grounds for intervention.* The proposed intervenor must show that:

a. Intervention would not unduly prolong the proceedings or otherwise prejudice the rights of existing parties;
b. It is likely to be aggrieved or adversely affected by a final order in the proceeding; and
c. Its interests are not adequately represented by existing parties.

2506.19(4) *Effect of intervention.* A person granted leave to intervene is a party to the proceeding. If appropriate, the presiding officer may order consolidation of the petitions and briefs of different parties whose interests are aligned with each other and limit the number of representatives allowed to participate actively in the proceedings. The order granting intervention may limit the issues the intervenor is allowed to raise or otherwise condition the intervenor's participation in the proceeding.

7—2506.20(17A) Hearing procedures.

2506.20(1) The presiding officer presides at the hearing and may rule on motions, impose obligations to submit briefs, issue a proposed decision, and issue orders and rulings to ensure the orderly conduct of the proceedings.

2506.20(2) All objections must be made timely and stated on the record.

2506.20(3) Parties have the right to participate or to be represented in all hearings or prehearing conferences related to their case. Partnerships, corporations, limited-liability companies, and associations may be represented by any member, officer, director, or duly authorized agent. Any party may be represented by an attorney or another person authorized by law. An attorney admitted pro hoc vice in accordance with the Iowa rules of court to practice in an agency administrative action in accordance with Iowa Court Rule 31.14 is obligated to have an in-state attorney present at every interaction with the presiding officer.

2506.20(4) Subject to terms and conditions prescribed by the presiding officer, parties have the right to introduce evidence on issues of material fact, cross-examine witnesses present at the hearing

as necessary for a full and true disclosure of the facts, present evidence in rebuttal, and submit briefs and engage in oral argument.

2506.20(5) The presiding officer will maintain the decorum of the hearing and may refuse to admit or may expel anyone whose conduct is disorderly.

2506.20(6) Witnesses may be sequestered during the hearing.

2506.20(7) The presiding officer must conduct the hearing in the following manner:

a. The presiding officer will give an opening statement briefly describing the nature of the proceedings;

b. The parties will be given an opportunity to present opening statements;

c. Parties will present their cases in the sequence determined by the presiding officer;

d. Each witness will be sworn or affirmed by the presiding officer or the court reporter and be subject to examination and cross-examination. The presiding officer may limit questioning in a manner consistent with law;

e. When all parties and witnesses have been heard, parties may be given the opportunity to present final arguments.

7—2506.21(17A) Evidence.

2506.21(1) The presiding officer will rule on admissibility of evidence as provided in Iowa Code section 17A.14 and may, where appropriate, take official notice of facts in accordance with all applicable legal obligations.

2506.21(2) Stipulation of facts is encouraged. The presiding officer may make a decision based on stipulated facts.

2506.21(3) Evidence in the proceeding will be confined to the issues identified at the prehearing conference or in the notice of hearing, as appropriate. A party may waive its right to prehearing notice. The presiding officer may, for good cause, expand the issues to be considered and admit evidence on those issues. In that case, a party that objects to the expansion is, upon timely request, entitled to a continuance sufficient to amend pleadings and to prepare on the additional issue.

2506.21(4) The presiding officer will not rule on the admissibility of an exhibit until opposing parties have had an opportunity to examine it. Parties should ordinarily furnish copies of exhibits to opposing parties before a hearing to prevent unnecessary delay during the hearing. All exhibits admitted into evidence will be appropriately marked and made part of the record.

2506.21(5) Any party may object to specific evidence or request limits on the scope of any examination or cross-examination. Each objection must be accompanied by a brief statement of the grounds upon which it is based. The objection, the ruling on the objection, and the reasons for the ruling will be noted in the record. The presiding officer may rule on the objection when it is made or may reserve a ruling until the written decision.

2506.21(6) Whenever evidence is ruled inadmissible, the party offering that evidence may submit an offer of proof on the record. The party making the offer of proof for excluded oral testimony will briefly summarize the testimony or, with permission of the presiding officer, present the testimony. If the excluded evidence is a document or exhibit, it will be marked as part of an offer of proof and inserted in the record.

7—2506.22(17A) Default.

2506.22(1) If a party does not appear or participate in a contested case proceeding after proper notice, the presiding officer may render a default or proceed with the hearing and render a decision in the absence of the party.

2506.22(2) Where appropriate, any party may move for default against a party who has requested the contested case proceeding and has not filed a necessary pleading or has not appeared after proper service.

2506.22(3) Default decisions and decisions rendered on the merits after a party has not appeared or participated are final agency actions from which a party may appeal under rule 7—2506.27(17A).

A party against whom such a decision has been rendered may file a motion to vacate within 15 days, or other period specified by statute, after the date of notification or mailing of the decision. A motion to vacate must state all facts that establish good cause for that party's non-appearance or non-participation. Each such fact must be supported by at least one sworn affidavit of a person with personal knowledge, which affidavit must be attached to the motion.

2506.22(4) The time for further appeal of a decision is stayed while a timely motion to vacate is pending.

2506.22(5) A presiding officer may grant a motion to vacate only if it is timely and establishes good cause for the movant's non-appearance or non-participation. The burden of proof as to good cause is on the moving party. Opposed parties have ten days to respond to a motion to vacate. If the response includes a request to do so, an opposing party may conduct discovery into the issue of good cause and present evidence on that issue before the presiding officer decides the motion.

2506.22(6) "Good cause" for purposes of this rule has the same meaning as "good cause" for setting aside a default judgment under Iowa Rule of Civil Procedure 1.977.

2506.22(7) A decision denying a motion to vacate is subject to further appeal within the time limit allowed for further appeal of a decision on the merits in the contested case proceeding. A decision granting a motion to vacate is subject to interlocutory appeal by the adverse party pursuant to rule 7—2506.25(17A).

2506.22(8) If a motion to vacate is granted, and no timely interlocutory appeal has been taken, the presiding officer will issue another notice of hearing and the contested case will proceed accordingly.

2506.22(9) A default decision may award any relief consistent with the request for relief made in the petition and embraced in its issues.

2506.22(10) A default decision may provide either that the default decision is to be stayed pending a timely motion to vacate or that the default decision is to take effect immediately, subject to a request for stay under rule 7—2506.29(17A).

7—2506.23(17A) Ex parte communication.

2506.23(1) Improper communications. Except as specifically allowed by law, no party, representative of a party, or person with a direct or indirect interest in a case may communicate, directly or indirectly, with the presiding officer, or vice versa, regarding the case or a pending factually related case. These communications are allowed only if all parties have been notified of the intention to communicate and have an opportunity to participate. This does not prohibit persons jointly assigned such tasks from communicating with each other. However, the presiding officer may communicate with members of the agency and may seek the advice or help of persons regarding the matter. This can include persons with whom the presiding officer is prohibited from communicating in another case, as long as the presiding officer's communications with that person are not regarding that other case or a case factually related to it.

2506.23(2) Written, oral, or other forms of communication are "ex parte" if made without notice and opportunity for all parties to participate.

2506.23(3) These prohibitions start when the notice of hearing is issued and continue for as long as the case is pending.

2506.23(4) To avoid banned ex parte communications, notice is to be given in a manner reasonably calculated to give all parties a fair opportunity to participate. Notice of written communications will be provided in compliance with rule 7—2506.12(17A) and may be supplemented by telephone, fax, email or other means of notification. Where permitted, oral communications may be initiated through conference telephone call including all parties or their representatives.

2506.23(5) Persons who jointly act as presiding officer in a pending contested case may communicate with each other without notice or opportunity for parties to participate.

2506.23(6) The executive director or other persons may be present in deliberations or otherwise advise the presiding officer without notice or opportunity for parties to participate as long as they are not disqualified from participating in the making of a proposed or final decision and they comply with subrule 2506.23(1).

2506.23(7) Communications with the presiding officer involving uncontested scheduling or procedural matters do not need notice or opportunity for parties to participate. Parties should notify other parties prior to initiating such contact with the presiding officer when possible and must notify other parties when seeking to continue hearings or other deadlines.

2506.23(8) Disclosure of banned communications. A presiding officer who receives a banned ex parte communication while a contested case is pending must first determine whether the communication is so prejudicial that the presiding officer should be disqualified. If so, the presiding officer will enter into the record, sealed by a protective order, a copy of any banned written communication, all written responses to the communication, a written summary of the substance of any banned oral or other communication, all responses made, and the identity of each person from whom the presiding officer received a banned ex parte communication. If the presiding officer determines that disqualification is not warranted, the presiding officer will enter these documents into the record and serve them upon all parties. Any party desiring to rebut the banned communication will be allowed the opportunity to do so upon written request filed within ten days after notice of the communication.

2506.23(9) Promptly after being assigned to serve as presiding officer at any stage in a contested case proceeding, a presiding officer must disclose to all parties material factual information received through ex parte communication before the assignment began. The presiding officer does not need to disclose this information if it has already been, or shortly will be, disclosed under Iowa Code section 17A.13(2) or through discovery or if it is contained in an investigative report or similar document that has been or shortly will be given to the parties.

2506.23(10) The presiding officer may render a proposed or final decision imposing appropriate sanctions for violations of this rule including default, a decision against the offending party, censure, or suspension or revocation of the privilege to practice before the agency. Violation of ex parte communication obligations by agency personnel will be reported to the chief executive of the agency or that person's designee for possible sanctions including censure, suspension, dismissal, or other disciplinary action.

7—2506.24(17A) Recording costs. Upon reasonable request, the agency is obligated to provide a copy of the whole or any portion of the record at cost. The cost of preparing a copy of the record or of transcribing the hearing record will be paid by the requesting party. A party that requests that a hearing be recorded by certified shorthand reporter rather than by electronic means is responsible for making such arrangements and paying associated costs unless otherwise provided by applicable law.

7—2506.25(17A) Interlocutory appeals. Upon written request of a party or on its own motion, the agency may review an interlocutory order. In determining whether to do so, the agency must weigh the extent to which the granting of the interlocutory appeal would expedite final resolution of the case and the extent to which review of that interlocutory order by the agency at the time it reviews the proposed decision of the presiding officer would provide an adequate remedy. A request for interlocutory review must be filed by the earliest of 14 days after the challenged order is issued, the deadline for complying with the order, or the date of hearing.

7—2506.26(17A) Final decision.

2506.26(1) When the agency presides over receiving evidence at the hearing, its decision is a final decision.

2506.26(2) When the agency does not preside over receiving evidence, the presiding officer will issue a proposed decision. The proposed decision becomes the final decision of the agency without

further proceedings unless there is an appeal of the proposed decision to the agency, or review of the proposed decision on the agency's own motion, in accordance with rule 7—2506.27(17A).

7—2506.27(17A) Appeals and review.

2506.27(1) *Appeal by party.* Any adversely affected party may appeal a proposed decision to the agency within 30 days after the decision is issued.

2506.27(2) *Review.* The agency may initiate review of a proposed decision on its own motion at any time within 30 days following the issuance of such a decision.

2506.27(3) *Notice of appeal.* An appeal of a proposed decision is initiated by filing a timely notice of appeal with the agency. The notice of appeal is to be signed by the appealing party or a representative of that party and contain a certificate of service. The notice will specify:

a. The parties initiating the appeal;

b. The proposed decision or order appealed from;

c. The specific findings or conclusions to which exception is taken and any other exceptions to the decision or order;

d. The relief sought; and

e. The grounds for relief.

2506.27(4) *Requests to present additional evidence.* A party may request to submit additional evidence. The request must be filed with the notice of appeal, if by an appealing party, or within 14 days of service of the notice of appeal, if by a non-appealing party. The agency will take additional evidence only if the party establishes that the evidence is material, that good cause existed for its not being presented at the hearing, and that the party has not waived the right to present the evidence. The agency may remand a case to the presiding officer to take additional evidence or may itself preside at the taking of additional evidence.

2506.27(5) *Scheduling.* The agency will issue a schedule for consideration of the appeal.

2506.27(6) *Briefs and arguments.* Unless otherwise ordered, within 20 days of the notice of appeal or order for review, each appealing party may file exceptions and briefs. Within 20 days thereafter, any party may file a responsive brief. Briefs will include any applicable legal authority and specify relevant portions of the record in that proceeding. Written requests to present oral argument will be filed with the briefs. The agency may resolve the appeal on the briefs or provide an opportunity for oral argument. The agency may shorten or extend the briefing period as appropriate.

7—2506.28(17A) Applications for rehearing.

2506.28(1) *By whom filed.* Any party to a contested case proceeding may file an application for rehearing from a final order.

2506.28(2) *Content of application.* The application for rehearing must identify on whose behalf it is filed, the portion of the decision the party wants reconsidered, the specific grounds for rehearing, whether the party wants to proceed on the record or to submit additional evidence, and the relief sought.

2506.28(3) *Time of filing.* The deadline to file an application for rehearing is 20 days after the final decision is issued.

2506.28(4) *Notice to other parties.* A copy of the application will be timely mailed or emailed by the applicant to all parties of record not joining therein. If the application does not contain a certificate of service, the agency will serve copies on all parties.

2506.28(5) *Disposition.* A party need not respond to an application for rehearing unless the government entity requests a response. An application for a rehearing is deemed denied if it is not granted within 20 days of its filing or, if a response is filed, within 20 days of the filing of a response. An application for rehearing is optional; a party need not file an application to exhaust available administrative remedies. The filing of an application for rehearing shall toll the time period for appeal in rule 7—2506.27(17A).

7—2506.29(17A) Stays of agency actions.

2506.29(1) *When available.*

a. Any party may petition the agency to stay the effect of an order, or for other temporary remedies, pending review of the order by the agency. The petition must be filed with the notice of appeal and must state the reasons justifying a stay or other temporary remedy. The agency may rule on the stay or authorize the presiding officer to do so.

b. Any party may petition the agency for a stay, or other temporary remedies, pending judicial review of all or part of that proceeding. The petition must state the reasons justifying a stay or other temporary remedy.

2506.29(2) *When granted.* The presiding officer or agency will consider the factors listed in Iowa Code section 17A.19(5)*"c"* when deciding whether to grant the stay or other temporary remedy.

2506.29(3) *Vacation.* The presiding officer or agency may vacate a stay or other temporary remedy on the motion of the agency or any other party.

7—2506.30(17A) Contested cases involving no factual dispute. If the parties agree that no dispute of material fact exists, they may present all evidence, by stipulation or as otherwise agreed, without an evidentiary hearing. In such a situation, the parties should, as soon as practicable, jointly submit a proposed schedule for submitting the record and briefs and, if necessary, holding oral argument. If the parties cannot agree to a schedule, any party may file and serve a motion for summary judgment.

7—2506.31(17A) Emergency adjudicative proceedings.

2506.31(1) *Necessary emergency action.* To the extent necessary to prevent or avoid immediate danger to the public health, safety, or welfare and, consistent with the Constitution and other provisions of law, the agency may issue an emergency adjudicative order in compliance with Iowa Code section 17A.18. The order must be in writing and may suspend a license in whole or in part, order that any continuing activity stop, order someone to act, or require other action within the jurisdiction of the agency. Before issuing an emergency adjudicative order, the agency must consider factors such as:

a. Whether there has been a sufficient factual investigation to ensure that it is proceeding on the basis of reliable information;

b. Whether the specific circumstances that pose immediate danger to public health, safety, or welfare have been identified and determined to be continuing;

c. Whether the person subject to the proposed emergency adjudicative order may continue to engage in other activities without posing immediate danger to public health, safety, or welfare;

d. Whether imposition of monitoring obligations or other interim safeguards would be sufficient to protect the public health, safety, or welfare; and

e. Whether the specific action contemplated by the agency is necessary to avoid immediate danger.

2506.31(2) *Issuance of order.*

a. An emergency adjudicative order must contain findings of fact and conclusions of law to justify the determination of an immediate danger in the agency's decision to take immediate action.

b. The emergency adjudicative order will be immediately delivered to persons obligated to comply with the order by one or more of:

(1) Personal delivery;

(2) First-class or certified mail to the last address on file with the agency; or

(3) Fax. Fax may be used as the sole method of delivery if the person to whom the order applies has filed a written request that agency orders be sent by fax and has provided a fax number for that purpose.

c. To the practicable degree, the agency is obligated to select the procedure for providing written notice that best ensures prompt, reliable delivery.

2506.31(3) *Oral notice.* Unless the emergency adjudicative order is served by personal delivery on the same day that it is issued, the agency is obligated to make reasonable immediate efforts to contact the people to whom the order applies by telephone.

2506.31(4) *Completion of proceedings.*

a. After the issuance of an emergency adjudicative order, the agency will proceed as quickly as feasible to complete any proceedings that would be needed if the matter did not involve an immediate danger.

b. An emergency adjudicative order must include, or be accompanied by, a notice of the date by which agency proceedings are scheduled for completion. When an agency has issued an emergency adjudicative order, the agency or a presiding officer may continue contested case proceedings only in compelling circumstances upon application in writing.

7—2506.32 to **2506.100** Reserved.

7—2506.101(17A) Definitions for vendor appeals of contested cases. As used in this chapter, unless the context otherwise dictates:

"Agency" means the agency when purchasing goods or services through a competitive solicitation.

"Award" means the decision to select a vendor for a contract or purchase.

"Vendor" means any vendor who has submitted a bid or proposal in response to a competitive solicitation issued by an agency.

7—2506.102(17A) Vendor appeal process. Rules 7—2506.101(17A) through 7—2506.105(17A) govern appeals of the agency's decisions regarding competitive solicitations for goods or services. These rules supplement standard contested case rules and control to the extent inconsistent with standard contested case rules. Not complying with these vendor appeal rules in any material respect will result in dismissal of the appeal and constitute a failure to exhaust administrative remedies.

2506.102(1) *Notice of intent to appeal.* A vendor who is aggrieved by the agency's issuance of a notice of intent to award following a competitive solicitation may appeal that notice of intent to award. The deadline for the vendor to submit a notice of intent to appeal is five days following issuance of the notice of intent to award. Late notices of intent to appeal will not be accepted.

2506.102(2) *Initial disclosures.* When an agency receives the vendor's notice of intent to appeal, the agency will respond by providing the public version of the winning vendor's proposal as submitted by the vendor during the solicitation process. In addition, the agency will provide all evaluation committee materials, documentation, analysis, and results. If requested by the vendor, the agency will also send the public versions of losing bids or proposals as those public copies were submitted during the solicitation process. The vendor is not entitled to any additional discovery, materials, or information unless the proceedings advance past the first-tier review stage.

2506.102(3) *Notice of appeal.* Following receipt of the initial disclosures, the vendor may file a formal appeal within either the time frame identified in the solicitation document or, if no time frame is identified, five days from the award. If the vendor does not file a formal appeal in a timely manner, the appeal is waived. The vendor is obligated to plead with particularity; notice pleading is inadequate. At minimum, the formal appeal will include:

a. The vendor's contact information, including contact information for the individual filing the notice of appeal, the individual's association with the appealing vendor, and a showing of the individual's authority to appeal on behalf of the appealing vendor;

b. Details of the award decision the vendor is challenging;

c. Why and how the vendor is aggrieved by the decision;

d. The legal and factual reasons for the vendor's appeal, including references to the relevant grounds of appeal as set forth in Iowa Code section 17A.19(10); and

e. The relief the vendor is seeking.

2506.102(4) *Appeal bond—notice of appeal, first-tier review.* At the same time the vendor submits the notice of appeal, the appealing vendor must submit to the agency an appeal bond to the extent required in the solicitation document. An agency has discretion to require a bond in an amount up to 5 percent of the value of the contract that is the subject of the appeal, including all extension years available under the contract awarded. If the vendor does not submit the appeal bond, the agency will dismiss the appeal. The vendor forfeits the appeal bond if its claims are determined to be unreasonable, frivolous, or for purposes of delaying the award, in which case the vendor will also be ordered to pay all costs of the appeal of the agency and any intervening party. Those costs include but are not limited to the costs of the process, hearing costs, expert witness fees, and attorney's fees and costs. The appealing vendor may be disqualified from future competitive solicitations in accordance with applicable rules addressing vendor disqualification through debarment or suspension if the appeal is determined to be unreasonable, frivolous, or for the purpose of delay. Awarded costs may be extracted from the appeal bond.

2506.102(5) *Public records.*

a. To ensure fair evaluation of proposals and to make the vendor appeal process more efficient, solicitation-related information, such as proposals and evaluation materials, will remain confidential and will not be released to the public until the notice of intent to award is issued or any vendor appeals are fully and finally resolved, whichever comes later. Materials released in accordance with these vendor appeal rules or in a formal sealed bidding process controlled by Iowa Code section 72.3 are exceptions to this temporary prohibition on the release of confidential information.

b. By submitting materials for the bidding process, a vendor agrees that submitted documents and information can be shared with third parties, including competitors, in the event of an appeal. However, the agency will share confidential or proprietary information during an appeal process only in accordance with a protective order acceptable to the agency. Without a protective order, the agency will make available only to litigants copies of proposals from which confidential and proprietary information have been redacted, and then to non-litigants only after finalization of the award process or all vendor appeals, whichever comes later.

c. A vendor's notice of appeal is a public document available for public inspection. If the vendor believes the notice contains any confidential information, the vendor must, when it submits the notice of appeal, explain why the notice should remain confidential. The vendor must also submit a redacted version of the notice of appeal so that the public and other vendors submitting proposals in response to the solicitation can view nonconfidential portions of the notice of appeal.

2506.102(6) *Notice to winning vendor and intervention.* Once the agency receives the notice of appeal, the issuing officer for the solicitation will notify the winning vendor. The winning vendor may intervene in the appeal by submitting a notice of intervention no later than five days after receiving the notice.

2506.102(7) *Initial disclosures to intervenors.* The agency will send the intervening vendor the same public documents sent to the appellant.

2506.102(8) *Waiver.* To facilitate an orderly and timely resolution of vendor appeals, claims are waived in each of these instances:

a. A vendor did not raise during the solicitation process, such as through a question-and-answer period, an issue that could have been addressed during that process;

b. The issue is not raised in the original notice of appeal; and

c. An argument that could have been raised at an earlier stage of the appeal was not raised at that earlier stage.

7—2506.103(17A) Vendor appeal stages.

2506.103(1) *First-tier review.* Once the appeal is filed and any responses are received, the agency will review the case internally and issue a decision upholding, changing, or reversing the original award decision. The agency's decision is final unless the appealing vendor requests a second-tier review within the time frame identified in the solicitation document for seeking second-tier review

or, if no time frame is so identified, five days from the issuance of the first-tier review. Failure to seek a second-tier review constitutes waiver of any right to seek a second-tier review and failure to exhaust administrative remedies.

2506.103(2) *Second-tier review.*

a. Appeal hearing. A vendor aggrieved by an agency's first-tier review may seek a second-tier review by filing a notice seeking second-tier review with the agency within five days of issuance of the first-tier review decision. The second-tier review request must comply with subrule 2506.102(3), except that it must refer to the first-tier review decision instead of the award decision. Upon receipt of a vendor's request for a second-tier review, the agency will schedule a hearing before an administrative law judge from the department of inspections, appeals, and licensing. The second-tier review hearing will be held within 60 days after the request for a second-tier review, subject to good cause exceptions as set forth in subrule 2506.3(2).

b. Appeal security. At the same time as it submits a second-tier review request, the appealing vendor must submit an additional appeal bond to the extent required in the solicitation document. An agency has discretion to require a second bond in an amount up to 10 percent of the value of the contract that is the subject of the appeal, including all extension years available under the contract awarded. If the vendor does not satisfy the bond requirement, the agency will dismiss the second-tier review. The appeal bond will be forfeited if the vendor's claims are determined to be unreasonable, frivolous, or for purposes of delaying the award.

c. Discovery. Any party may seek reasonable discovery of information directly relevant to the issues that are the subject of the appeal. Overly broad or burdensome discovery requests are not allowed. Discovery issued to the agency is limited to events occurring at the agency that relate to the solicitation process. Issues not subject to discovery include the agency's existing relationships with other bidders. As a condition of requesting a second-tier review, the appellant is obligated to promptly respond to discovery requests made by any party defending the award. Any party defending the award may seek discovery from appellant of any matters that could affect the fairness of the solicitation process, including whether the appellant failed to disclose information relevant to the award process that would have resulted in its disqualification or that appellant engaged in previously unreported inappropriate contact that would have resulted in its disqualification. An appellant that would have been disqualified is not prejudiced by the award decision and lacks standing to challenge it. Confidential or proprietary information may be shared by the parties to the appeal in accordance with a protective order acceptable to the agency. All discovery requests will be made no later than five days after the request for a second-tier review is submitted. Parties must completely respond or object to discovery requests within 30 days of receipt. A party that objects to discovery requests must submit its objection to the requesting parties within ten days of receiving the discovery requests. Sanctions will be imposed for abuse of the discovery process, potentially including adverse inferences and dismissal of the appeal.

d. Witnesses and exhibits. At least ten days before the hearing, the parties will contact each other to discuss proposed witnesses and exhibits. Final witness and exhibit lists will be exchanged no later than seven days before the hearing.

e. Second-tier hearing and decision. The hearing will be transcribed by a court reporter arranged and paid for by the parties with the costs shared equally unless all parties to an appeal and the presiding officer agree to an alternative approach to record the proceeding. In the event the presiding officer orders post-hearing briefing, the following post-hearing schedule applies unless the parties agree to and the presiding officer orders a different schedule:

(1) Any appellant post-hearing brief is due ten days after the presiding officer closes the record;

(2) Any appellee or intervenor post-hearing brief is due ten days after receiving the appellant's brief, if any; and

(3) Any appellant reply brief is due ten days after receiving the appellee or intervenor post-hearing brief.

Following the close of post-hearing briefing, the administrative law judge will issue a proposed decision, which will become the final agency decision unless a party seeks a third-tier review.

2506.103(3) *Third-tier review and decision.* A party aggrieved by an agency's second-tier review may seek a third-tier review by filing a notice seeking third-tier review with the agency. The deadline to file this notice is five days after the proposed decision on the second-tier review is issued. The third-tier review request must comply with subrule 2506.102(3), except that it must refer to the second-tier review decision instead of the award decision. The party appealing must submit the entire record from the second-tier review, including any transcripts or recordings, at its own cost. Any non-appealing party may file a response to the request. No additional briefing or argument is allowed at the third-tier review stage absent an agency's request. The agency will thereafter expeditiously issue the final agency decision, which will constitute final agency action on the matter.

7—2506.104(17A) Standards and remedies for vendor appeals.

2506.104(1) *Standard of review.* In all stages of the vendor appeal, the standard of review will be whether the solicitation process substantially complied with the legally binding procedures applicable to the award process at issue and, if not, whether there is prejudice to the nonprevailing vendor because:

a. The noncompliance demands a conclusion that the award process was not conducted fairly, openly, or objectively, and

b. Compliance with the legally binding procedure would have resulted in a different outcome.

For purposes of this rule, "legally binding procedure" means those procedures mandated by statute or administrative rule or expressly set forth in the text of the competitive solicitation. Agency guidance that is not in statute, administrative rule, or the text of the solicitation, including but not limited to training materials and procedural manuals, does not constitute legally binding procedure.

2506.104(2) *Burdens.* The appealing vendor bears the burden of proof and the burden of producing evidence in support of its allegations.

2506.104(3) *Standard of proof and prejudice to vendor.* The vendor must prove both noncompliance and prejudice by clear and convincing evidence.

2506.104(4) *Remedies available.* If the solicitation process is found to be unfair or noncompliant with legally binding procedures, the remedy will be narrowly tailored and specifically designed to remediate the specific noncompliance. Wholesale remedies invalidating or voiding solicitations will be avoided unless no other conceivable measure could remediate the noncompliance. Possible remedies may include but are not necessarily limited to remand to the agency with directions to remedy the specific noncompliance and reissue the award if the agency determines the contract is still necessary to meet the agency's needs or objectives or, if remediation of the noncompliance is not possible, voiding the notice of intent to award with directions to the agency to proceed in the state's best interests, which may include canceling the solicitation.

2506.104(5) *Authority over award decisions.* All final award decisions will be made by the agency. An administrative law judge's authority is limited to affirming the agency's action or remanding the issue to the agency for further consideration through a proposed decision. An administrative law judge lacks jurisdiction to compel the issuance of an award to a vendor other than a vendor awarded a contract by the agency.

2506.104(6) *Issues not for consideration.* The following types of challenges are not a basis for a vendor appeal. An attempted appeal that fits within one of the following categories will be dismissed:

a. Any claim related to existing contract administration. The administration of an existing contract is within the discretion of the agency. Disputes between a vendor and the agency are resolved in accordance with dispute-resolution clauses in a contract and not through a vendor appeal process.

b. Any claim of a subcontractor of an aggrieved vendor. Only vendors who submitted a bid or proposal in response to a solicitation have standing to appeal a notice of intent to award.

c. Any claim related to alternative procurement processes, such as purchase orders, statements of work, or other transactional documents executed under an existing contract, including such

orders made under master agreements. Vendor appeals are allowed only in response to competitive solicitations and no other forms of state purchases.

d. Any claim related to suspensions or debarments of vendors.

7—2506.105(17A) Stay of agency action.

2506.105(1) *When a vendor can request a stay.* A vendor appealing a notice of intent to award may request a stay of the award process by filing a request for stay with the notice of appeal. In requesting the stay of agency action, the vendor is obligated to submit an additional bond equal to 120 percent of the value of the contract at issue, including any extension years available under the awarded contract. This bond is in addition to other appeal bonds as set forth in this chapter. If the appealing vendor does not submit a sufficient bond with its request for stay, its request for stay will be denied and the issue of stay of agency action will be considered waived. If no stay is sought or the issue is deemed waived, the agency will proceed with the contract award and contract execution consistent with the notice of intent to award. The vendor forfeits the appeal bond if its claims are determined to be unreasonable, frivolous, or for purposes of delaying the award, in which case the vendor will also be ordered to pay all costs of the appeal of the agency and any intervening party. Those costs include but are not limited to the costs of the process, hearing costs, expert witness fees, and attorney's fees and costs. Awarded costs may be extracted from the appeal bond. If a stay is not granted and the ultimate award to the incoming awardee overturned in an administrative appeal or on judicial review, the contracted vendor will be entitled to payment for goods and services rendered under the contract and the agency may continue the contract with the awarded vendor until a replacement vendor is under contract.

2506.105(2) *When the stay is granted.* The agency will consider factors set forth in Iowa Code section 17A.19(5)*"c"* in deciding whether to grant the stay. The agency's decision on whether to grant a stay will be made by the chief executive of the agency and will constitute final agency action on the request for stay for purposes of Iowa Code chapter 17A.

2506.105(3) *When the stay is vacated.* Any stay imposed on an award may be vacated upon application of the agency or another interested party upon a showing of good cause.

7—2506.106(17A) Federal funds.

2506.106(1) Rules 7—2506.101(17A) through 7—2506.105(17A) do not apply where they conflict with a governing federal regulation or would jeopardize the receipt of federal funds.

2506.106(2) If the attorney general determines that any portion of rules 7—2506.101(17A) through 7—2506.105(17A) would cause the federal government to deny funds or services that would otherwise be available to an agency of this state, that portion will be suspended for that agency but only to the extent necessary to prevent denial of the federal funds or services.

These rules are intended to implement Iowa code chapter 17A.

Regulatory Analysis

Notice of Intended Action to be published: 489—Chapter 1
"Functions and Provisions of the Child Advocacy Board"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A.3, 237.15, and 237.16

State or federal law(s) implemented by the rulemaking: Executive Order 10 and Iowa Code sections 17A.3, 237.15, and 237.16

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 24, 2026 10 a.m.	Microsoft Teams Meeting ID: 287 677 567 218 98 Passcode: Ny3YJ3ES

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Health and Human Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Victoria L. Daniels
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Purpose and Summary

This proposed chapter was reviewed as part of the Red Tape Review process laid out in Executive Order 10. As a result of this review, restrictive terms were removed, areas that were duplicative were combined or eliminated, and editorial updates were made to processes and procedures to ensure they reflect current policies and procedures. The Child Advocacy Board (State Board) is charged with the responsibility of establishing procedures and protocols for the review of cases of children in foster care, establishing a training program for members of the State Board, establishing procedures and protocols for administering the Court Appointed Special Advocate Program, and annually reporting findings and making recommendations to the Governor, the General Assembly, the Department, child-placing agencies, and the State Court Administrator for dissemination to the Supreme Court and the chief judge of each judicial district.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

This proposed rulemaking does not have a cost to the public.

- **Classes of persons that will benefit from the proposed rulemaking:**

This proposed rulemaking will benefit all children in foster care in Iowa.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

This proposed rulemaking will benefit current and future children in foster care in Iowa. In SFY 2025, local boards reviewed and reported to the State Board on 795 reviews, held for 531 cases involving 839 different children.

- **Qualitative description of impact:**

This proposed rulemaking will benefit current and future children in foster care in Iowa.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

The Department incurs personnel and other administrative costs associated with the implementation of this proposed chapter.

- **Anticipated effect on State revenues:**

This proposed rulemaking is not expected to have any impact on State revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

The establishment of the State Board is required by Iowa Code sections 17A.3, 237.15, and 237.16.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

Not applicable.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

Not applicable.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This proposed rulemaking is not expected to have any impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 489—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1
FUNCTIONS AND PROVISIONS OF THE CHILD ADVOCACY BOARD

489—1.1(237) Definitions. The following definitions apply to the rules of the child advocacy board:

"Approved" means that the applicant has met the requirements to become a court appointed special advocate.

"CASA volunteer" or *"CASA"* or *"advocate"* means a person who is duly trained and approved by the department of health and human services for participation in the court appointed special advocate program and appointed by the court to represent the interest of a child in any judicial proceeding to which the child is a party or is called as a witness or relating to any dispositional order involving the child resulting from the proceeding. Unless otherwise directed by a court, the duties of a court appointed special advocate with respect to a child are pursuant to Iowa Code section 237.24.

"Case permanency plan" means the same as defined in Iowa Code section 232.2(6).

"Coach" or *"CASA coach"* means a duly approved court appointed special advocate volunteer who has received additional training to assist the coordinator by overseeing facets of the court appointed special advocate's case work.

"Court appointed special advocate" means the same as defined in Iowa Code section 232.2(12).

"Family" means the same as defined in Iowa Code section 237.15(4).

"Fictive kin" means the same as defined in Iowa Code section 232.2(24).

"Person or court responsible for the child" means the department, including but not limited to the department, agency, or individual who is the guardian of a child by court order issued by the juvenile or district court and has the responsibility of the care of the child, or the court having jurisdiction over the child.

"State board" means the child advocacy board created pursuant to Iowa Code section 237.16.

This rule is intended to implement Iowa Code sections 17A.3, 237.15, and 237.16.

489—1.2(237) Membership and term.

1.2(1) The state board is created within the department. Membership and terms of appointment are detailed in Iowa Code section 237.16(1).

1.2(2) The state board shall meet as necessary, as set forth in Iowa Code section 237.16(2).

a. A quorum shall consist of a majority of the members. When a quorum is present, a position is carried by an affirmative vote of a majority of the members present.

b. Minutes of state board meetings are available on the department's website.

c. Notice of each meeting shall be given pursuant to Iowa Code chapter 21.

d. When the chairperson of the state board determines that a special or electronic meeting is required, the meeting shall be held in accordance with Iowa Code section 21.4 or 21.8.

e. Persons wishing to appear before the state board shall submit the request to the state board office not less than ten days prior to the meeting. Presentations may be made at the discretion of the chairperson and only upon matters appearing on the agenda. Persons wishing to submit written material should do so at least ten days in advance of the scheduled meeting to ensure that state board members have adequate time to receive and evaluate the material.

This rule is intended to implement Iowa Code sections 17A.3, 237.16, and 237.18.

489—1.3(237) Leadership.

1.3(1) The director ensures adequate leadership, oversight of programs, and ongoing administration of the state board's activities and of the court appointed special advocate program. The director employs, discharges, trains, and supervises foster care review and court appointed special advocate program employees.

1.3(2) The department will:

a. Administer funds necessary for operations of foster care reviews and the court appointed special advocate program.

b. Develop and implement policies and procedures needed to implement requirements of federal law and regulations and state law and administrative rules.

c. Develop and recommend administrative rules for promulgation by the state board as needed to govern the operation of the state board, foster care reviews, and the court appointed special advocate program.

d. Ensure training is provided for state board members, court appointed special advocates and coaches, and any other volunteers supporting the state board's programs.

e. Ensure that relationships are developed and maintained with judges, juvenile court referees, local departments, juvenile court services, and advocacy groups.

f. Coordinate efforts to ensure community awareness of the state board and the court appointed special advocate program.

g. Work closely with allied agencies and associations to ensure that efforts relating to the state board and the court appointed special advocate program are coordinated and consistent.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18(5).

489—1.4(237) Foster care registry.

1.4(1) *Placement.* The state board shall establish a registry of the placements of all children receiving foster care as set forth in Iowa Code section 237.17.

This subrule is intended to implement Iowa Code sections 17A.3 and 237.17.

1.4(2) *Confidentiality of records.* The state board, court appointed special advocates and coaches, and child advocacy employees shall adhere to the confidentiality requirements established in Iowa Code section 237.21.

This subrule is intended to implement Iowa Code sections 17A.3 and 237.21.

489—1.5(237) Foster care review. The state board is required by Iowa Code section 237.18 to establish procedures and protocols for completing reviews of the cases of children in foster care, including a recordkeeping system and training requirements for individuals completing reviews.

1.5(1) *Establishing procedures and protocols.*

a. The state board is responsible for approval of policy and procedures consistent with the Iowa Code.

b. The department establishes and submits to the state board for approval policy and procedures that provide detailed guidance to individuals reviewing the cases of children in foster care on application of these rules and the statutes that govern foster care reviews.

c. Individuals reviewing the cases of children in foster care under the oversight of the state board are required to comply with the protocols and procedures approved by the state board.

d. Implementation of policy and procedures is the responsibility of the department.

This subrule is intended to implement Iowa Code sections 17A.3 and 237.19.

1.5(2) *Findings and recommendations.* The department will submit the findings and recommendations of foster care reviews to the state board. The report to the state board will include information regarding the permanency plan and the progress in attaining the permanency goals.

This subrule is intended to implement Iowa Code section 237.19.

489—1.6(237) Children eligible for review. To be eligible for review, the child shall have received services from the department during the period under review.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18.

489—1.7(237) Court appointed special advocate program. The state board is required by Iowa Code section 237.18 to establish procedures and protocols for administering the court appointed special advocate program.

This rule is intended to implement Iowa Code section 237.18.

489—1.8(237) Program requirements.

1.8(1) *Establishing additional procedures and protocols.*

a. The state board is responsible for approval of procedures and protocols consistent with the Iowa Code.

b. The department establishes and submits to the state board for approval a program policy and procedures manual that provides detailed guidance to department staff and volunteers on application of these rules and the statutes that govern the operation of the court appointed special advocate program.

c. Department staff and volunteers are required to comply with the protocols and procedures approved by the state board and the provisions of the policy and procedures manual established by the department and approved by the state board.

d. Implementation of program policy is the responsibility of the department.

e. The department is responsible for recruiting, screening, selecting, training, and supervising court appointed special advocates.

f. The CASA selection is made in a manner that provides the best match available between the knowledge, skills, abilities, and availability of the advocate and the needs of the child. The assignments shall be made in a manner that avoids conflicts of interest, risk to the child's or advocate's safety, or jeopardy to the program's integrity.

g. Upon selection of the CASA who will serve on an individual case, the court and all interested parties are notified of the selection.

h. The selected CASA continues to serve on the case until the assignment is terminated by the court.

1.8(2) Reserved.

This rule is intended to implement Iowa Code section 237.18.

489—1.9(237) Adherence to national guidelines. The National Court Appointed Special Advocate/Guardian ad Litem Association for Children has established a national quality assurance system for CASA programs. The primary goal of the system is to strengthen CASA organizations and support their efforts to provide high-quality child advocacy and achieve the maximum level of excellence. CASA of Iowa shall continue to maintain compliance with the standards and, within the limits of available funding, shall deploy resources to maintain compliance in the future.

1.9(1) *CASA advocate qualifications.* Potential coaches and advocates shall meet the qualifications defined by the National CASA Association for Children Standards as amended to August 1, 2026.

1.9(2) *Application requirements for CASA volunteers.* All CASA volunteer applicants shall complete the requirements defined in the National CASA Association for Children Standards as amended to August 1, 2026.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18.

489—1.10(237) Training. All court appointed special advocates, volunteers, and staff shall complete pre-service and continuing education requirements as defined in the National CASA Association for Children Standards as amended to August 1, 2026.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18.

489—1.11(237) Children eligible for assignment of a court appointed special advocate. CASA of Iowa serves any child for whom the court appoints a court appointed special advocate as long as the resources to do so are available.

This rule is intended to implement Iowa Code sections 17A.3 and 237.18.

Regulatory Analysis

Notice of Intended Action to be published: 489—Chapter 2
"Rules and Operation for the State Board"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A.3, 237.15, and 237.16

State or federal law(s) implemented by the rulemaking: Executive Order 10 and Iowa Code sections 17A.3, 237.15, and 237.16

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 24, 2026 10 a.m.	Microsoft Teams Meeting ID: 287 677 567 218 98 Passcode: Ny3YJ3ES

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Health and Human Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Victoria L. Daniels
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Purpose and Summary

Chapter 2 sets forth rules for membership and term length for members of the Child Advocacy Board (State Board) as well establishing a registry of placements and confidentiality requirements. As a part of the Red Tape Review required by Executive Order 10, this chapter is proposed to be rescinded and its content integrated into 489—Chapter 1.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

This proposed rulemaking does not have a cost to the public.

- **Classes of persons that will benefit from the proposed rulemaking:**

This proposed rulemaking will benefit members of the State Board by condensing the State Board's already established rules into one chapter under agency [489]. By extension, the rulemaking will benefit those children whom the State Board serves.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

There is not expected to be any quantitative impact of moving the established rules in this chapter into a combined 489—Chapter 1.

- **Qualitative description of impact:**

There is not expected to be a qualitative impact of this rulemaking.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

The Department incurs personnel and other administrative costs associated with the implementation of proposed 489—Chapter 1.

- **Anticipated effect on State revenues:**

This proposed rulemaking is not expected to have any impact on State revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

The establishment of the State Board is required by Iowa Code sections 17A.3, 237.15, and 237.16.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

Not applicable.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

Not applicable.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This proposed rulemaking is not expected to have any impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **489—Chapter 2**.

Regulatory Analysis

Notice of Intended Action to be published: 489—Chapter 3
"Local Foster Care Review Boards"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A.3, 237.15, and 237.16

State or federal law(s) implemented by the rulemaking: Executive Order 10 and Iowa Code sections 17A.3, 237.15, and 237.16

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 24, 2026 10 a.m.	Microsoft Teams Meeting ID: 287 677 567 218 98 Passcode: Ny3YJ3ES

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Health and Human Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Victoria L. Daniels
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Purpose and Summary

Chapter 3 sets forth the establishment of local foster care boards throughout the State, as deemed necessary by the statewide Child Advocacy Board (State Board). As a part of the Red Tape Review required by Executive Order 10, this chapter is proposed to be rescinded and its content integrated into 489—Chapter 1.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

This proposed rulemaking does not have a cost to the public.

- **Classes of persons that will benefit from the proposed rulemaking:**

This proposed rulemaking will benefit members of the State Board by condensing the State Board's already established rules into one chapter under agency [489]. By extension, the rulemaking will benefit those children the State Board serves.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

There is not expected to be any quantitative impact of moving the established rules in this chapter into a combined 489—Chapter 1.

- **Qualitative description of impact:**

There is not expected to be a qualitative impact of this proposed rulemaking.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

The Department incurs personnel and other administrative costs associated with the implementation of proposed 489—Chapter 1.

- **Anticipated effect on State revenues:**

This proposed rulemaking is not expected to have any impact on State revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

The establishment of the State Board is required by Iowa Code sections 17A.3, 237.15, and 237.16.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

Not applicable.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

Not applicable.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This proposed rulemaking is not expected to have any impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **489—Chapter 3**.

Regulatory Analysis

Notice of Intended Action to be published: 489—Chapter 4
"Court Appointed Special Advocate Program"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A.3, 237.15, 237.16, and 237.18

State or federal law(s) implemented by the rulemaking: Executive Order 10 and Iowa Code sections 17A.3, 237.15, 237.16, and 237.18

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 24, 2026 10 a.m.	Microsoft Teams Meeting ID: 287 677 567 218 98 Passcode: Ny3YJ3ES

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Health and Human Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Victoria L. Daniels
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Purpose and Summary

Chapter 4 establishes procedures and protocols for administering the Court Appointed Special Advocate program required by Iowa Code section 237.18. As a part of the Red Tape Review required by Executive Order 10, this chapter is proposed to be rescinded and its content integrated into 489—Chapter 1.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

This proposed rulemaking does not have a cost to the public.

- **Classes of persons that will benefit from the proposed rulemaking:**

This proposed rulemaking will benefit members of the Child Advocacy Board (State Board) by condensing the State Board's already established rules into one chapter under agency [489]. By extension, it will benefit those children whom the State Board serves.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

There is not expected to be any quantitative impact of moving the established rules in this chapter into a combined 489—Chapter 1.

- **Qualitative description of impact:**

There is not expected to be a qualitative impact of this proposed rulemaking.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

The Department incurs personnel and other administrative costs associated with the implementation of proposed 489—Chapter 1.

- **Anticipated effect on State revenues:**

This proposed rulemaking is not expected to have any impact on State revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

The State Board is required by Iowa Code section 237.18 to create procedures and protocols for administering the Court Appointed Special Advocate program.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

Not applicable.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

Not applicable.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This proposed rulemaking is not expected to have any impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **489—Chapter 4**.

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Regulatory Analysis

Notice of Intended Action to be published: 605—subrules 13.1(4) and 13.2(3)
"Transitional Language Amendment, School Safety"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 2024 Iowa Acts, House File 2652
State or federal law(s) implemented by the rulemaking: 2024 Iowa Acts, House File 2652

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 24, 2026 9 a.m.	Geode Room 7900 Hickman Road, Suite 500 Windsor Heights, Iowa meet.google.com/vdh-tddo-ajs Or dial: (US) +1 510.871.3869 PIN: 404 720 923#

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Homeland Security and Emergency Management Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Blake DeRouchey
7900 Hickman Road, Suite 500
Windsor Heights, Iowa 50324
Phone: 515.323.4232
Email: blake.derouchey@iowa.gov

Purpose and Summary

The current rule as written does not provide for any transitional or safe harbor protections for school districts that purchased products related to unholstered weapons detection soon after the enactment of 2024 Iowa Acts, House File 2652. Because the rulemaking and development of the list of eligible organizations took some time, the Department wishes to provide safe harbor for the school districts that did procure technologies related to unholstered weapons detection prior to the publication of the list, provided the organizations complied with the requirements at the time and were eventually approved to be on the list by the Department.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

Not applicable.

- **Classes of persons that will benefit from the proposed rulemaking:**

School districts and taxpayers from communities that procured unholstered weapons detection software during the time frame between the enactment of 2024 Iowa Acts, House File 2652, and the publishing of the approved organization list will benefit. Legal safe harbor will be extended to school districts that will now comply with the approved organization list.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

The Department is aware of one school district in need of safe harbor.

- **Qualitative description of impact:**

This proposed rulemaking will provide legal safe harbor for school districts that procured this technology prior to the list of organizations being published.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

Not applicable.

- **Anticipated effect on State revenues:**

Not applicable.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Inaction would cause school districts that procured this technology prior to the publication of the list of organizations to be out of compliance with the Iowa Administrative Code.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

Not applicable.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

None were considered.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** subrule 13.1(4):

13.1(4) Transitional compliance and retroactive approval:

a. A school district or accredited nonpublic school that purchased an unholstered weapons detection system after May 17, 2024, but prior to the department's first publication of the approved

organization list, shall be deemed in compliance with Iowa Code section 279.86 and this chapter, provided that:

(1) The organization and product are subsequently added to the approved list; or

(2) The school provides documentation to the department demonstrating that the organization and product met the eligibility criteria in rule 605—13.2(90GA,HF2652) at the time of purchase.

b. Systems approved under this subrule may continue to be used and maintained for the duration of the existing contract or the operational life of the equipment, whichever is shorter, without requiring a new procurement from the approved list.

ITEM 2. Adopt the following **new** subrule 13.2(3):

13.2(3) For purposes of the transitional exception in subrule 13.1(4), the department may evaluate an organization's qualification based on the technical specifications and security standards in place at the time of the school's initial procurement.

Regulatory Analysis

Notice of Intended Action to be published: 441—Chapter 38
"Developmental Disabilities Basic State Grant"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 217.6

State or federal law(s) implemented by the rulemaking: Iowa Code section 217.6 and 42 U.S.C. Chapter 144

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 24, 2026 10 a.m.	Microsoft Teams Meeting ID: 287 677 567 218 98 Passcode: Ny3YJ3ES

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Health and Human Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Victoria L. Daniels
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Purpose and Summary

Under the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. Chapter 144, the Department has been designated as the administering agency to receive federal assistance to the State developmental disabilities councils from the federal Administration for Community Living. These funds are used by the Iowa Developmental Disabilities Council (Iowa DD Council).

The purpose of this proposed chapter is to define and structure project funding by the Iowa DD Council. Projects are designed to influence change in the system of services and supports in Iowa to increase the independence, productivity, and community integration of individuals with developmental disabilities.

Funding priorities for projects are established by the Iowa DD Council in its State plan.

This proposed chapter underwent a Red Tape Review pursuant to Executive Order 10. As a result of the review, the Department removed redundant definitions and one rule that was duplicative of contract language.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

There are no costs associated with this proposed rulemaking.

- **Classes of persons that will benefit from the proposed rulemaking:**

Iowans with developmental disabilities benefit from the projects funded through the processes outlined in this proposed rulemaking.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

In SFY 2025, the Department received $371,942 in federal funding. The State appropriated an additional $35,000 to support the Iowa DD Council.

- **Qualitative description of impact:**

The proposed chapter sets forth the establishment of the Department as the developmental disabilities agency for the purpose of directing the benefits of the federal Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. §15001 et seq.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

The Department incurs personnel and other administrative costs related to implementing the proposed chapter.

- **Anticipated effect on State revenues:**

This proposed rulemaking has no impact on State revenues beyond the amount appropriated by the Iowa Legislature. For SFY 2025, $35,000 was appropriated.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

The Iowa DD Council is active in providing education and advocacy for Iowans with disabilities. The Iowa DD Council's mission is to create change with and for persons with developmental disabilities so they can live, work, learn, and play in the community of their choosing.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

No. The proposed chapter is neither costly nor intrusive.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

Not applicable.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This proposed rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 441—Chapter 38 and adopt the following **new** chapter in lieu thereof:

CHAPTER 38
DEVELOPMENTAL DISABILITIES BASIC STATE GRANT

441—38.1(217,42USC144) Administering agency. Pursuant to the DD Act, the department has been designated as the administering agency to receive the federal assistance to the state developmental disabilities councils from the federal Administration for Community Living. These funds are used by the Iowa DD council.

441—38.2(217,42USC144) Definitions.

"DD Act" means the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. Chapter 144 as amended to August 1, 2026. All references to the DD Act herein are as amended to August 1, 2026.

"Developmental disability" means a severe, chronic disability of a person that is attributed to a mental or physical impairment or a combination of mental and physical impairments; is manifested before the person attains the age of 22; is likely to continue indefinitely; substantially limits the person's ability to carry out major life activities in at least three of the areas of self-care, receptive and expressive language, learning, mobility, self-direction, and capacity for independent living and economic self-sufficiency; and reflects an ongoing need for individualized, coordinated services. The term, when applied to infants and children from birth to the age of nine, means a substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services are not provided.

"Iowa DD council" means the Iowa developmental disabilities council.

"Projects" means activities described in the Iowa DD council's five-year plan that are designed to address the purpose and priorities established by the DD Act to undertake advocacy, capacity-building, and systemic-change activities that contribute to a coordinated, person- and family-centered, and individual- and family-directed comprehensive system of community services, individualized supports, and other forms of assistance that promote self-determination for individuals with developmental disabilities and their families.

"State plan" means the document required under the DD Act that describes goals, objectives and funding priorities.

441—38.3(217,42USC144) Program eligibility. For any year in which Congress appropriates funds, the Iowa DD council shall, consistent with the state plan and the priorities established under the DD Act, determine projects to fund under the developmental disabilities basic state grant program. Funding priorities will be established by the Iowa DD council in the state plan and will be consistent with the priorities established in the DD Act. (Applications for capital expenditures or capital renovations are not eligible for funding.) The Iowa DD council may award funding through any of the department-approved processes for competitive, sole source, or unsolicited proposals in accordance with the provisions of 11—Chapter 117 for the procurement of goods and services of general use.

441—38.4(217,42USC144) Conflict of interest policy. All Iowa DD council members and those serving in an advisory capacity to the Iowa DD council shall not engage in activities that present a conflict of interest.

38.4(1) Iowa DD council members and those serving in an advisory role to the Iowa DD council are prohibited from applying for any project when they were involved in recommending the project or designing or developing the request for proposal.

38.4(2) All Iowa DD council members and those serving in an advisory capacity to the Iowa DD council who serve or whose family members serve as officers, directors, partners, consultants, or employees of the applicant being evaluated shall be excluded from preliminary review of proposals,

discussing with Iowa DD council members who will be voting, and advising or voting on the evaluation of that applicant and all other applicants submitting proposals in that category.

These rules are intended to implement Iowa Code section 217.6 and 42 U.S.C. Chapter 144.

Regulatory Analysis

Notice of Intended Action to be published: 441—Chapter 111
"Family-Life Homes"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 249.3(2)"a"(1) and 234.6(1)
State or federal law(s) implemented by the rulemaking: 20 CFR 416.2015 and 20 CFR 416.2020

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 24, 2026 10 a.m.	Microsoft Teams Meeting ID: 287 677 567 218 98 Passcode: Ny3YJ3ES

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Health and Human Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Victoria L. Daniels
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Purpose and Summary

This chapter was reviewed under Executive Order 10. As a result, the Department removed redundant information, added clarifying language, removed restrictive terms, and spelled out form names. The goal of the Family-Life Home program is to provide a private, protective social living arrangement for one to two individuals who are unable to adequately maintain themselves in an independent living arrangement but who are capable of physical self-care.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

There are no costs associated with this proposed rulemaking.

- **Classes of persons that will benefit from the proposed rulemaking:**

Individuals who are considering operating a certified Family-Life Home will benefit from the guidance provided in this proposed chapter.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

There are no individuals currently enrolled in this program.

- **Qualitative description of impact:**

Individuals who are considering operating a certified Family-Life Home will benefit from the guidance provided in this proposed chapter.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

The Department incurs minor personnel and other administrative costs related to this proposed rulemaking.

- **Anticipated effect on State revenues:**

This proposed rulemaking has no impact on State revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Rulemaking is required to demonstrate maintenance of effort.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

Not applicable.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

Not applicable.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This proposed rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 441—Chapter 111 and adopt the following **new** chapter in lieu thereof:

CHAPTER 111
FAMILY-LIFE HOMES

441—111.1(249) Definitions.

"Eligible adult" means a person 18 years of age or older who meets the eligibility requirements for services or is a recipient of protective services and who is considering or needs a living arrangement in a family-life home.

"Encouragement to share in the interests and activities of the household" means that the family welcomes and encourages the person to participate with the family in the family's general family conversations and in the family's social, recreational, educational, and religious activities; the family invites and encourages use of the general facilities of the family's home; and the family expects the

person to care for the person's assigned living quarters and to participate within reason in the chores of the household.

"Essentially capable of physical self-care" means the person is ambulatory or can move from place to place; can manage the activities of daily living, including personal hygiene and grooming, toileting, dressing and undressing, feeding, and medicating; and can attend to the care of personal property adequately with minimal support or occasional assistance.

"Family" means a person or persons, either related or unrelated to the client, who constitute the members of the household and are related to one another by kinship of blood, marriage, or adoption.

"Family-life home" means a private household offering a protective social living arrangement for one or two eligible adults who are not able or willing to adequately maintain themselves in an independent living arrangement but who are essentially capable of physical self-care. In this living arrangement, the family provides the client room, board, laundry, encouragement to share in the interests and activities of the household, and opportunities for participation in the social, cultural, educational, religious, and other activities of the community.

"Not able or willing to adequately maintain themselves in an independent living arrangement" means that the person requires some assistance, encouragement, or social stimulation for adequate self-care or to maintain physical or mental health or personal safety.

"Private household" means a dwelling unit occupied exclusively by a family and furnished by and belonging to the family by reason of ownership, rental agreement, or by a contract for purchase of life estate.

441—111.2(249) Application for certification.

111.2(1) The department will issue a certificate of approval for the operation of a family-life home upon the recommendation of a local office of the department.

111.2(2) Any person has the right to make application for a family-life home certificate.

111.2(3) Persons wishing to care for adults shall make application to the local office of the department.

111.2(4) When an applicant has reached a decision to operate a family-life home, the applicant shall complete an Application for Certification form.

111.2(5) Each applicant shall supply two references who may be contacted by the local office of the department.

441—111.3(249) Provisions pertaining to the certificate.

111.3(1) No family-life home shall be certified to provide a living arrangement for more than two eligible adults.

111.3(2) At least one responsible adult member of the family shall be at the family dwelling or be reasonably available to the client during most of the daytime and nighttime hours, based on the service worker's assessment of the individual's need for supervision.

111.3(3) The certificate shall be effective for one year from the date issued subject to continued compliance with rules governing the program.

111.3(4) The certificate shall not be transferred to another person nor be valid for an address other than that shown on the certificate issued.

111.3(5) A current certificate shall be in the possession of the certified family-life home and be available for inspection.

111.3(6) There will be no fee nor charge for certificate issued.

111.3(7) A certified family-life home shall not be concurrently licensed as a residential care facility, intermediate care facility, child care center or a foster family home. An exception may be made for a home to be concurrently licensed as a foster family home and certified as a family-life home in order to provide continued care for a person who was placed in the home as a foster child.

441—111.4(249) Physical standards.

111.4(1) The family-life home shall be safe, clean, well-ventilated, and properly lighted and heated. The family's dwelling shall comply with all local health ordinances.

111.4(2) The family's dwelling shall not be a dwelling unit furnished by or belonging to a client.

111.4(3) Sleeping rooms shall be suitably and comfortably furnished.

111.4(4) Each resident shall have a single bedroom unless there is agreement among the family and the residents that a room may be shared.

111.4(5) The family shall provide nutritional food in sufficient quantity to meet the needs of the client.

441—111.5(249) Personal characteristics of family-life home family.

111.5(1) The adult head of the private household shall be a mature, responsible individual who is physically able to maintain a private household and who shall exercise good judgment in caring for adults.

111.5(2) The family shall have an appreciation of and respect for the client's relationship with the client's own relatives, neighbors and friends.

111.5(3) The family shall respect the client's religious background and affiliation.

111.5(4) The family shall have sufficient income and resources to provide adequately for the family's own needs.

441—111.6(249) Health of family.

111.6(1) Prior to certification, the family shall furnish the local office of the department with a medical report on each member of the household. The report shall be on a Provider Health Assessment form.

111.6(2) The medical report shall provide significant findings of a physician, such as the presence or absence of any communicable disease.

111.6(3) Medical reexaminations may be required at the discretion of a physician or the local office of the department.

441—111.7(249) Planned activities and personal effects.

111.7(1) The daily routine shall be to promote and provide an opportunity for normal activity with time for rest and recreation compatible with the needs of the client.

111.7(2) Every client shall be encouraged to develop social relationships through participation in neighborhood and other community and group activities.

111.7(3) The family shall not require a client to do general housecleaning, cooking, or child care for the family. A client may voluntarily share in these responsibilities.

111.7(4) Space shall be provided where a client may keep personal belongings.

441—111.8(249) Client eligibility.

111.8(1) The client shall be 18 years of age or older as proven by birth or school records, personal records, or by records of the department or another agency.

111.8(2) The client shall be willing to live in a certified family-life home by the client's own declaration or the declaration of a person legally responsible for such client.

111.8(3) The client shall be willing to accept the terms and requirements of the family-life home program.

111.8(4) The client shall be capable of personal physical self-care.

441—111.9(249) Medical examinations, records, and care of a client.

111.9(1) A physician shall certify that the client is free from any communicable disease and does not require a higher level of care than that provided by a family-life home. The certification shall be given prior to placement and following an annual medical review thereafter. The certification shall be given on a Physician's Report Health Care Plan form.

111.9(2) The family shall have available, at all times, the name, address and telephone number of the client's physician.

111.9(3) The family shall keep the department informed of any health problems. The family shall immediately notify the department in case of an accident, illness, or emergency that may affect the placement.

441—111.10(249) Placement agreement. The head of the family-life home and the resident shall enter into a placement agreement by signing a Family Life Home Placement Agreement form.

441—111.11(249) Legal liabilities. The department will advise the family to seek counsel regarding the family's needs for insurance to cover personal injury, property damage, and other legal contingencies.

441—111.12(249) Emergency care and release of client.

111.12(1) In case of an emergency, vacation, or overnight trip, requiring the family's temporary absence from the home, the local office of the department shall be notified and arrangements shall be made with a designated, responsible person for the care of a client during the period of absence.

111.12(2) The department shall be notified when the client leaves or the client or family expresses a desire for the client to leave the family-life home.

441—111.13(249) Information about client to be confidential. Information concerning a client, the client's family, and the client's background shall be regarded and handled as confidential by all persons involved in the client's care.

These rules are intended to implement Iowa Code sections 234.6(1)*"e"* and 249.3(2)*"a"*(1).

Regulatory Analysis

Notice of Intended Action to be published: 441—Chapter 119
"Record Check Evaluations for Certain Employers and Educational Training Programs"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 135B.34(2)"d"
State or federal law(s) implemented by the rulemaking: Iowa Code section 135C.33

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 24, 2026 10 a.m.	Microsoft Teams Meeting ID: 287 677 567 218 98 Passcode: Ny3YJ3ES

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Health and Human Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Victoria L. Daniels
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Purpose and Summary

These proposed rules establish procedures for the performance of record check evaluations by the Department for personnel employed by health care facilities and other programs and for students in educational training programs for nurses and certified nurse aides. Record check evaluations are performed, at the request of a prospective employer or training program, on persons who have been found to have been convicted of a crime under a law of any state or have a record of founded child or dependent adult abuse, to determine whether the crimes or founded abuses warrant prohibition of employment or enrollment in a training program.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

Some businesses may pay an administrative fee to maintain a Single Contact Repository (SING) account that allows them to independently conduct background checks.

- **Classes of persons that will benefit from the proposed rulemaking:**

The general public will benefit from the protections provided from conducting background checks on potential employees who care for dependent adults and children.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

In calendar year 2025, the Department processed 16,357 record check evaluation packets. This number includes reprocessing packets that were initially rejected for failure to submit the required information.

- **Qualitative description of impact:**

This proposed rulemaking does not make any policy changes.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

The Department incurs personnel and other administrative costs associated with implementing this proposed chapter.

- **Anticipated effect on State revenues:**

This proposed rulemaking has no impact on State revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Rulemaking is required by Iowa Code section 135C.33. The current review is required by Executive Order 10.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

Rulemaking is required by Iowa Code section 135C.33.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

Not applicable.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Rulemaking is required by Iowa Code section 135C.33.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This proposed rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 441—Chapter 119 and adopt the following **new** chapter in lieu thereof:

CHAPTER 119
RECORD CHECK EVALUATIONS FOR
CERTAIN EMPLOYERS AND EDUCATIONAL TRAINING PROGRAMS

441—119.1(135B,135C) Definitions.

"Deferred judgment" means the same as defined in Iowa Code section 907.1 and is considered an admission of committing an act. Under this chapter, the admission of committing an act must be considered a conviction for purposes of public protection.

"Requesting entity" means an entity covered by these rules that is requesting an evaluation to determine if the person being evaluated can be employed by the entity or participate in a training or education program and includes the following:

1. Health care facilities as defined in Iowa Code section 135C.1.
2. Programs in which the provider is regulated by the state or receives any state or federal funding and the employee being evaluated provides direct services to consumers, including but not limited to programs that employ homemakers or home health aides, programs that provide adult day services, hospices, federal home- and community-based services waiver providers, elder group homes, and assisted living programs.
3. Substance abuse programs for juveniles as described in Iowa Code section 125.14A.
4. Hospitals as defined in Iowa Code section 135B.1.
5. Psychiatric medical institutions for children as defined in Iowa Code section 135H.1.
6. The department as described in Iowa Code sections 217.44 and 217.45.
7. Department institutions as described in Iowa Code section 218.13.
8. Child foster care facilities as described in Iowa Code section 237.1.
9. Medicaid home- and community-based services waiver providers as described in Iowa Code section 249A.29.
10. Certified nurse aide training programs as described in Iowa Code section 135C.33(9).
11. Nursing education programs as described in Iowa Code chapter 152.

"Start employment or attend the training program" means to begin to receive a salary or take classes.

"Training" means certified nurse aide training programs as described in Iowa Code section 135C.33(9) or nursing education programs as described in Iowa Code chapter 152.

441—119.2(135B,135C) When record check evaluations are requested.

119.2(1) *Record check evaluations on prospective employees and students.* A requesting entity shall request a record check evaluation prior to employment or enrollment of a person whose background check indicates a criminal or dependent adult abuse or child abuse record. Any deferred judgments will be considered in criminal background checks. Criminal, child abuse and dependent adult abuse background checks are required on all prospective employees or students, including employees or students who have terminated employment or participation in a training program for any reason or any length of time and wish to return to the same employment or training program, unless an exemption is provided in these rules.

a. A hospital or licensee of a health care facility may employ a person for up to 60 calendar days pending completion of the evaluation if all of the following criteria are met:

(1) The employment does not involve operation of a motor vehicle; and

(2) The person to be employed has been convicted of a simple misdemeanor offense under Iowa Code section 123.47 or chapter 321 or a first offense of operating a motor vehicle while intoxicated under Iowa Code section 321J.2(1); and

(3) The person to be employed does not have a record of founded child or dependent adult abuse; and

(4) The hospital or licensee has requested an evaluation.

b. A training program in a facility licensed under Iowa Code chapter 135C may allow a student who is applying for, enrolled in, or returning to a certified nurse aide training program to participate in the clinical education component of the training program for up to 60 calendar days pending completion of the evaluation if all of the following criteria are met:

(1) The student's clinical education component of the training program involves children or dependent adults; and

(2) The program does not involve operation of a motor vehicle; and

(3) The student has been convicted of a simple misdemeanor offense under Iowa Code section 123.47 or chapter 321 or a first offense of operating a motor vehicle while intoxicated under Iowa Code section 321J.2(1); and

(4) The student does not have a record of founded child or dependent adult abuse; and

(5) The training program has requested an evaluation.

119.2(2) *Record check evaluations on current employees and students.* A requesting entity shall request a record check evaluation on current employees and students when a current employee or student background check indicates a criminal conviction other than an Iowa Code chapter 321 simple misdemeanor or equivalent simple misdemeanor offense from another jurisdiction or a dependent adult or child abuse record and the requesting entity intends to continue to employ the employee or to continue the student's enrollment in a training program. The requesting entity shall request a current criminal or dependent adult or child abuse record check when the entity receives credible information as determined by the entity that a current employee or student has a criminal or dependent adult or child abuse record that has not been previously considered by the requesting entity.

119.2(3) *Transfer of employee between facilities.* If a person owns or operates more than one facility, and an employee of one of the facilities is transferred to another facility without a lapse in employment, the facility is not required to request additional criminal or abuse record checks of the employee or obtain a new record check evaluation.

119.2(4) *Exceptions to record check evaluation requirements for employment under Iowa Code chapter 135B or 135C or participation in a training program in facilities licensed under Iowa Code chapter 135C.* If an evaluation was previously performed by the department and the department determined the person's criminal and abuse background did not warrant prohibition of employment, the person who is or was employed by a hospital licensed under Iowa Code chapter 135B and is hired by another hospital or the person who is or was employed by a facility licensed under Iowa Code section 135C.33 and is hired by another facility licensed under Iowa Code section 135C.33 may commence employment without further action by the department subject to the following conditions:

a. The record check performed by the subsequent employer does not indicate that a crime was committed or that a founded abuse record was entered subsequent to the previous evaluation.

b. The position with the subsequent employer is substantially the same or has the same job responsibilities as the position for which the previous evaluation was performed.

c. Any restriction placed on the person's employment in the previous evaluation by the department shall remain applicable in the person's subsequent employment.

d. The person subject to the record checks has maintained a copy of the previous evaluation and provides the evaluation to the subsequent employer, or the previous employer provides the previous evaluation from the person's personnel file pursuant to the person's authorization. If a physical copy of the previous evaluation is not provided to the subsequent employer, a new record check evaluation shall be performed.

e. Although an authorized new evaluation is not required, the subsequent employer may choose to request a reevaluation of the person's criminal and abuse background and may employ the person while the reevaluation is being performed.

f. The subsequent employer must maintain the previous evaluation in the employee's or student's personnel file for verification of the exception to the requirement for a record check evaluation.

119.2(5) *Exceptions to record check evaluation requirements for new employees under Iowa Code chapter 135B or 135C or participants in a training program in facilities licensed under Iowa Code chapter 135C.* If the person approved for employment or participation does not start employment or attend the training program within 30 days from the notice of decision approving the person, the requesting entity must perform a new record check.

a. If the evaluation was previously performed by the department and the department determined the person's criminal and abuse background did not warrant prohibition of employment or

participation in a training program, the person being considered for employment may commence employment without further action by the department subject to the following conditions:

(1) The record check performed by the employer does not indicate that a crime was committed or that a founded abuse record was entered subsequent to the previous evaluation.

(2) The position with the employer is substantially the same or has the same job responsibilities as the position for which the previous evaluation was performed.

(3) Any restriction placed on the person's employment in the previous evaluation by the department shall remain applicable in the person's subsequent employment.

(4) The employer or person subject to the record checks has maintained a copy of the previous evaluation. If a physical copy of the previous evaluation is not maintained, a new record check evaluation shall be requested.

(5) Although an authorized new evaluation is not required, the subsequent employer may choose to request a reevaluation of the person's criminal and abuse background and may employ the person while the reevaluation is being performed.

(6) The employer must maintain the previous evaluation in the employee's or student's personnel file for verification of the exception to the requirement for a record check evaluation.

b. If the record check indicates that a crime was committed or that a founded abuse record was entered subsequent to the previous evaluation, a new record check evaluation shall be performed.

c. Record check evaluations completed in accordance with paragraph 119.4(3)*"c"* are valid for 30 days from the date the notice of decision is issued. If the person does not start employment or attend the training program within the 30-day time period, the conditions in subrule 119.2(5) shall apply.

441—119.3(135C) Request for evaluation.

119.3(1) *Required documentation.* The requesting entity and the prospective employee or student shall complete and submit a Record Check Evaluation Form (471-2310) to the department by regular mail, email, or fax to request an evaluation. The department will not process evaluations that are not signed by the prospective employee or student. The position sought or held must be clearly written on the first page of the record check evaluation form. The form shall be accompanied by the following documents:

a. A copy of the documentation of the person's status on the division of criminal investigation (DCI) criminal history database generated within 30 days of the date on which the request for evaluation is submitted to the department.

b. A copy of the Iowa criminal history data, if there is a history, as provided to the requesting entity by DCI.

c. A copy of the documentation of the person's status on the dependent adult abuse registry generated within 30 days of the date on which the request for evaluation is submitted to the department.

d. A copy of the documentation of the person's status on the child abuse registry generated within 30 days of the date on which the request for evaluation is submitted to the department.

119.3(2) *Additional documentation.*

a. The requesting entity may provide or the department may request from the prospective employee or student or from the requesting entity information to assist in performance of the evaluation that includes but is not limited to the following:

(1) Documentation of criminal justice proceedings.

(2) Documentation of rehabilitation.

(3) Written employment references or applications.

(4) Documentation of substance abuse education or treatment.

(5) Criminal history records, child abuse information, and dependent adult abuse information from other states.

(6) Documentation of the applicant's prior residences.

b. Any person or agency that might have pertinent information regarding the criminal or abuse history and rehabilitation of a prospective employee or student may be contacted.

441—119.4(135B,135C) Completion of evaluation.

119.4(1) *Considerations.* The department will consider the following when conducting a record check evaluation:

a. The nature and seriousness of the crime or founded child or dependent adult abuse in relation to the position sought or held.

b. The time elapsed since the commission of the crime or founded child or dependent adult abuse.

c. The circumstances under which the crime or founded child or dependent adult abuse was committed.

d. The degree of rehabilitation.

e. The likelihood that the person will commit a crime or founded child or dependent adult abuse again.

f. The number of crimes or instances of founded child or dependent adult abuse committed by the person involved.

119.4(2) *Evaluation conclusions.*

a. The department may determine the following:

(1) The person may be employed by the entity or enroll in the training program with no restrictions.

(2) The person may be employed by the entity or enroll in the training program with restrictions.

(3) The person may be employed by the entity or enroll in the training program with restrictions specific to a position within the program.

(4) The person may not be employed by the entity or enroll in the training program.

b. Restrictions on a person's employment or enrollment status will be based upon what is necessary for the protection of the person or persons receiving care.

c. Medicaid waiver attendant care evaluations will determine that either the person may work or the person may not work pursuant to Medicaid law.

119.4(3) *Notice of decision.* The department will issue a notice of decision in writing to the requesting entity. The requesting entity is responsible for providing a copy of the notice to the prospective employee or student.

a. The notice will be valid only for employment with the employer or enrollment in a training or education program that requested the record check evaluation.

b. The notice shall not be valid for employment with any other prospective employer or enrollment in another training program.

c. Record check evaluations are valid for 30 days from the date the notice of decision is issued pursuant to 441—Chapter 16. If the person does not start employment or attend the training program within the 30-day time period, the conditions in subrule 119.2(5) shall apply.

d. The notice of decision shall contain the notice of right to appeal pursuant to 441—Chapter 7.

441—119.5(135B,135C) Appeal rights. Any person or the person's attorney may file a written statement with the department requesting an appeal of the record check evaluation decision within 30 days of the date of the notice of the results of the record check evaluation in accordance with 441—Chapter 7.

These rules are intended to implement Iowa Code section 135C.33.

Regulatory Analysis

Notice of Intended Action to be published: 265—paragraph 19.1(1)"a"
"State Housing Trust Fund"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 16.5(1)"r" and 16.181
State or federal law(s) implemented by the rulemaking: Iowa Code sections 16.5(1)"r" and 16.181

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 24, 2026 3 to 3:15 p.m.	Via Microsoft Teams Information about Teams participation can be found at: opportunityiowa.gov/about/iowa-finance-authority/ifa-red-tape-review

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Iowa Finance Authority (Authority) no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Lisa Connell
Iowa Finance Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315
Email: lisa.connell@iowaeda.com

Purpose and Summary

The Authority proposes to amend Chapter 19 to update the date of the allocation plan applicable to the housing trust fund administered by the Authority pursuant to Iowa Code section 16.181. The Authority Board approved an updated allocation plan at its meeting on February 4, 2026, that changed the Local Housing Trust Fund Program's local match requirement to 10 percent of the total amount requested from the fund.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

Entities that apply for and are approved for grants from the fund will bear the costs of the rulemaking.

- **Classes of persons that will benefit from the proposed rulemaking:**

Entities that apply for and are approved for grants from the fund will benefit from the rulemaking.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

Entities interested in applying for grants from the fund may require staff time to complete an application. Recipients may similarly incur costs to comply with reporting and monitoring requirements. Some applicants may choose to rely on an external service provider to complete these

tasks. The amount of the costs will vary depending on the compensation of staff or service providers involved.

- **Qualitative description of impact:**

Entities that apply for and are approved for grants will benefit from the rulemaking. This program supports local housing trust fund activities across the State.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

Authority staff time is required to review and approve applications, administer grants, and communicate with program applicants and recipients.

- **Anticipated effect on State revenues:**

The rulemaking has no fiscal impact. The Authority is directed to administer the fund by Iowa Code section 16.181.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Only the entities that will potentially benefit from financial assistance bear the costs of the proposed rulemaking. The costs to the State to administer the program are proportional to the activities supported by financial assistance.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

The Authority has not identified less costly methods or less intrusive methods of administering the fund.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

The Authority did not consider any alternative methods.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

The Authority did not consider any alternative methods.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

The proposed rulemaking does not have a substantial impact on small business. The application, contracting, and monitoring requirements related to the program have no greater impact than is necessary to administer the statutory requirements of the program. The rulemaking does not establish design or operational standards.

Text of Proposed Rulemaking

ITEM 1. Amend paragraph **19.1(1)"a"** as follows:

a. The Iowa Finance Authority State Housing Trust Fund Allocation Plan for the Local Housing Trust Fund Program dated ~~September 8, 2021~~ February 4, 2026; and

Regulatory Analysis

Notice of Intended Action to be published: 701—Chapter 700
"Fiduciary Income Tax"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 421.14, 422.14(1)"d," and 422.68

State or federal law(s) implemented by the rulemaking: Iowa Code sections 421.2, 421.4, 421.60, 422.3, 422.6, 422.8, 422.12, 422.14, 422.16, 422.21, 422.23, 422.25, 422.26, 422.27, 422.28, 422.30, 422.70, 422.73; Iowa Code chapter 452A; and Iowa Code sections 633.352, 633.425, 633.471, 633.477, and 633.479

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 24, 2026	Via videoconference call
2 to 3 p.m.	meet.google.com/jai-feuq-vio

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Revenue no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Kurt J. Konek
Department of Revenue
Hoover State Office Building
P.O. Box 10457
Des Moines, Iowa 50306-3457
Phone: 515.587.0440
Email: kurt.konek@iowa.gov

Purpose and Summary

The purpose of the proposed rulemaking is to rescind and readopt Chapter 700. This chapter contains rules focused on the administration of fiduciary income in the application of the State's tax imposed on estates and trusts under Iowa Code section 422.6. After review, the Department determined the rules aid the public's understanding of this topic and provide guidance and direction to the public of fiduciary obligation in the application of these taxes. The Department proposes revisions to the text of the rules for clarification and organization and to remove portions of the rules that the Department determined are unnecessary, obsolete, or duplicative of statutory language.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

There are no costs of the proposed rulemaking beyond what is imposed by the underlying statute, therefore no class of persons have been identified to bear the costs.

- **Classes of persons that will benefit from the proposed rulemaking:**

Fiduciaries responsible for filing an Iowa tax return and other members of the public will benefit from the proposed rulemaking because it will reduce confusion and provide guidance aiding the public's understanding on the imposition and administration of the fiduciary income tax.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

There is no economic impact associated with the proposed rulemaking beyond what is already contained in statute.

- **Qualitative description of impact:**

The proposed rulemaking will reduce uncertainty about when or whether the underlying statutes and any administrative rules are applicable. Without the proposed rulemaking, confusion could occur, which could lead to potential errors.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

There are no costs to the agency to implement the proposed rulemaking beyond those that would otherwise be required to administer the underlying statutes.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues. However, the proposed rulemaking provides guidance on the imposition and administration of fiduciary income tax, making it more likely that the correct amount of tax will be collected and remitted.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

The cost of inaction would be failing to keep this chapter updated through continued existence of unnecessary, obsolete, or duplicative statutory language. The benefit of the proposed rulemaking is reducing confusion and aiding the public's understanding on this topic.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

The proposed rulemaking is neither costly nor intrusive. The Department considered the option of not having rules explaining the imposition and administration of the fiduciary income tax but determined that the rules provide useful guidance to the public.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

The Department considered not providing the rules in this chapter, but it ultimately determined the public would be served best by the guidance within the proposed chapter.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

The absence of rules on the administration of the fiduciary income tax would lead to confusion in the administration of this tax type for fiduciaries responsible for filing an Iowa tax return, as would leaving the rules in this chapter as is. This would likely lead to the overcollection or collection of the wrong amount of fiduciary income tax.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.

- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

The proposed rulemaking does not have a substantial impact on small business because it does not make any distinctions based upon size. The rules do not impose any requirements beyond what is imposed by the underlying statutes.

Text of Proposed Rulemaking

ITEM 1. Rescind 701—Chapter 700 and adopt the following **new** chapter in lieu thereof:

TITLE VIII
FIDUCIARY INCOME TAX

CHAPTER 700
FIDUCIARY INCOME TAX

701—700.1(422) Administration.

700.1(1) *Definitions.* For purposes of this chapter, words and phrases have the same meaning as defined in Iowa Code sections 422.3 and 422.4. In addition, as used in this chapter, the following definitions apply:

"Gross income" includes any and all income prior to any deductions as set forth on the Iowa fiduciary return of income.

"Personal representative" means the executor, administrator, or trustee of a decedent's estate.

"Tax" means the income tax imposed on estates and trusts under Iowa Code section 422.6.

"Taxable income" includes the income of the estate or trust and also includes distributions to beneficiaries as set forth on the Iowa fiduciary return of income.

"Taxpayer" includes the executor, administrator, or other personal representative of a decedent's estate required to file a return for the estate and the decedent under Iowa Code sections 422.14 and 422.23. "Taxpayer" may also include the trustee of a trust subject to tax under 26 U.S.C. Section 641 and required to file a return under 26 U.S.C. Section 6012(b), as well as the trustee of the bankruptcy estate of an individual under Chapter 7 or 11 of Title 11 of the United States Code.

700.1(2) *Delegation of authority.* The director delegates to the division administrator of or a bureau chief within the compliance section division, subject always to the supervision and review of the director, the authority to issue the certificate of acquittance authorized by Iowa Code section 422.27.

700.1(3) *Authority of federal court cases, regulations and rulings.* The director has the responsibility to enforce and interpret the law relating to the taxes the department is obligated to administer, including those portions of the Internal Revenue Code that impact Iowa taxable income under Iowa Code section 422.4(15).

a. Federal regulations may be interpreted by Iowa courts for state tax purposes.

b. While federal court cases, regulations and rulings interpreting the Internal Revenue Code will be accorded every consideration, the department has the right to make its own interpretation of the Internal Revenue Code as to what constitutes taxable income for Iowa tax purposes, consistent with Iowa statutes and court decisions. Rule 701—303.2(422) provides more information.

700.1(4) *Publication references.*

a. References to the following Internal Revenue Code Sections are those in effect as of December 31, 2025: 26 U.S.C. Sections 61, 164, 170, 213, 611, 641, 642, 671 through 679, 691, 1011, 1014, 1223, 2032, 2032A, 2053, 2054, and 6012.

b. References to the following federal regulation sections are those in effect as of December 31, 2025: 26 CFR Sections 1.61-9, 1.167, 1.170A-10, 1.1014-1, and 1.1223-1.

This rule is intended to implement Iowa Code sections 17A.6, 421.2, 421.4, 422.6, 422.23, 422.25, 422.26, 422.27, and 422.73.

701—700.2(422) Documentation.

700.2(1) *Documents to be filed.*

a. Estates of Iowa decedents. A copy of the inheritance tax return (for decedents dying before January 1, 2025) and probate inventory required by Iowa Code section 633.361 and a copy of the decedent's will in testate estates shall be filed with the first fiduciary return of income unless previously filed with the department for inheritance tax purposes.

b. Nonresident decedents—ancillary administration. If ancillary administration has been opened for the estate of a nonresident decedent, a copy of the inheritance tax return (for decedents dying before January 1, 2025) and probate inventory and a copy of the decedent's will in testate estates shall be filed with the department, subject to the same conditions and requirements in estates of resident decedents. If ancillary administration has not been opened for a nonresident decedent with Iowa taxable income, a copy of the inventory filed in the primary estate, or the portion of the inventory listing the property generating the Iowa income and the decedent's will in testate estates, must be filed with the department with the first fiduciary return of income.

c. Inter vivos trusts.

(1) Inter vivos trusts with a situs in Iowa and inter vivos trusts with a situs outside Iowa with Iowa taxable income shall submit to the department with the first fiduciary return the following:

1. A copy of the trust instrument;
2. A list of the trust assets (those generating Iowa taxable income in case of trusts with a situs outside Iowa); and
3. An estimate of the fair market value of each asset.

(2) If the trust instrument is amended or additional assets are added to the trust corpus, a copy of the amended items must be submitted to the department with the first fiduciary return of income following the change.

d. Testamentary trusts. If the estate was not reported for inheritance tax purposes, a copy of the decedent's will and a list of assets in the trust corpus in testamentary trusts with a situs both within and without Iowa must be submitted to the department with the first fiduciary return of income.

700.2(2) Reserved.

This rule is intended to implement Iowa Code sections 422.25, 422.27, 422.28, and 422.73.

701—700.3(422) Situs of trusts.

700.3(1) *Testamentary trusts.* The situs of a testamentary trust for tax purposes is the state of the decedent's residence at the time of death until the jurisdiction of the court in which the trust proceedings are pending is terminated. If jurisdiction is terminated and the trust remains open, the situs of the trust is governed by the same rules as pertain to the situs of inter vivos trusts.

700.3(2) *Inter vivos trusts.*

a. Court reporting. If an inter vivos trust is created by order of court or makes an accounting to the court, its situs is the state where the court having jurisdiction is located until the jurisdiction is terminated. The situs of an inter vivos trust subject to the grantor trust rules under 26 U.S.C. Sections 671 through 679 is the state of the grantor's residence, or the state of residence of the person other than the grantor deemed the owner, to the extent the income of the trust is governed by the grantor trust rules.

b. Non-court reporting. If an inter vivos trust (other than a trust subject to the grantor trust rules in 26 U.S.C. Sections 671 through 679) is not required to make an accounting to and is not subject to the control of a court, its situs depends on the relevant facts of each case.

(1) Relevant facts include but are not limited to the residence of the trustees or a majority of them, the location of the principal office where the trust is administered, and the location of the evidence of the intangible assets of the trust (e.g., stocks, bonds, bank accounts).

(2) The residence of the grantor of a trust, not subject to the grantor trust rules under 26 U.S.C. Sections 671 through 679, is not a controlling factor as to the situs of the trust unless the person is also a trustee. A statement in the trust instrument that the law of a certain jurisdiction shall govern

the administration of the trust is not a controlling factor in determining situs. The residence of the beneficiaries of a trust is also not relevant in determining situs.

700.3(3) *Part-year trust.* A trust that has its situs part of the year within Iowa and part of the same year outside of Iowa is to report its income on IA 1041. In order to claim a nonresident or part-year resident tax credit, the trust must complete the computation of nonresident/part-year resident tax credit portion of the form.

This rule is intended to implement Iowa Code sections 422.6, 422.8, and 422.14.

701—700.4(422) Fiduciary returns and payment of the tax.

700.4(1) *Use of prescribed forms.* Returns shall, in all cases, be made by residents and nonresidents on forms prescribed by the department of revenue. Iowa Code section 422.14 provides the requirements for when fiduciary returns must be filed electronically.

700.4(2) *Copy of federal fiduciary income tax return.* Estates of Iowa decedents, trusts with a situs in Iowa, nonresident estates with Iowa taxable income, and trusts with situs outside Iowa with Iowa taxable income must submit a complete copy of the federal fiduciary income tax return with the Iowa return, including any applicable schedules.

700.4(3) *Accounting period—tax year.* The Iowa fiduciary return must use the same accounting period that was used for federal income tax purposes.

700.4(4) *Minimum filing requirements.* A fiduciary return of income must be filed if the taxable income of the estate or trust for the taxable year is $600 or more, regardless of any tax liability. However, a final fiduciary return must be filed for the taxable year the estate or trust is closed, regardless of the amount of gross income, if an income tax certificate of acquittance is requested.

700.4(5) *Amended returns.* An amended return must be filed if there is a change in income or deductions that results in a tax or additional tax due or in a change in income, deductions, or credits distributable to a beneficiary. An amended return may be filed in lieu of a claim for refund when a change in reportable income or deductions results in a tax overpayment. 701—subrules 305.3(8) and 305.3(15) provide additional information on the period of time for making a claim for a refund of excess tax paid.

700.4(6) *Return due date.* The fiduciary return must be filed with the department and the tax due paid in full on or before the last day of the fourth month following the end of the taxable year.

700.4(7) *Duties of the taxpayer.*

a. Income of the estate or trust. The executor, administrator, or other personal representative must timely file a fiduciary return if the minimum filing requirements specified in subrule 700.4(4) are met. The department is not required to file a claim for taxes in the estate proceedings and have the claim allowed before the tax is paid. The personal representative of an estate must pay the tax on income from property in the personal representative's possession prior to applying the income to estate obligations.

b. Decedent's final individual income tax return.

(1) The executor, administrator, or other personal representative of the decedent's estate must file an individual income tax return for the decedent for the year of the decedent's death if the gross income attributable to the decedent for the part of the taxable year ending with death equals or exceeds the minimum filing requirements. 701—subrules 301.1(1) through 301.1(3) and 301.1(5) provide more information on the minimum filing requirements for individual income tax.

(2) If the surviving spouse of a decedent has not remarried during the balance of the taxable year and has the same taxable year as the decedent, the personal representative of the decedent's estate may file a joint return with the surviving spouse for the taxable year of death. In the event of such an election, the joint return must include the surviving spouse's income for the entire taxable year and the decedent's income for the portion of the taxable year ending with death.

(3) Income attributable to property owned by the decedent and the decedent's rights to income received after the day of the decedent's death are income of the decedent's estate or the persons succeeding to the property or rights to income. Iowa Code sections 633.350 through 633.353 provide

more information on the circumstances under which the estate is charged with the income from the decedent's property or the decedent's rights to income.

(4) Income from property held by the decedent and others in joint tenancy received after the decedent's death is charged to the surviving joint tenants, not to the decedent's estate.

(5) The final income tax return of the decedent, if the minimum filing requirements are met, must be filed prior to the time an income tax certificate of acquittance is requested.

c. Decedent's prior year returns. The personal representative has the duty to file any required returns that were not previously filed. This includes any additional tax owed that becomes due by reason of an audit. The personal representative's duty to pay the tax, or additional tax, is limited to the probate property subject to the jurisdiction of the court. The probate property must be applied to the payment of the decedent's tax liability according to the order specified in Iowa Code section 633.425.

d. Composite return requirement. The personal representative of a decedent's estate and the trustee of a trust are subject to the composite return filing and tax payment obligations under Iowa Code section 422.16B and 701—Chapter 405 if the estate or trust has nonresident beneficiaries.

e. Beneficiary's share of income, deductions and credits. After the final distribution of income for the taxable year, the personal representative of an estate and the trustee of a trust shall furnish each beneficiary receiving a distribution from an estate or trust a written statement specifying the amount and types of income subject to Iowa tax and the kinds and amounts of the deductions and credits against the tax. For estates and trusts, other than grantor trusts, the written statement shall be an IA 1041, Schedule K-1.

f. Liability of a personal representative and trustee. A personal representative of a decedent's estate and the trustee of a trust shall be personally liable for the amount of Iowa composite tax required to be paid under Iowa Code section 422.16B and 701—Chapter 405 as well as any penalty and interest due if the composite tax liability attributable to a nonresident beneficiary is not paid within the time prescribed by law.

This rule is intended to implement Iowa Code sections 422.6, 422.8, 422.16, 422.21, 422.23, 422.25, 422.27, 633.352, and 633.425.

701—700.5(422) Extension of time to file.

700.5(1) *Automatic extension of time to file.*

a. Qualification. No application for extension is required from the taxpayer if the taxpayer has paid at least 90 percent of the tax required to be shown due by the due date and has not filed a return by the due date. In such circumstances, the director will consider that the taxpayer has requested an extension of time to file the return and will automatically grant an extension of up to six months to file the return. However, if the taxpayer wants to make a tax payment to ensure that at least 90 percent of the tax has been paid on or before the due date, the payment can be made by:

(1) Making a payment through Modernized eFile (MeF).

(2) Contacting taxpayer services and requesting an Iowa Fiduciary Income Tax Payment Voucher.

(3) Accessing GovConnectIowa to either make a payment or print a voucher and make a payment.

b. Determination. To determine whether or not at least 90 percent of the tax was paid on or before the due date, the aggregate amount of tax credits applicable on the return plus the tax payments made on or before the due date are divided by the tax required to be shown due on the return. The tax required to be shown on the return is the sum of the income tax, lump-sum tax, and the trust portion of the ESBT tax. The tax credits applicable are the credits set out in Iowa Code chapter 422, subchapter II, and Iowa Code section 422.111. Tax payments to be considered for purposes of determining whether 90 percent of the tax was paid include withholding tax payments, estimated payments, composite tax payments, and payments made with the Iowa Fiduciary Income Tax Payment Voucher Form.

c. Penalty and interest. If the aggregate of the tax credits and the tax payments is equal to or greater than 90 percent of the tax required to be shown due, the taxpayer will have met the "90 percent" test and no penalty will be assessed. However, the taxpayer will still be subject to statutory interest on any tax due when the return is filed.

700.5(2) *Extension of time to file due to illness, death, absence, or other legitimate reason.* The taxpayer is required to file the taxpayer's fiduciary income tax return on or before the due date of the return with payment in full of the amount required to be shown due with the return. However, in any instance where the taxpayer is unable to file the return by the due date because of illness or death in the taxpayer's immediate family, unavoidable absence of the taxpayer, or other legitimate reason within 30 days of the due date, the director may grant a six-month extension of time to file the return.

700.5(3) *Extension of time for the decedent's final tax return.* 701—subrule 301.2(4), which provides for extensions of time to file individual income tax returns, applies to the decedent's final tax return.

This rule is intended to implement Iowa Code section 422.21.

701—700.6(422) Reportable income and deductions.

700.6(1) *Reportable income in general—Iowa estates and trusts.* Estates of Iowa resident decedents and trusts with a situs in Iowa must report all income received from sources within and without Iowa, regardless of whether the income is from real, personal, tangible, or intangible property.

700.6(2) *Reportable income in general—foreign situs estates and trusts.* Estates and trusts with a situs outside Iowa must report all income received from sources within and without Iowa, regardless of whether the income is from real, personal, tangible, or intangible property. Foreign situs estates and trusts must also report that portion of the income which is from Iowa sources. Examples of Iowa source income include but are not limited to income from real and tangible personal property with a situs in Iowa, such as a farm and from a business located in Iowa; the capital gain portion of an installment sale contract of Iowa situs property; and wages, salaries and other compensation for services performed in Iowa but received after the death of the decedent. Iowa source income would not include income from intangible personal property, such as annuities, interest on bank deposits, and dividends, unless the income was derived from a business, trade, profession, or occupation carried on in Iowa.

700.6(3) *Income from property subject to the jurisdiction of the probate court.*

a. Probate property subject to possession by the personal representative. Income received on probate property after the decedent's death is chargeable to the estate or to the person succeeding to the decedent's property depending on whether the personal representative has the right to, or has taken possession of, the probate property producing the income. If the personal representative has taken possession of or has the right to possession of a specific item of probate property, the income from this property is estate income. The personal representative is charged with the income from this property for each taxable year until the property is distributed or otherwise disposed of. Iowa Code section 633.351 prescribes the personal representative's responsibilities for taking possession of and handling the decedent's property. In addition, Iowa Code section 633.386 (probate code) gives the personal representative authority to lease real estate, and therefore to take possession, in order to pay the debts and charges of the estate.

b. Income charged to the heir or beneficiary. Under Iowa law, title to probate property, both real and personal, passes instantaneously on death to the heir or beneficiary. If property is not subject to the personal representative's right of possession under Iowa Code section 633.351 and the personal representative has not exercised the right to sell, lease, mortgage, or pledge real and personal property to pay debts and charges under Iowa Code section 633.386, the income from this probate property is not estate income. It is income to the person succeeding to the property.

700.6(4) *Income from nonprobate property.* Income from property not subject to the jurisdiction of the probate court is charged to the beneficiary or other person succeeding to the property. Examples of income from nonprobate property include but are not limited to property held in joint tenancy,

annuity payments, pension and retirement plans not payable to the estate, and income from certain trusts created by the grantor-decedent.

700.6(5) *Gross income of an estate.*

a. In general. 26 U.S.C. Section 641(b) provides that the taxable income of an estate or trust shall be computed in the same manner as the taxable income of an individual, except as modified in Subchapter J of the Internal Revenue Code. Paragraphs 700.6(5)*"d"* through *"q"* provide a nonexhaustive list of common types of taxable income to an estate or trust.

b. Definition of the period of administration. The income charged to the decedent's estate is reportable by the personal representative for each taxable year during the period of the administration of the decedent's estate if the minimum filing requirements are met. The period of administration for Iowa income tax purposes is determined by applying federal tax law to Iowa estates because Iowa taxable income is the same as federal taxable income, subject to the adjustments provided in Iowa Code sections 422.7 and 422.9. It is the period actually required by the personal representative to perform the ordinary duties of administration, such as the collection of assets and the payment of debts, taxes, legacies, and bequests, whether the period required is longer or shorter than the period specified under the probate code. An estate will be considered terminated for income tax purposes when all of the assets have been distributed, except for a reasonable amount set aside in good faith for the payment of unascertained or contingent liabilities and expenses. If the period of administration is terminated for income tax purposes, the heir or beneficiary is charged with the income.

c. The estate's first return—special considerations.

(1) Death terminates the decedent's taxable year. Income received the day of the decedent's death is to be reported on the decedent's final individual return.

(2) The taxable year of a decedent's estate begins the day after the decedent's death. Income received after the decedent's death is chargeable either to the decedent's estate or to the person succeeding to the property producing the income.

(3) Income the decedent had a right to receive prior to death, but did not receive before death, is not the decedent's income but is income in respect of a decedent and is chargeable either to the decedent's estate when received or to the person succeeding to the right to income. 26 U.S.C. Section 691(a) and applicable federal regulations provide more information on what constitutes income in respect of a decedent.

(4) Trade or business expenses, interest, taxes and expenses for the production of income owing by the decedent at death but unpaid, and the allowance for depletion on income not received at death are not deductible on the decedent's final return. These are deductible by the estate or the person succeeding to the property when paid.

(5) Medical expenses incurred by the decedent, but unpaid at death, are not deductible by the estate. These are deductible on the decedent's individual return for the year the expenses were incurred if paid within one year after the decedent's death and if the medical expense is not claimed as a deduction for federal estate tax purposes under 26 U.S.C. Section 2053. 26 U.S.C. Section 213(d) and federal regulations thereunder provide more information relating to deductible medical expenses of a decedent.

(6) Funeral expense is not a deductible item for income tax purposes.

(7) Unused ordinary and capital losses remaining after the decedent's income tax liability for the year of death has been determined are not carried forward to the decedent's estate. The unused losses terminate with death, except to the extent they may be used by the decedent's surviving spouse.

d. Dividends. All income classified as dividends under 26 U.S.C. Section 61 and 26 CFR Section 1.61-9, received or constructively received, during the taxable year constitutes gross income to the estate or trust. However, some income labeled as dividends is for tax purposes classified as interest. For example, income from cooperative banks, credit unions, domestic building and loan associations, domestic savings and loan associations, federal savings and loan associations, and mutual savings banks are considered interest and not dividends.

e. Interest. All interest received or constructively received during the taxable year, with the exception of interest but not capital gain, from federal securities and from certain bonds issued by the state of Iowa and its political subdivisions listed in rule 701—302.3(422) is income to the estate or trust. Interest from securities issued by a state and its political subdivisions or from foreign securities is included in gross income for Iowa tax purposes, even though the interest may be exempt from federal income tax, except for those bonds listed in rule 701—302.3(422).

f. Partnerships and other estates and trusts.

(1) If a partnership in which the decedent had an interest is not terminated at death, the deceased partner's share of the partnership income is considered to be all received at the end of the partnership taxable year. As a result, none of the partnership income is chargeable to the deceased partner unless the day of the partner's death coincides with the day the partnership year ends. Partnership income is chargeable to the deceased partner's estate or the person succeeding to the partner's interest, notwithstanding the fact the deceased partner may have withdrawn most or all of the deceased partner's share of the partnership income prior to death.

(2) In general, if an estate or trust and its beneficiaries have different taxable years, the beneficiary is required to report the income from the estate or trust as if it were all paid on the last day of the taxable year of the estate or trust. However, if the beneficiary dies during the taxable year of an estate or trust, the taxable income of the beneficiary's estate includes only the portion of the income of the other estate or trust that was required to be distributed to the beneficiary but was not in fact distributed to the beneficiary before death. The income that was in fact distributed by the other estate or trust prior to the beneficiary's death is properly included in the beneficiary's final income tax return.

g. Rents and royalties.

(1) Income received after death for the use or occupancy of the decedent's real and personal property is the income of the decedent's estate or the income of the person succeeding to the property. If the rental income was accrued, but unpaid at death, the accrued rent is income in respect of a decedent and is to be included as income, either by the estate or the person succeeding to the right to the income, in the taxable year when payment is received.

(2) Rent is not limited to payments in cash. It includes but is not limited to crop share rental payments when the decedent was a nonparticipating landlord.

(3) Income from the sale of grain and livestock in the estate of a participating landlord that was on hand at death is classified as income from a farm or business and not rental income.

(4) Income from royalties includes but is not limited to payment for rights in books, plays, copyrights, trademarks, formulas, and patents and from the exploitation of natural resources.

h. Farm and business income—in general. The death of the decedent does not alter the rules under which business and farm income is computed for income tax purposes. However, the decedent's estate as a new taxpayer may adopt a taxable year or accounting method that is different from the decedent's. The rules for determining a gain or loss from the sale or exchange of assets in the decedent's estate are the same as those for an individual. However, paragraphs 700.6(5)*"i"* and *"j"* contain more information on the basis for gain or loss from the sale or exchange of property acquired from a decedent and 700.6(5)*"l"* for depreciation rules for property acquired from a decedent.

i. Basis for gain or loss—the stepped-up basis. Property acquired from a decedent receives a new basis for determining gain or loss when the property is sold or exchanged. This rule does not apply to property classified as income in respect of a decedent and certain other property designated in 26 U.S.C. Section 1014(b) and (c) and the federal regulations thereunder. The basis of property acquired from a decedent is either (1) its fair market value at the time of death or the alternative value when it has been elected for federal estate tax purposes under 26 U.S.C. Section 2032 or (2) its special use value when the property has been valued for federal estate tax purposes under 26 U.S.C. Section 2032A. The decedent's basis in the property is not relevant.

If an estate files a federal estate tax return, the basis is governed by the federal estate tax value determination.

EXAMPLE: Decedent A died July 1, 2025, owning a 160-acre Iowa farm that the decedent purchased in 1985 for $1,000 per acre, or $160,000. At the time of A's death, the farm had a fair market value of $12,000 per acre, or $1,920,000. In 1995, A and surviving spouse B purchased a residence for $80,000 in joint tenancy. Surviving spouse B, a school teacher, contributed one-half of the purchase price of the residence; therefore, one-half of the residence is excluded from A's gross estate. At the time of A's death, the residence had a fair market value of $250,000. Surviving spouse B received the entire estate and did not elect the alternative or special use valuation.

B's basis for gain or loss in the farm and residence is computed as follows:

Asset	Fair Market Value at Death	New Basis for Gain or Loss		
160-acre farm	$1,920,000	$1,920,000		$320,000
Residence	250,000	165,000	½ new basis	50,000
			½ old basis	17,500
				$ 67,500

Since the entire farm was acquired from A, its basis is 100 percent of the fair market value at death. Only one-half of the residence was acquired from A; therefore, only one-half of the residence receives a new basis on A's death. The new basis in the residence for B is $165,000, calculated as follows: ½ of the fair market value on the date of death ($250,000 × ½) = $125,000, plus ½ of the original purchase price ($80,000 × ½) = $40,000.

j. No new basis—income in respect of a decedent.

(1) Property or rights to income, classified as income in respect of a decedent under 26 U.S.C. Section 691, do not receive a new basis upon the decedent's death. It is a special exception to the stepped-up basis rule. 26 U.S.C. Section 1014(c) and 26 CFR Section 1.1014-1(c) provide more information.

(2) Examples of income with respect to a decedent include but are not limited to the following:

1. Wages, salary, or other compensation for personal services earned that are unpaid at death.
2. Interest accrued on obligations, such as bank accounts, certificates of deposit, bonds, and promissory notes.
3. Accrued interest and unpaid capital gain on real and personal property installment contracts.
4. Federal income tax refunds if claimed as a deduction on an Iowa income tax return.
5. Accounts receivable if the decedent was on a cash accounting basis.
6. Crop share rent if the decedent was a nonparticipating landlord on a cash basis. This also includes growing crops, which are to be valued at the time of the decedent's death or alternate valuation date.

(3) The basis for gain or loss for property classified as income with respect to a decedent is the decedent's basis in the property at the time of death.

k. Gain or loss—holding period. For the purpose of determining whether the sale or exchange of property is a long- or short-term gain or loss, the holding period of property acquired from a decedent begins the day after the decedent's death, regardless of how long the property was held by the decedent. 26 U.S.C. Section 1.1223 and 26 CFR Section 1.1223-1(j) provide more information. If the property acquired from a decedent is sold or otherwise disposed of within one year of the decedent's death, it will be considered to have been held over one year. In general, this is a sufficiently long holding period to qualify the sale or exchange as a long-term gain or loss transaction.

l. Depreciation—property acquired from a decedent. Property acquired from a decedent that is subject to the allowance for depreciation receives the same value for depreciation purposes as its basis for gain or loss in a sale or exchange, regardless of its basis or remaining useful life in the hands of the decedent. 26 U.S.C. Sections 167(g) and 1011 and 26 CFR Section 1.167(g)-1 provide more information. For the purpose of determining the life of an asset subject to the allowance for depreciation, the property is treated as if it were acquired the day after the decedent's death. More

information can be found in 26 CFR Section 1.167(a)-10. The decedent's estate or other person acquiring depreciable property from the decedent may adopt a depreciation method different from that used by the decedent for the depreciable asset. Additional information can be found in 26 CFR Section 1.167(a)-7.

m. Recognition of gain—installment sale contracts.

(1) Death of the holder. If, as a result of the death of the holder of an installment sale obligation (usually the seller), the installment sale obligation is transferred to the debtor (usually the purchaser), or it is cancelled by the personal representative, the remaining gain from the installment sale contract not previously reported is recognized by the holder's estate as if the remaining balance due had been immediately paid in full. The merger of the asset with the debt is treated as a taxable transfer by the estate of the holder (seller) of the obligation and is income in respect of a decedent realized by the holder's estate.

(2) Held by trust. If the obligation was held by a person other than the seller, such as a trust, the cancellation of the obligation will be treated by that person as a taxable transfer immediately after the seller's death. In the absence of some act of canceling the obligation, such as by distribution or notation that results in cancellation under Iowa Code chapter 554 (Uniform Commercial Code), the disposition is considered to occur no later than the time the period of administration of the estate is ended.

(3) Related parties. For gain recognition purposes, if the seller and the debtor were related parties, the value of the installment contract is considered to be not less than full face value, regardless of its value for Iowa inheritance tax (for decedents dying before January 1, 2025) or federal estate tax purposes. A related party includes but is not limited to the spouse, child (including an adopted child), grandchild, or parent of the seller; an estate in which the seller is a beneficiary; a partnership in which the seller is a partner; a corporation in which the seller owns 50 percent or more of the stock; and a trust where the seller is a beneficiary or is treated as the owner.

(4) Additional shares. If the debtor inherits the obligation to pay or another share of the estate and the debtor's share of estate equals or exceeds the face value of the contract, the personal representative of the holder's estate must set off the contract of sale to the debtor when satisfying the debtor's share of the estate. In this case, the entire contract is canceled and all of the unreported gain is income in respect of a decedent to the estate. If the debtor's share of the estate is less than the face value of the contract of sale, the contract of sale is canceled only to the extent of the debtor's share of the estate and only a like percentage of the unreported gain is considered income in respect of a decedent received immediately by the estate. Iowa Code section 633.471 provides information on the right of retainer and setoff.

n. Nonresident aliens—sales of Iowa real estate. Nonresident aliens and estates and trusts with a situs outside the United States must include the gain from the sale or exchange of Iowa real estate as taxable income, even though the real estate was not effectively connected with a trade or business carried on in the United States. Any gain paid or distributed to a nonresident alien or an estate or trust with a situs outside the United States is subject to Iowa income composite tax unless the gain has been previously accumulated and any tax due paid. Paragraph 700.4(7)*"d"* and 701—Chapter 405 contain more information on the requirement to pay Iowa composite tax on distributions to nonresident beneficiaries and individuals.

o. Miscellaneous income. Miscellaneous income includes those items of income that are subject to Iowa income tax under Iowa Code section 422.6 that are not classified as dividends, interest, rent and royalties, income from partnerships and other fiduciaries, business or farm income, and gain or loss from the sale or exchange of assets. Miscellaneous income also includes but is not limited to wages and salaries earned by the decedent that are unpaid at death and distributions to the estate from an employee's pension or retirement plan if subject to Iowa income tax.

p. Grantor trusts. If the income of a trust is subject to the grantor trust rules under 26 U.S.C. Sections 671 through 679, the grantor of the trust or other person specified in the trust instrument, and not the trust, is considered the owner of the income. Therefore, the income is properly reportable

on the Iowa individual income tax return of the grantor or other individual treated as the owner. The fiduciary income tax return of a grantor trust is an informational return only. Items of income, deductions, and credits of a grantor trust should be reported on a separate statement attached to the fiduciary return of income. The taxable year of a grantor trust must be the same as the taxable year of either the grantor or the other individual considered the owner of the income for tax purposes.

q. "Equity trusts"—assignment of future wages and salaries. The assignment of future wages, salaries, or other compensation for future services by a grantor to a trust (commonly called "equity" or "family estate" trust) does not shift the tax burden on this income from the grantor to the trust. The trust is subject to the grantor trust rules under 26 U.S.C. Sections 671 through 679. The income of the trust is to be reported by the grantor on an Iowa individual income tax return.

r. Adjustments to federal taxable income. Iowa Code section 422.4(15) provides that the Iowa taxable income of estates and trusts is federal taxable income, without the deduction for the personal exemption, subject to the specific adjustments set forth in Iowa Code section 422.7 and the modifications relating to federal and state income tax specified in Iowa Code section 422.9. The modifications have these results:

(1) The federal exemption allowed to estates and trusts under 26 U.S.C. Section 642(b) (i.e., $600 for an estate, $300 for simple trust, and $100 for a complex trust) is not deductible for Iowa income tax purposes.

(2) Interest and dividends from federal securities, but not capital gain or loss, are exempt from Iowa income tax and, therefore, is not part of the Iowa taxable income of estates and trusts.

(3) Interest and dividends from securities of a state and its political subdivisions and from foreign securities are included in Iowa taxable income in the year received, regardless of whether such interest and dividends are exempt from federal income tax. However, rule 701—302.3(422) and paragraph 700.6(5)*"e"* contain more information on the exemption for certain bonds issued by the state of Iowa and its political subdivisions that are not included in Iowa taxable income.

700.6(6) *Deductions from gross income.*

a. In general. The deductions allowable in computing taxable income of estates and trusts are generally those relating to a trade or business and the expenses attributable to investment income.

(1) The important distinction between the deductions allowable in computing federal adjusted gross income and itemized deductions for individual income tax has only limited application in determining the taxable income of estates and trusts.

(2) Many deductions in computing the taxable income of an individual have no application to the deductions allowable in computing the taxable income of an estate or trust, due to the nature of estates and trusts and the sources of their income. For example, medical expense and moving expense deductions are applicable only to individuals, but taxes and interest expenses can be incurred by both individuals and estates and trusts.

b. Interest expense. Interest paid on obligations secured by property subject to the personal representative or trustee's right of possession is a deduction from gross income in the year paid. Interest on debts or charges that the personal representative or trustee is obligated to pay is also a deduction against gross income in the year paid. Interest on obligations secured by property, not subject to the personal representative's right of possession, is not deductible from the gross income of the estate but is a deduction for the person succeeding to the encumbered property. No distinction is made between business and nonbusiness interest. Iowa Code section 633.278 contains more information on circumstances when the personal representative of the decedent's estate is required to pay the debt and interest on encumbered property, even though the property is not subject to the personal representative's right of possession.

c. Taxes. The taxes deductible against the gross income of an estate or trust are limited to the taxes deductible for individual income tax purposes under 26 U.S.C. Section 164, meaning, for tax years beginning on or after January 1, 2023, state taxes deductible for federal purposes are also allowed for Iowa purposes. Also, federal income tax is not allowed as a deduction for Iowa purposes. Real estate and personal property taxes, including the taxes due but unpaid at death, are only

deductible by the estate on the decedent's property that is subject to the personal representative's right of possession.

d. Depreciation and depletion—allocation. If the personal representative of a decedent's estate has the right to the possession of property eligible for the depreciation allowance, the depreciation is a deduction from the estate's gross income when the income for the taxable year is accumulated by the estate. If all or part of the income for the year is distributed to the beneficiaries, the deduction for depreciation is apportioned between the estate and the beneficiaries on the basis of the income allocated to each. In the case of an estate, the deduction for depreciation follows the income.

(1) The same depreciation rules apply to simple and complex trusts, with the exception that if the trustee has the right to maintain a reserve for depreciation, and in fact does so, the deduction for depreciation is allocated to the trust to the extent of the reserve maintained, regardless of whether the income is accumulated or distributed.

(2) The rules governing the allowance for depreciation are also the rules to be applied to the allowance for depletion under 26 U.S.C. Section 611.

e. The charitable deduction. The charitable deduction allowed estates and trusts under 26 U.S.C. Section 642(c) is not subject to the percentage of income limitation applicable to individual taxpayers under 26 U.S.C. Section 170(b). The allowable deduction is governed by the terms of the will or trust instrument, which can provide for unlimited payments for charitable purposes. However, an unused charitable contribution carryover of the decedent remaining after the decedent's individual income tax liability for the year of death is determined is not available to the estate. The unused carryover terminates at death, except to the extent it may be used by the surviving spouse. More information can be found in Federal Regulation Section 1.170A-10(d)(4)(iii). The deduction is limited to payments of gross income or amounts permanently set aside for charitable uses. A simple pecuniary bequest to charity in the decedent's will does not qualify for the charitable deduction from the estate's income. It is a payment from the corpus of the estate.

f. Other deductions. The category of other deductions includes those deductions allowable in computing taxable income not receiving special itemized treatment on the Iowa fiduciary return of income. Expenses of administration include but are not limited to a reasonable fee and the necessary expenses of the attorney employed by the personal representative of an estate or the trustee of a trust, a reasonable fee and the necessary expenses of the personal representative of an estate or the trustee of a trust, accounting fees, court costs, and interest paid on federal estate tax during an extension of time to pay.

g. The no double deduction rule. Expenses of administration, certain debts of the decedent like medical expenses incurred prior to death, and losses during the period of administration are proper deductions in computing both the taxable income of an estate or trust (or on the decedent's individual return in case of medical expenses) and the taxable estate for federal estate tax purposes under 26 U.S.C. Sections 2053 and 2054.

(1) The no double deduction rule only applies to trusts when the trust assets are included for federal estate tax purposes. 26 U.S.C. Section 642(g) prohibits the double deduction of those items that qualify as deductions for both taxes.

(2) To prevent the double deduction, the fiduciary return needs to be accompanied with a statement waiving the right to claim all or a portion of the item as a deduction on the federal estate tax return. This waiver is irrevocable. However, unless the waiver has been filed, the decision to claim the deduction or portion of the deduction on the federal estate tax return can be changed anytime prior to the time the item or portion of the item is finally allowed for federal estate tax purposes.

(3) The waiver requirement has no application to estates and trusts not required to file a federal estate tax return.

(4) The no double deduction rule has no application to deductions in respect of a decedent, such as deductions relating to trade or business expenses, interest, taxes, expenses for the production of income, and the allowance for depletion, which are deductible both for income tax purposes and federal estate tax purposes.

h. The net operating loss deduction.

(1) Generally, Iowa Code section 422.9 provides for carry overs of Iowa net operating losses.

(2) However, estates and trusts with a situs outside Iowa are allowed a deduction only for a carry over net operating loss, which was incurred prior to January 1, 2023, and attributable to a trade or business activity carried on in the state of Iowa.

i. Capital loss deduction. The capital loss deduction of an estate or trust is computed in the same manner as the capital loss deduction for individual taxpayers. However, it is a deduction only for the estate or trust and is not distributable to a beneficiary, except in the year the estate or trust terminates. Capital losses do not enter into the computation of the deduction for income required to be distributed currently to beneficiaries. During the period of administration of the estate or trust, capital losses can be used only to offset capital gain for simple trusts required to distribute income currently. However, beneficiaries may derive immediate benefit from capital losses when capital gain is required or permitted to be distributed to beneficiaries prior to closure of the estate or trust since the losses can be used to offset gain before distribution.

j. The distribution deduction. Estates and trusts are allowed to deduct the amounts of income required to be distributed currently and also other amounts properly paid, credited, or required to be distributed to the extent of the distributable net income for the year. For income tax purposes, an estate of a decedent is treated as a complex trust because normally, the personal representative of an estate has the discretion of whether to distribute current income. Therefore, most distributions of income from a decedent's estate fall under the category of "other amounts properly paid, credited, or required to be distributed."

(1) For purposes of a distribution deduction under this chapter, an estate or trust shall receive a distribution deduction only for income taxable to Iowa. For example, municipal interest will be included in the distribution deduction because it is taxable to Iowa. U.S. government interest would not be included because it is not taxable to Iowa. IA 1041, Schedule B, is used to calculate the Iowa income distribution deduction.

(2) The distribution deduction allowed is limited to the distributable net income of the estate or trust for the taxable year. If amounts in excess of distributable net income are distributed to a beneficiary of a decedent's estate, the excess does not constitute taxable income to the beneficiary. Income distributed to a beneficiary of an estate or trust retains the same character in the hands of the beneficiary as it had in the estate or trust, with the exception of unused capital loss distributed on closure to a corporation, in which case the loss is treated as a short-term loss, regardless of its character in the estate or trust. In addition, unless the will or trust instrument specifically provides otherwise, a distribution to beneficiaries is considered to be a proportionate distribution of the different kinds of income composing the distributable net income of the estate or trust. The same character and proportionate distribution rule is illustrated by the following example.

EXAMPLE: Decedent A, a resident of Iowa, died February 15, 2024. Under the terms of the will, all the decedent's property was devised in equal shares to beneficiary B, a resident of Phoenix, Arizona, and beneficiary C, a resident of Cedar Rapids, Iowa. The estate adopted a calendar year as its taxable year. For calendar year 2024, the estate had distributable net income of $50,000, which is composed of:

Interest income	$10,000
Dividend income	5,000
Net Iowa farm income	35,000
Total	$50,000

On December 20, 2024, the estate distributed $12,500 to beneficiary B, and $12,500 to beneficiary C. Beneficiaries B and C have received a distribution for 2024 as follows:

Beneficiary B		Beneficiary C	
Interest income	$2,500	Interest income	$2,500
Dividends	1,250	Dividends	1,250
Farm income	8,750	Farm income	8,750
Total	$12,500	Total	$12,500

The estate is entitled to a deduction of $25,000 against gross income in 2024 for the distribution to beneficiaries B and C and owes Iowa income tax on the $25,000 income retained in the estate. Since the interest income of the estate is 20 percent of the distributable net income, 20 percent of the distribution to beneficiaries B and C is considered interest income. Likewise, 10 percent of the estate's distributable net income is dividends and 70 percent farm income. The distribution to B and C consists of a corresponding percentage of dividends and farm income. Beneficiary C, a resident of Iowa, must report the entire distribution of $12,500 on a 2024 Iowa individual income tax return. Beneficiary B, a resident of Arizona, is only required to report the farm income portion of the distribution ($8,750) on a 2024 nonresident individual income tax return because dividends and interest are income from intangible personal property and were not derived from a business, trade, profession or occupation carried on within Iowa by the nonresident. 701—subrule 302.16(5) provides more information.

700.6(7) *The final return—special considerations.*

a. General rule.

(1) In the year of closure, all income received by the estate or trust is considered "other amounts properly paid or credited or required to be distributed" and must be distributed to the beneficiaries according to the terms of the governing instrument. 26 U.S.C. Section 642(h) provides for an exception to the general rule that net operating and capital losses are only available to the taxpayer incurring the loss. Therefore, in the year of closure, any capital loss and net operating loss carryover that remains unused by the estate or trust is passed through the estate or trust and is allowed as a deduction to the beneficiaries succeeding to the property.

(2) If the estate or trust in the year of termination has incurred deductions in excess of gross income that do not qualify for treatment as a net operating or capital loss, such as administration expenses, the excess deductions are passed through the estate or trust and are available to the beneficiaries. They are available only for the year the estate or trust terminates and only as an itemized deduction in the case of an individual beneficiary.

b. Exception to the general rule. If in the year of termination an Iowa ancillary estate makes the required distribution of its income to the primary estate that is not being terminated, instead of to the beneficiaries of the estate, it is proper in the year of closure to treat the income as if it were accumulated by the Iowa ancillary estate. This exception to the general rule relieves the primary estate from the obligation of filing a second fiduciary return, which it would be required to do except for this special rule.

700.6(8) *Computation of the tax due.* The tax due on the taxable income of an estate or trust is computed by using the same tax rate used for computing the individual income tax liability. The provisions of the Iowa Code relating to the maximum net income of an individual before a tax liability is incurred have no application to the tax liability of an estate or trust. The taxable income of a short taxable year is not required to be annualized for the purpose of computing the tax liability. The tax due is to be paid in full within the time prescribed by law, not in installments.

700.6(9) *Credits against the tax.*

a. The personal exemption credit. The estate of a decedent and a trust, whether simple or complex, is allowed the same $40 credit against the tax as allowed for individual taxpayers. The personal exemption credit is not prorated for short taxable years.

b. Credit for tax paid to another state or foreign country. Iowa Code section 422.8 grants Iowa situs trusts and estates of Iowa resident decedents, which have income derived from sources in another state or foreign country, a credit against the Iowa tax for the income tax paid to the state or foreign country where the income was derived. The credit is computed in the same manner as a full-year

resident under rules 701—304.6(422) and 701—304.7(422). Foreign situs trusts and estates of foreign decedents are not allowed a credit against the Iowa tax for the income tax paid another state or foreign country on Iowa source income. Rule 701—304.6(422) as applied to an Iowa situs trust or estate is illustrated by the following example.

EXAMPLE: Decedent A died a resident of Webster City, Iowa, on February 15. Decedent A at the time of death owned income-producing property in both Iowa and Missouri. For the short taxable year ending December 31, A's estate had the following income and expenses:

Interest	$ 5,000.00
Dividends	7,500.00
Iowa farm income	20,000.00
Missouri farm income	10,000.00
Iowa gross income	$ 42,500.00
Less allowable deductions	8,000.00
Iowa taxable income	$ 34,500.00
Iowa computed tax	$ 1,311.00
Less personal credit	40.00
Tax subject to credit for foreign taxes paid	$ 1,271.00
Tentative credit for tax paid to Missouri	$ 413.00
Maximum credit	$ 299.06
Lesser of tentative credit or maximum credit	299.06
Iowa tax due	$971.94

A's estate paid $413 of income tax to the state of Missouri on the $10,000 Missouri farm income. This is A's tentative credit.

The maximum credit on the foreign source income is $604.20, computed as follows:

$$\frac{\text{Foreign income included in gross income } \$10{,}000}{\text{Total Iowa gross income } \$42{,}500} \times \$1{,}271.00^{*} = \$299.06$$

*$1,311 is the Iowa computed tax less the $40 personal credit.

The allowable out-of-state tax credit is $299.06 because the $413 of income tax paid to Missouri (tentative credit) is more than the maximum credit of $299.06. If the Missouri tax paid had been less than the maximum credit, the allowable credit would have been the amount of income tax paid to the state of Missouri.

c. Motor vehicle fuel tax credit.

(1) An estate or trust incurring Iowa motor vehicle fuel tax expense attributable to nonhighway uses may, in lieu of obtaining an Iowa motor vehicle fuel refund, claim as a credit against its Iowa income tax liability the Iowa motor vehicle fuel taxes paid during the taxable year.

(2) A copy of the Iowa motor vehicle fuel tax credit form IA 4136 must be submitted with the fiduciary return of income to substantiate the claim for credit. Any credit in excess of the income tax due shall be refunded to the estate or trust, subject to the right of offset against other state taxes owing.

d. Nonresident/part-year resident credit. The nonresident/part-year resident credit is available for part-year trusts described in subrule 700.3(3) and trusts whose situs is outside Iowa. Rule 701—304.5(422) provides more information on the computation of the nonresident/part-year resident credit allowed for individuals who are either part-year residents of Iowa or nonresidents of Iowa.

e. Other tax credits. All other tax credits set forth in Iowa Code chapter 422, division II, are also available for any estate or trust that meets the criteria for claiming these tax credits. Estates and trusts with a situs in Iowa that are shareholders in S corporations that carry on business within and without Iowa may use the apportionment provisions for S corporation income set forth in 701—Chapter 403.

The criteria to determine whether an S corporation is carrying on business within and without Iowa is set forth in 701—subrule 503.1(4).

This rule is intended to implement Iowa Code sections 422.3 through 422.12, 422.14, 422.23, and 633.471 and chapter 452A.

701—700.7(422) Audits, assessments and refunds. Rules 701—305.1(422) through 701—305.3(422) governing the audit of individual income tax returns, the assessment for tax or additional tax due, and the refund of excessive tax paid also govern the audit of the fiduciary income tax return and the assessment and refund of fiduciary income tax.

This rule is intended to implement Iowa Code sections 422.16, 422.25, 422.30, 422.70, and 422.73.

701—700.8(422) The income tax certificate of acquittance.

700.8(1) *In general.* Iowa Code section 422.27 requires the income tax obligation of an estate or trust to be paid prior to approval of the final report by the court. Iowa Code section 422.27 refers only to the report of the executor, administrator or trustee. In addition, the statute makes reference only to a trustee's final report that is approved by a court. A trust that does not report to and is not subject to the supervision of a court will not be issued a certificate of acquittance. However, the statute's reference to a trustee who must report to the court would also include but not be limited to a referee in partition and the trustee of the estate of an individual bankrupt under Chapter 7 or 11 of Title 11 of the United States Code. What constitutes a trust is a matter of the trust law of the state of situs.

700.8(2) *The application for certificate of acquittance.* The final fiduciary return of income serves as an application for an income tax certificate of acquittance. For a certificate of acquittance to be received, the appropriate box on the final fiduciary return must be checked to request the certificate.

700.8(3) *Requirements for a certificate of acquittance.* The issuance of an income tax certificate of acquittance is dependent upon full payment of the income tax liability of the estate or trust for the period of administration. This includes the obligation to pay composite return tax on distributions of nonresident beneficiaries' Iowa-source income from the estate or trust. In the case of an estate, the income tax liability of the decedent both for prior years and the year of death must be paid to the extent of the probate property subject to the jurisdiction of the court. The probate property must be applied to the payment of the decedent's income tax liability according to the order of payment of an estate's debts and charges specified in Iowa Code section 633.425. If the probate property of the estate is insufficient to pay the decedent's income tax obligation in full, the department, in lieu of a certificate of acquittance, shall issue a certificate stating that the probate property is insufficient to pay the decedent's income tax liability and that the department does not object to the closure of the estate. In the event the decedent's income tax obligation is not paid in full, the closure of the decedent's estate does not release any other person who is liable to pay the decedent's income tax obligation.

700.8(4) *The extent of the certificate.* An income tax certificate of acquittance is a statement from the department certifying that all income taxes due from the estate or trust have been paid in full to the extent of the income and deductions reported to the department. The certificate fulfills the statutory requirements of Iowa Code section 422.27 and the Iowa income tax portion of the requirements of Iowa Code sections 633.477 and 633.479. Providing all other closure requirements are met, the certificate permits the closure of the estate or trust by the court. However, the certificate of acquittance is not a release of liability for any income tax or additional tax that may become due, such as the result of an audit by the Internal Revenue Service or because of additional income not reported. 701—subrule 300.2(1) provides more information on limitations on the period of time to conduct income tax audits.

700.8(5) *Appeals to the director.* A denial of a request for an income tax certificate of acquittance may be appealed. An appeal to the director must be in writing and must be made within

60 days of the denial. 701—Chapter 7 provides more information and governs these appeals to the director.

This rule is intended to implement Iowa Code chapter 17A and sections 421.60, 422.27, 422.28, 633.425, 633.477, and 633.479.

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Regulatory Analysis

Notice of Intended Action to be published: 871—Chapter 69
"Innovative Business Internship Program"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 84A.21
State or federal law(s) implemented by the rulemaking: Iowa Code section 84A.21

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 24, 2026 9:30 a.m.	Microsoft Teams Join the meeting now Meeting ID: 257 962 526 246 10 Passcode: 6uZ9sU68 Dial: +1 469.998.6043 Find a local number Phone conference ID: 486 268 567#

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Iowa Workforce Development Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Rebecca Stonawski
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319
Phone: 515.868.1939
Email: Rebecca.stonawski@iwd.iowa.gov

Purpose and Summary

This proposed rulemaking updates outdated references and removes restrictive terms.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

Iowa employers will bear the costs.

- **Classes of persons that will benefit from the proposed rulemaking:**

Iowa employers and students will benefit.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

Iowa employers may have an administrative cost in applying for and overseeing their Innovative Businesses Internship Program, but these are the same administrative costs as those that existed prior to this update.

- **Qualitative description of impact:**

There is no qualitative impact because these proposed rules are substantially the same as prior to this proposed rulemaking. These updates better align the Department's rules with Iowa Code section 84A.21 and the intended purpose of the Innovative Businesses Internship Program, which is to link Iowa students to small and medium-sized Iowa firms through internship opportunities.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

There are no implementation and enforcement costs, other than the time the Department has spent completing the Red Tape Review.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

This proposed rulemaking makes no changes in costs or benefits. The same administrative costs will exist as previous to these proposed rules.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

No less costly or intrusive methods exist.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

Not applicable.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This proposed rulemaking does not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Amend rule 871—69.1(15) as follows:

871—69.1(~~15~~ 84A) Authority. The authority for adopting rules establishing an innovative businesses internship program is provided in Iowa Code section ~~15.411(4)~~ 84A.21.

ITEM 2. Amend rule 871—69.2(15) as follows:

871—69.2(~~15~~ 84A) Purpose. The purpose of the innovative businesses internship program is to link Iowa students to ~~internship opportunities with innovative~~ small- and medium-sized Iowa firms ~~and to help such students convert their internships into employment~~ through internship opportunities.

ITEM 3. Amend rule 871—69.3(15), parenthetical implementation statute, as follows:

871—69.3(~~15~~ 84A) Definitions.

ITEM 4. Rescind the definition of "Committee" in rule **871—69.3(15)**.

ITEM 5. Amend rule 871—69.4(15), parenthetical implementation statute, as follows:

871—69.4(~~15~~ 84A) Program funding.

ITEM 6. Amend rule 871—69.5(15), parenthetical implementation statute, as follows:

871—69.5(~~15~~ 84A) Eligible business.

ITEM 7. Amend subrule 69.5(1) as follows:

69.5(1) The business is ~~an Iowa-based business with fewer than 500 employees, with a significant portion employed within the state of Iowa.~~ either:

a. An Iowa-based business with fewer than 500 employees, or

b. A business that is not based in Iowa with a significant portion employed within the state of Iowa.

ITEM 8. Amend rule 871—69.6(15), parenthetical implementation statute, as follows:

871—69.6(~~15~~ 84A) Ineligible business.

ITEM 9. Amend subrule 69.6(1) as follows:

69.6(1) A business that is engaged in retail sales, ~~or that provides health services~~ health care, or other businesses requiring a professional license.

ITEM 10. Amend rule 871—69.7(15), parenthetical implementation statute, as follows:

871—69.7(~~15~~ 84A) Eligible students.

ITEM 11. Amend rule 871—69.8(15) as follows:

871—69.8(~~15~~ 84A) Ineligible students. Students who are more than two years from graduation are ineligible. Students who are immediate family members of management employees or board members of the applicant business are ineligible. Students who do not otherwise meet the eligibility requirements described in rule 871—69.7(~~15~~ 84A) are not eligible.

ITEM 12. Amend rule 871—69.9(15), parenthetical implementation statute, as follows:

871—69.9(~~15~~ 84A) Application submittal and review process.

ITEM 13. Amend rule 871—69.10(15), parenthetical implementation statute, as follows:

871—69.10(~~15~~ 84A) Application content and other requirements.

ITEM 14. Amend rule 871—69.11(15) as follows:

871—69.11(~~15~~ 84A) Selection process. Applications will be reviewed in the order received by the department. The director may approve, defer or deny each application for financial assistance based on the availability of funds. The department will score applications according to the criteria specified in rule 871—69.12(~~15~~ 84A). Applications that receive a minimum score of 65 out of a possible 100 points and meet all other eligibility criteria specified in these rules will be considered for funding.

ITEM 15. Amend rule 871—69.12(15), parenthetical implementation statute, as follows:

871—69.12(~~15~~ 84A) Application scoring criteria.

ITEM 16. Amend rule 871—69.13(15), parenthetical implementation statute, as follows:

871—69.13(~~15~~ 84A) Contract and reporting.

ITEM 17. Amend subrule 69.13(4) as follows:

69.13(4) *Contract amendments.* The board does not need to approve a contract amendment. ~~The director may approve contract amendments consistent with Iowa Code section 15.106C.~~

ITEM 18. Amend **871—Chapter 69**, implementation sentence, as follows:

These rules are intended to implement Iowa Code section ~~15.411(4)~~ 84A.21.

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Regulatory Analysis

Notice of Intended Action to be published: 871—Chapter 75
"STEM Internship Program"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 84A.21
State or federal law(s) implemented by the rulemaking: Iowa Code section 84A.21

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 24, 2026 10 a.m.	Microsoft Teams Join the meeting now Meeting ID: 233 442 244 284 2 Passcode: Ke3Eb6jB Dial: +1 469.998.6043 Find a local number Phone conference ID: 104 584 241#

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Iowa Workforce Development Department no later than 4:30 p.m. on March 24, 2026. Comments should be directed to:

Rebecca Stonawski
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319
Phone: 515.868.1939
Email: rebecca.stonawski@iwd.iowa.gov

Purpose and Summary

The purpose of this proposed rulemaking is to clarify the requirements of utilizing the funding of and administering Iowa's Science, Technology, Engineering, and Mathematics (STEM) Internship Program.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

Iowa employers will bear the costs.

- **Classes of persons that will benefit from the proposed rulemaking:**

Iowa employers and students will benefit.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

Iowa employers may have an administrative cost in applying for and overseeing their STEM Internship Program, but these are the same administrative costs that existed before this update.

- **Qualitative description of impact:**

There is no qualitative impact because these proposed rules are substantially the same as prior to this proposed rulemaking. These updates better align the Department's rules with Iowa Code section 84A.21 and the intended purpose of the STEM Internship Program, which is to assist in placing Iowa students studying in the fields of science, technology, engineering, and mathematics into internships that lead to permanent positions with Iowa employers.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

There are no implementation and enforcement costs, other than the time the Department has spent completing the Red Tape Review.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

This proposed rulemaking makes no changes in costs or benefits. The same administrative costs will exist as previous to these proposed rules.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

No less costly or intrusive methods exist.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

Not applicable.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

By updating the rules in Chapter 75, this proposed rulemaking simplifies the chapter.

Text of Proposed Rulemaking

ITEM 1. Amend rule 871—75.1(15,85GA,ch1132,86GA,SF510) as follows:

871—75.1(~~15~~ 84A,85GA,ch1132,86GA,SF510) Authority. The authority for adopting rules establishing a STEM internship program is provided in Iowa Code ~~sections 15.411(5) and 15.106A~~ section 84A.21.

ITEM 2. Amend rule 871—75.2(15,85GA,ch1132,86GA,SF510), parenthetical implementation statute, as follows:

871—75.2(~~15~~ 84A,85GA,ch1132,86GA,SF510) Purpose.

ITEM 3. Amend rule 871—75.3(15), parenthetical implementation statute, as follows:

871—75.3(~~15~~ 84A) Definitions.

ITEM 4. Amend rule **871—75.3(15)**, definition of "Employer," as follows:

"Employer" means any enterprise located in this state that is operated for profit ~~and under a single management~~.

ITEM 5. Adopt the following **new** definition of "Innovative business" in rule **871—75.3(15)**:

"Innovative business" means the same as defined in Iowa Code section 84A.21(1)*"a."*

ITEM 6. Rescind the definition of "Committee" in rule **871—75.3(15)**.

ITEM 7. Amend rule 871—75.4(15,85GA,ch1132,86GA,SF510), parenthetical implementation statute, as follows:

871—75.4(~~15~~ 84A,85GA,ch1132,86GA,SF510) Program funding and disbursement.

ITEM 8. Amend rule 871—75.5(15,85GA,ch1132,86GA,SF510), parenthetical implementation statute, as follows:

871—75.5(~~15~~ 84A,85GA,ch1132,86GA,SF510) Eligible employers.

ITEM 9. Amend subrule 75.5(1) as follows:

75.5(1) The employer is ~~an Iowa-based business and has a significant portion of its employees located within the state of Iowa.~~ either:

a. An Iowa-based business, or

b. A business that is not based in Iowa that has a significant portion of its employees located within the state of Iowa.

ITEM 10. Amend rule 871—75.6(15,85GA,ch1132,86GA,SF510), parenthetical implementation statute, as follows:

871—75.6(~~15~~ 84A,85GA,ch1132,86GA,SF510) Ineligible employers.

ITEM 11. Amend subrule 75.6(1) as follows:

75.6(1) An employer that is a business engaged in retail sales, health care, or other businesses requiring a professional license.

ITEM 12. Amend rule 871—75.7(15,85GA,ch1132,86GA,SF510) as follows:

871—75.7(~~15~~ 84A,85GA,ch1132,86GA,SF510) Eligible students. To be eligible, a person meets the requirements of a "student" as defined in rule 871—75.3(~~15~~ 84A) and is a person who is within one to two years of graduation, has declared a major in a STEM field or is enrolled in a STEM-related academic or degree program at a community college, and is hired for an internship at an Iowa employer during a designated internship period.

ITEM 13. Amend rule 871—75.8(15,85GA,ch1132,86GA,SF510) as follows:

871—75.8(~~15~~ 84A,85GA,ch1132,86GA,SF510) Ineligible students. Students who are more than two years from graduation are ineligible. Students who have not declared a major in a STEM field or are not enrolled in a STEM-related academic or degree program at a community college are ineligible. Students who are immediate family members of management employees or board members of the

applicant employer are ineligible. Students who do not otherwise meet the eligibility requirements described in rule 871—75.7(~~15~~ 84A,85GA,ch1132,86GA,SF510) are ineligible.

ITEM 14. Amend rule 871—75.9(15,85GA,ch1132,86GA,SF510), parenthetical implementation statute, as follows:

871—75.9(~~15~~ 84A,85GA,ch1132,86GA,SF510) Application submittal and review process.

ITEM 15. Amend rule 871—75.10(15,85GA,ch1132,86GA,SF510), parenthetical implementation statute, as follows:

871—75.10(~~15~~ 84A,85GA,ch1132,86GA,SF510) Application content and other requirements.

ITEM 16. Amend rule 871—75.11(15,85GA,ch1132,86GA,SF510) as follows:

871—75.11(~~15~~ 84A,85GA,ch1132,86GA,SF510) Award process. Applications will be reviewed in the order received by the department. The department will attempt to award as many eligible internships as funding allows. However, the department may deny applications for incompleteness or because of insufficient funds. The department will score applications according to the criteria specified in rule 871—75.12(~~15~~ 84A,85GA,ch1132,86GA,SF510). Applications that receive a minimum score of 65 out of a possible 100 points and meet all other eligibility criteria specified in these rules will be considered for funding.

ITEM 17. Amend rule 871—75.12(15,85GA,ch1132,86GA,SF510), parenthetical implementation statute, as follows:

871—75.12(~~15~~ 84A,85GA,ch1132,86GA,SF510) Application scoring criteria.

ITEM 18. Amend rule 871—75.13(15,85GA,ch1132,86GA,SF510), parenthetical implementation statute, as follows:

871—75.13(~~15~~ 84A,85GA,ch1132,86GA,SF510) Contract and reporting.

ITEM 19. Amend **871—Chapter 75**, implementation sentence, as follows:

These rules are intended to implement 2014 Iowa Acts, chapter 1132, section 12, and Iowa Code section ~~15.411(5)~~ 84A.21.

ARC 0102D

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Proposing rulemaking related to practice before mediators and administrative law judges and providing an opportunity for public comment

The State Board of Education hereby proposes to amend Chapter 120, "Early ACCESS Integrated System of Early Intervention Services," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 256B.3(23).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 34 CFR Part 303 (2025).

Purpose and Summary

This proposed rulemaking eliminates a potential source of confusion by removing unnecessary and confusing cross-references to the dispute resolution procedures under Part B of the Individuals with Disabilities Education Act (IDEA). Some, but not all, of the procedures under Part B apply to Part C of IDEA (Early ACCESS). This proposed rulemaking removes references to procedures that do not.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on January 21, 2026. A public hearing was held on the following date(s):

- February 10, 2026

No one attended the public hearing. No public comments were received.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the State Board no later than 4:30 p.m. on March 24, 2026. Comments should be directed to:

Thomas Mayes
Iowa Department of Education
Grimes State Office Building
400 East 14th Street
Des Moines, Iowa 50319

Phone: 515.281.8661
Email: thomas.mayes@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 24, 2026	Room B50
8 to 8:30 a.m.	Grimes State Office Building
	Des Moines, Iowa
	Via videoconference: meet.google.com/nzv-eaed-ttz

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the State Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Amend rule 281—120.811(34CFR303) as follows:

281—120.811(34CFR303) Dispute resolution: practice before mediators and administrative law judges. Unless otherwise provided by this chapter, any mediation conference or due process hearing under Division VI of this chapter shall be conducted according to rules ~~281—41.1000(256B,34CFR300)~~ 281—41.1002(256B,34CFR300), 281—41.1009(17A,256B) through 281—41.1012(17A,256B), and 281—41.1014(17A,256B) through 281—41.1016(~~256B,34CFR300~~ 17A).

ARC 0084D

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Notice of Intended Action

Proposing rulemaking related to organizational structure and advisory opinions and providing an opportunity for public comment

The Iowa Ethics and Campaign Disclosure Board hereby proposes to rescind Chapter 1, "Iowa Ethics and Campaign Disclosure Board," Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 68B.32A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 68A and 68B.

Purpose and Summary

Pursuant to Executive Order 10, the Board proposes to rescind Chapter 1 and adopt a new chapter in lieu thereof. The chapter provides organizational information regarding the Board and the process used to issue advisory opinions.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025. A public hearing was held on the following date(s):

- October 21, 2025

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to Iowa Code section 17A.9A and 7—Chapter 2504.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Board no later than 4:30 p.m. on March 26, 2026. Comments should be directed to:

Kimberly Murphy
Iowa Ethics and Campaign Disclosure Board
510 East 12th Street, Suite 1A
Des Moines, Iowa 50319
Email: kim.murphy2@iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

March 24, 2026 11 to 11:30 a.m.	Via Microsoft Teams meet.google.com/ixy-hbtz-pgq Or dial: 940.242.1362 Passcode: 547 791 510#
March 26, 2026 11 to 11:30 a.m.	Via Microsoft Teams meet.google.com/hpp-udyp-wmx Or dial: 786.577.9483 Passcode: 538 299 136#

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any

individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 351—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1
IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD

351—1.1(68A,68B) General agency description.

1.1(1) *Board established.* The Iowa ethics and campaign disclosure board is established as an independent agency of the executive branch of state government with the authority, powers, and duties set out in Iowa Code chapters 68A and 68B.

1.1(2) *Election of officers.* On an annual basis at the board's first meeting after April 30, the members shall elect a chair and vice chair, and members may be reelected or elected to a different office.

1.1(3) *Board meetings.* Meetings of the board are held at the call of the chair or at the request of at least four board members. Minutes of meetings are available for viewing via the board's website.

1.1(4) *Voting and procedure.* Four board members constitute a quorum for conducting the business of the board. An affirmative vote of four board members is required for a motion to pass. The meetings shall be generally conducted according to rules of parliamentary procedure.

This rule is intended to implement Iowa Code sections 68B.32 and 68B.32A.

351—1.2(68B) Requirements for requesting board advisory opinions.

1.2(1) *Who may request opinion.* Any person subject to the board's jurisdiction may request a board advisory opinion. A governmental entity or local government official or employee not under the board's jurisdiction may request a board advisory opinion on an issue subject to the board's jurisdiction. A person requesting an opinion on the application of the ethics and lobbying laws in Iowa Code chapter 68B as applied to the legislative branch of state government shall be referred to the senate and house ethics committees. The board may on its own motion issue opinions without receiving a formal request.

1.2(2) *Form of request.* The request for an opinion shall be in writing and shall describe the specific transaction, conduct, or activity that the requesting person plans to undertake or is presently undertaking.

1.2(3) *Jurisdiction.* The board will issue opinions pertaining only to Iowa Code chapters 68A and 68B or rules adopted thereunder.

This rule is intended to implement Iowa Code section 68B.32A(12).

351—1.3(68B) Processing of advisory opinion requests; routine administrative advice.

1.3(1) Requests for board advisory opinions shall be sent to the board's legal counsel in writing.

1.3(2) After receiving a qualified opinion request, the board's legal counsel shall prepare a draft opinion for board review. Upon an affirmative vote, the board will issue an advisory opinion. Advice contained in an advisory opinion, if followed, constitutes a defense to a subsequent complaint that is based on the same facts and circumstances.

1.3(3) A person who receives an advisory opinion may, within 30 days after the issuance of the opinion, request modification or reconsideration of the opinion. A request for modification or reconsideration shall be deemed denied unless the board acts upon the request within 60 days of receipt of the request.

1.3(4) Advisory opinions are public records and shall be made available via the board's website.

1.3(5) Nothing in this rule precludes board staff from providing oral or written routine administrative advice when presented with oral or written inquiries from any person.

1.3(6) Nothing in this rule precludes a person who has received routine administrative advice from petitioning for a declaratory order. The board will refuse to issue a declaratory order to a person who has

previously received a board opinion on the same question, unless the requester demonstrates a significant change in circumstances from those in the original opinion.

This rule is intended to implement Iowa Code section 68B.32A(12).

351—1.4(68B) Board member and staff code of ethics.

1.4(1) Making monetary and in-kind contributions to the committees of candidates for Iowa public office is prohibited. However, contributions to candidates for federal office are permitted.

1.4(2) Serving as an officer or member of a candidate's committee of a candidate for Iowa public office is prohibited, whether the service is volunteer or paid.

1.4(3) Making monetary or in-kind contributions to a political committee (PAC) is prohibited. However, contributions to a state party or a county central committee are permitted.

1.4(4) Running for or holding elected public office is prohibited. Running for or serving as an officer or member of any committee defined under Iowa Code chapter 68A is prohibited.

1.4(5) Public personal endorsement of a candidate or publicly taking a position in support of or opposition to a ballot issue is prohibited. This rule does not prohibit a member of the board or staff from making a public personal endorsement of a federal candidate or a federal ballot issue. Members and staff of the board may attend and participate in a presidential caucus.

1.4(6) Serving as a delegate to a county or state political party convention is prohibited.

1.4(7) Except due to service on the board, members of the board shall not be public officials or public employees.

1.4(8) Except due to service on the board, members of the board shall not be registered lobbyists in the state of Iowa.

1.4(9) The prohibitions in this rule shall not apply to the spouse or other family members of a board member or employee of the board. However, actions by a spouse or other family member may create a potential conflict of interest on the part of the board member or employee that may necessitate recusal from a matter pursuant to Iowa Code section 68B.2A.

This rule is intended to implement Iowa Code sections 68B.2A and 68B.32.

ARC 0085D

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Notice of Intended Action

Proposing rulemaking related to public records and fair information practices and providing an opportunity for public comment

The Iowa Ethics and Campaign Disclosure Board hereby proposes to rescind Chapter 2, "Public Records and Fair Information Practices," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 17A and 68B.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A, 68A and 68B.

Purpose and Summary

The Iowa Administrative Procedure Act has long required agencies to adopt rules regarding public records and fair information practices. To satisfy these obligations, the Board promulgated Chapter 2 consistent with the Uniform Rules on Agency Procedure.

However, 2024 Iowa Acts, Senate File 2370, sections 4 and 12, repealed related requirements and enacted a new Iowa Code section, respectively. The new section states that the Administrative Rules Coordinator, in partnership with the Iowa Attorney General's Office, may adopt a new set of uniform

model rules that will automatically apply to agencies in the absence of self-promulgated rules (more information can be found in Iowa Code section 17A.24 as enacted by 2024 Iowa Acts, Senate File 2370).

Accordingly, the Board is proposing to rescind Chapter 2 consistent with the principles of Executive Order 10 as being either unauthorized or unnecessary. The Board will instead operate under the new model rules and other applicable laws.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025. A public hearing was held on the following date(s):

- October 21, 2025

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to Iowa Code section 17A.9A and 7—Chapter 2504.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Board no later than 4:30 p.m. on March 26, 2026. Comments should be directed to:

Kimberly Murphy
Iowa Ethics and Campaign Disclosure Board
510 East 12th Street, Suite 1A
Des Moines, Iowa 50319
Email: kim.murphy2@iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

March 24, 2026 11 to 11:30 a.m.	Via Microsoft Teams meet.google.com/ixy-hbtz-pgq Or dial: 940.242.1362 Passcode: 547 791 510#
March 26, 2026 11 to 11:30 a.m.	Via Microsoft Teams meet.google.com/hpp-udyp-wmx Or dial: 786.577.9483 Passcode: 538 299 136#

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any

individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve **351—Chapter 2**.

ARC 0089D

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Notice of Intended Action

Proposing rulemaking related to campaign disclosure procedures and providing an opportunity for public comment

The Iowa Ethics and Campaign Disclosure Board hereby proposes to rescind Chapter 4, "Campaign Disclosure Procedures," Iowa Administrative Code, and to adopt a new Chapter 4 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 68B.32A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 68A and 68B.

Purpose and Summary

Pursuant to Executive Order 10, the Board proposes to rescind Chapter 4 and adopt a new chapter in lieu thereof. Chapter 4 establishes procedures for campaign disclosure, including organization, requirements related to reporting and financial transactions, requirements for the production of political materials, and penalties.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025. A public hearing was held on the following date(s):

- October 21, 2025

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to Iowa Code section 17A.9A and 7—Chapter 2504.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Board no later than 4:30 p.m. on March 26, 2026. Comments should be directed to:

Kimberly Murphy
Iowa Ethics and Campaign Disclosure Board
510 East 12th Street, Suite 1A
Des Moines, Iowa 50319
Email: kim.murphy2@iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

March 24, 2026 11 to 11:30 a.m.	Via Microsoft Teams meet.google.com/ixy-hbtz-pgq Or dial: 940.242.1362 Passcode: 547 791 510#
March 26, 2026 11 to 11:30 a.m.	Via Microsoft Teams meet.google.com/hpp-udyp-wmx Or dial: 786.577.9483 Passcode: 538 299 136#

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 351—Chapter 4 and adopt the following **new** chapter in lieu thereof:

CHAPTER 4
CAMPAIGN DISCLOSURE PROCEDURES

DIVISION I
ORGANIZATIONAL REQUIREMENTS

351—4.1(68A,68B) Requirement to file statement of organization (DR-1)—persons subject to requirements, financial thresholds, where to file, when due.

4.1(1) *Persons subject to requirement.* Every committee shall file a statement of organization (Form DR-1) within ten days from the date of its organization.

a. "Committee" defined. "Committee" includes the following:

(1) A "candidate's committee" that is the committee, even if the committee consists only of the candidate, designated by a candidate for a state or local office to receive contributions, make expenditures, or incur debts in excess of $1,000.

(2) A "political committee" (PAC), which is a committee that exceeds the $1,000 organizational threshold to expressly advocate the nomination, election, or defeat of candidates or to expressly advocate the passage or defeat of a ballot issue. The board shall automatically classify as a political committee any political organization that loses its status as a political party because it fails to meet the requirements of Iowa Code section 43.2 and any county central committee that operated under the former political party.

(3) A "state statutory political committee" (state central committee or state party), "county statutory political party" (county central committee), or "city statutory political committee" (city central committee).

(4) A person or entity that registers for purposes of using the short form "paid for by" attribution statement pursuant to rule 351—4.11(68A).

b. When organization occurs; financial thresholds. At the latest, organization occurs as of the date the committee first exceeded $1,000 of financial activity (aggregate of monetary and in-kind activity) in a calendar year.

c. Permanent organizations temporarily engaging in political activity. A permanent organization that makes a one-time contribution in excess of $1,000 may in lieu of filing a statement of organization follow the procedure in rule 351—4.35(68A). A permanent organization that makes loans to a candidate or committee or that is owed debts from a candidate or committee is not deemed to be engaging in political activity requiring registration.

d. Independent expenditure committee. An independent expenditure committee or a sole individual making an independent expenditure by filing either Form IE-O or Form IE-I is not required to file a statement of organization.

4.1(2) *Place of filing.* Statements of organization shall be filed through the board's electronic filing system, which can be accessed through the board's website.

4.1(3) *Time of filing.* A committee shall file the statement with the board on or before 4:30 p.m. on the due date. If the due date falls on a Saturday, Sunday, or holiday on which the board office is closed, the filing deadline is extended to the next working day when the board office is open.

4.1(4) *"Candidate" defined.* For purposes of the board's jurisdiction, "takes affirmative action" includes making a public announcement of intention to seek nomination or election, making any expenditure or accepting any contribution for nomination or election, distributing petitions for signatures for nomination, filing nomination papers or an affidavit of candidacy, or being nominated by any convention process set out by law.

This rule is intended to implement Iowa Code sections 68A.201 and 68A.401.

351—4.2(68A,68B) Information required: committee name.

4.2(1) *Committee's full name required.* The statement of organization shall include the full name of the committee. A committee using an abbreviation or acronym as part of the committee name shall provide with the statement of organization a written explanation of the full word or words that are abbreviated or that form the acronym.

4.2(2) *Duplication of name prohibited.* The committee name shall not duplicate the name of another committee organized under Iowa Code chapter 68A. A committee duplicating the name of another organized committee shall choose a new committee name upon notification from the board. A candidate who files an amended statement of organization to reflect a change in office sought shall not be required to change the name of the candidate's committee unless the committee's name duplicates the name of another organized committee. A committee shall not duplicate the name of a dissolved committee for a period of ten years after the dissolved committee is dissolved, except when the candidate for both committees is the same individual.

4.2(3) *Candidate's surname required in committee name.* A candidate filing a statement of organization shall include the candidate's surname within the committee name.

This rule is intended to implement Iowa Code section 68A.201.

351—4.3(68A,68B) Information required—committee purpose, party affiliation.

4.3(1) *Committee purpose.* An organized committee shall identify the purpose of the committee on the statement of organization. The purpose shall be indicated in part by designating the committee as one of the following types of committees:

a. A candidate's committee for a statewide or legislative candidate or a judge standing for retention. This type of committee is referred to as a state candidate's committee.

b. A political committee that expressly advocates for or against candidates at the state level, referred to as a state PAC.

c. A state statutory political committee, referred to as a state central committee or state party.

d. A county statutory political committee, referred to as a county central committee.

e. A candidate's committee for a candidate seeking county office, referred to as a county candidate's committee.

f. A candidate's committee for a candidate seeking city office, referred to as a city candidate's committee.

g. A candidate's committee for a candidate seeking school board or other political subdivision office except for a county or city office. This type of committee is referred to as a school board or other political subdivision candidate's committee.

h. A political committee that expressly advocates for or against candidates for county office, referred to as a county PAC.

i. A political committee that expressly advocates for or against candidates for city office, referred to as a city PAC.

j. A political committee that expressly advocates for or against candidates for school board or other political subdivision except for county or city candidates. This type of committee is referred to as a school board or other political subdivision PAC.

k. A political committee that expressly advocates for the passage or defeat of a ballot issue, franchise election, or referendum. This type of committee is referred to as a ballot issue committee.

4.3(2) *Party affiliation.* Each candidate's committee shall designate the political affiliation of the candidate unless the candidate is running for nonpartisan office. A committee, except a candidate's committee, shall designate that it is either established to expressly advocate the election or defeat of candidates or the passage or defeat of a ballot issue.

This rule is intended to implement Iowa Code section 68A.201.

351—4.4(68A,68B) Information required—officers, committee information, signatures.

4.4(1) *Committee officers.* The committee shall disclose on the statement of organization the name, mailing address, and telephone number of each officer the committee is required to appoint. Each candidate's committee shall appoint a treasurer who shall be an Iowa resident and at least 18 years of age. Every other committee shall appoint a separate treasurer and chairperson, each of whom shall be at least 18 years of age. The committee may appoint other officers not required by statute without restriction on residency or age, and the committee is not required to disclose these officers. Except for a candidate's committee, every committee shall either have an Iowa resident as treasurer or shall maintain all of the committee's funds in bank accounts in a financial institution in Iowa.

4.4(2) *Committee address and telephone number.* The address and telephone number of the candidate as indicated on the statement of organization shall be the official address and telephone number to be used for communication from the board to the candidate's committee. The address and telephone number of the committee chairperson as indicated on the statement of organization shall be the official address and telephone number to be used for communication from the board to every other committee except for a candidate's committee. If an electronic mail address has been provided on the statement of organization, communication from the board to a committee shall be sent by electronic mail.

4.4(3) *Signatures.* A statement of organization filed electronically using the board's electronic filing system is deemed signed when filed.

This rule is intended to implement Iowa Code section 68A.201.

351—4.5(68A,68B) Segregation and timely deposit of funds; information required—identification of financial institution, account name; notice to treasurer.

4.5(1) *Segregation and deposit of funds.* All committee funds shall be maintained in a financial institution and shall be segregated from any other funds held by a candidate, officer, member, or

associate of the committee. The committee treasurer shall deposit all contributions within seven days of receipt by the treasurer in an account maintained by the committee.

4.5(2) *Exceptions from segregation of committee funds.* A candidate's committee that receives contributions only from the candidate is not required to maintain a separate account. A permanent organization temporarily engaging in activity that qualifies it as a political committee that uses existing general operating funds and does not solicit or receive funds from other sources for campaign purposes is not required to maintain a separate account.

4.5(3) *Identification of financial institution and account.* The committee shall disclose on the committee's statement of organization the name and mailing address of all financial institutions in which committee funds are maintained. The committee shall also disclose the name and type of all accounts in which committee funds are maintained, and the name of any such account shall be the same as the committee name on the statement of organization.

4.5(4) *Notice to treasurer.* Any person who receives contributions for a committee shall render the contributions to the treasurer within 15 days of receipt and provide the committee treasurer with the reporting information required by Iowa Code section 68A.203(2).

This rule is intended to implement Iowa Code sections 68A.201 and 68A.203.

351—4.6(68A,68B) Amendments to statement of organization; requirement for new statement of organization for new office sought.

4.6(1) *Amendment within 30 days.* If there is a change in any of the information disclosed on a statement of organization, the committee shall file an amended statement within 30 days of the change.

4.6(2) *New office sought.* A candidate who filed a statement of organization for one office but then seeks another office at an alternative level of government or a candidate who filed a statement of organization for a state office but then seeks an alternative state office may be required to dissolve the candidate's original committee and file a new statement of organization. A candidate not required to file a new statement of organization when seeking another office must file an amended statement of organization to reflect the change in office sought.

4.6(3) *Campaign reports.* A candidate filing a new or amended statement of organization pursuant to this rule shall continue to file the required campaign reports regardless of whether the $1,000 financial filing threshold for the new or amended office has been exceeded.

This rule is intended to implement Iowa Code section 68A.201.

DIVISION II
REPORTING AND FINANCIAL TRANSACTION REQUIREMENTS

351—4.7(68A,68B) Disclosure reporting required; information on initial report; minimum filing if no activity.

4.7(1) *Disclosure reporting required.* Every committee that has filed a statement of organization under Iowa Code section 68A.201 and rule 351—4.1(68A,68B), has exceeded the financial activity threshold set out in Iowa Code section 68A.102(5) or 68A.102(18) prior to the cutoff date for reporting campaign transactions, or has made an independent expenditure shall file a campaign disclosure report pursuant to Iowa Code section 68A.402. Form IE-O shall serve as a campaign disclosure report for an independent expenditure committee. Form IE-I shall serve as a campaign disclosure report for a sole individual making an independent expenditure.

4.7(2) *Information on initial report.* The first disclosure report filed by a committee shall include the financial information covering the period from the beginning of the committee's financial activity through the end of the current reporting period.

4.7(3) *Funds available from prior committee.* If funds are available to a candidate's committee from a prior candidacy of that candidate, or to a ballot issue committee from a prior effort on a ballot issue, and the prior candidacy or effort had not exceeded the financial reporting threshold, the carryover balance shall be disclosed by the new committee. The disclosure shall be made on Schedule A - Contributions and shall include the amount of the carryover, the date of the prior election, and the name

and address of any source that made contributions to the candidacy or ballot effort that totaled more than $1,000 during the preceding three calendar years.

4.7(4) *Funds available from preballot issue activity.* Funds that are raised for an activity that is not included in the definition of a ballot issue and that are made available to a subsequent ballot issue committee shall be disclosed by the committee. The disclosure shall be made on Schedule A - Contributions and shall include the amount of the carryover balance, the date of the preballot issue activity, and the name and address of any source that made contributions to the activity that totaled more than $1,000 during the previous three calendar years.

4.7(5) *No financial activity during reporting period.* A committee that did not have any financial activity during the reporting period for which a disclosure report is due shall be required to file only Form DR-2. However, if the committee had previously disclosed debts or loans, those obligations shall again be disclosed on either Schedule D - Incurred Indebtedness or Schedule F - Loans Received and Repaid, as appropriate, and the schedule or schedules shall be included with Form DR-2. A candidate's committee that has reportable campaign property under Iowa Code section 68A.304 shall disclose the property on Schedule H - Campaign Property and the schedule shall be included with Form DR-2.

This rule is intended to implement Iowa Code section 68A.402.

351—4.8(68A,68B) Disclosure reporting required—where reports filed.

4.8(1) *Place of filing.* Disclosure reports shall be filed through the board's electronic filing system.

4.8(2) *Reports made available.* The board shall make available all statements and reports in an electronic format.

This rule is intended to implement Iowa Code sections 68A.401 and 68A.402.

351—4.9(68A) Campaign disclosure report due dates.

4.9(1) *Statewide office, general assembly, judge standing for retention.* A candidate's committee for statewide office or the general assembly or a judge standing for retention shall file campaign disclosure reports as follows:

a. Election year.

Report due	Covering period
May 19	January 1 through May 14
July 19	May 15 or Wednesday preceding primary election* through July 14
October 19	July 15 through October 14
January 19 (next calendar year)	October 15 or Wednesday preceding general election* through December 31 of election year

b. Supplementary report.

Report due	Covering period
Friday preceding primary election*	May 15 through Tuesday preceding primary election*
Friday preceding general election*	October 15 through Tuesday preceding general election*

*If supplementary report required. See subrule 4.9(2).

c. Nonelection year.

Report due	Covering period
January 19 (next calendar year)	January 1 through December 31 of nonelection year

d. Special election.

Report due	Covering period
Five days preceding the election*	Date of initial activity through tenth day prior to the special election

This report is in addition to the election year reports required under paragraph 4.9(1)"a."*

4.9(2) *Statewide office or general assembly—supplementary reports.* In addition to reports required under subrule 4.9(1), a supplementary report is required if contributions received during the period beginning on the date of initial financial activity, or the day after the period covered by the last report, as

applicable, through the Tuesday preceding the primary or general election equal or exceed the following thresholds:

Office sought	Contribution threshold
Governor	$10,000 or more
Other statewide office	$5,000 or more
General assembly	$1,000 or more

4.9(3) *County candidate.* A candidate's committee for county office shall file campaign disclosure reports as follows:

a. Election year.

Report due	Covering period
May 19	January 1 through May 14
July 19	May 15 through July 14
October 19	July 15 through October 14
January 19 (next calendar year)	October 15 through December 31 of election year

b. Nonelection year.

Report due	Covering period
January 19 (next calendar year)	January 1 through December 31 of nonelection year

c. Special election.

Report due	Covering period
Five days preceding the election*	Date of initial activity through tenth day prior to the special election

This report is in addition to the election year reports required under paragraph 4.9(3)"a."*

4.9(4) *City candidate.* A candidate's committee for city office shall file campaign disclosure reports as follows:

a. Election year.

Report due	Covering period
Five days before primary election	Date of initial activity through ten days before primary election
Five days before general election	Nine days before primary election through ten days before general election
Five days before runoff election*	Nine days before the general election through ten days before the runoff election
January 19 (next calendar year)	Cutoff date from previously filed report through December 31

*If a runoff election is held.

b. Nonelection year.

Report due	Covering period
January 19 (next calendar year)	January 1 through December 31 of nonelection year

c. Special election.

Report due	Covering period
Five days preceding the election*	Date of initial activity through tenth day prior to the special election

This report is in addition to the election year reports required under paragraph 4.9(4)"a."*

4.9(5) *School board or other political subdivision.* A candidate's committee for school board or other political subdivision office, except for county office or city office, shall file campaign disclosure reports as follows:

a. Election year.

Report due	Covering period
Five days before election	Date of initial activity through ten days before election
January 19 (next calendar year)	Nine days before election through December 31

b. Nonelection year.

Report due	Covering period

January 19 (next calendar year)	January 1 through December 31 of nonelection year

c. Special election.

Report due	Covering period
Five days preceding the election*	Date of initial activity through tenth day prior to the special election

This report is in addition to the election year reports required under paragraph 4.9(5)"a."*

4.9(6) *State statutory political committee (state political party).* A state statutory political committee shall file campaign disclosure reports as follows:

a. Election year.

Report due	Covering period
May 19	January 1 through May 14
July 19	May 15 through July 14
October 19	July 15 through October 14
January 19 (next calendar year)	October 15 through December 31 of election year

b. Nonelection year.

Report due	Covering period
January 19 (next calendar year)	January 1 through December 31 of nonelection year

4.9(7) *County statutory political committee (county central committee).* A county statutory political committee shall file campaign disclosure reports as follows:

a. Election year.

Report due	Covering period
May 19	January 1 through May 14
July 19	May 15 through July 14
October 19	July 15 through October 14
January 19 (next calendar year)	October 15 through December 31 of election year

b. Nonelection year.

Report due	Covering period
January 19 (next calendar year)	January 1 through December 31 of nonelection year

4.9(8) *State political committee (state PAC).* A PAC expressly advocating the nomination, election, or defeat of candidates for statewide office or the general assembly or a judge standing for retention shall file campaign disclosure reports as follows:

a. Election year.

Report due	Covering period
May 19	January 1 through May 14
July 19	May 15 through July 14
October 19	July 15 through October 14
January 19 (next calendar year)	October 15 through December 31 of election year

b. Nonelection year.

Report due	Covering period
July 19	January 1 through June 30
January 19 (next calendar year)	July 1 through December 31

4.9(9) *County political committee (county PAC).* A PAC expressly advocating the nomination, election, or defeat of candidates for county office shall file campaign disclosure reports as follows:

a. Election year.

Report due	Covering period
May 19	January 1 through May 14
July 19	May 15 through July 14

October 19	July 15 through October 14
January 19 (next calendar year)	October 15 through December 31 of election year

b. Nonelection year.

Report due	Covering period
January 19 (next calendar year)	January 1 through December 31 of nonelection year

4.9(10) *City political committee (city PAC).* A PAC expressly advocating the nomination, election, or defeat of candidates for city office shall file campaign disclosure reports as follows:

a. Election year.

Report due	Covering period
Five days before primary election	Date of initial activity through ten days before primary election
Five days before general election	Nine days before primary election through ten days before general election
Five days before runoff election*	Nine days before the general election through ten days before runoff election
January 19 (next calendar year)	Cutoff date from previously filed report through December 31

*If a runoff election is held.

b. Nonelection year.

Report due	Covering period
January 19 (next calendar year)	January 1 through December 31 of nonelection year

4.9(11) *School board or other political subdivision political committee (school board or other local PAC).* A PAC expressly advocating the nomination, election, or defeat of candidates for school board or other political subdivision office, except for county office or city office, shall file campaign disclosure reports as follows:

a. Election year.

Report due	Covering period
Five days before election	Date of initial activity through ten days before election
January 19 (next calendar year)	Nine days before election through December 31

b. Nonelection year.

Report due	Covering period
January 19 (next calendar year)	January 1 through December 31 of nonelection year

4.9(12) *Statewide or local ballot issue committee (ballot issue PAC).* A PAC expressly advocating the passage or defeat of a statewide or local ballot issue shall file campaign disclosure reports as follows:

a. Election year.

Report due	Covering period
Five days before election	Date of initial activity or previous report through ten days before election
May 19	Date of initial activity or previous report through May 14
July 19	Date of initial activity or previous report through July 14
October 19	Date of initial activity or previous report through October 14
January 19 (next calendar year)	Cutoff date from previously filed report through December 31

b. Nonelection year.

Report due	Covering period
January 19 (next calendar year)	January 1 through December 31 of nonelection year

4.9(13) *Permanent organizations.* A permanent organization temporarily engaging in political activity shall organize a political committee and shall keep the funds relating to that political activity segregated from its operating funds. The committee shall file reports on the applicable due dates as required by this rule. The reports shall identify the source of the original funds used for a contribution made to a candidate or a candidate's committee. When the permanent organization ceases to be involved in the political activity, the permanent organization shall dissolve the political committee.

"Permanent organization" means an organization that is continuing, stable, and enduring, and was originally organized for purposes other than engaging in election activities.

4.9(14) *"Election year" defined.* "Election year" means a year in which the name of the candidate or ballot issue appears on a ballot to be voted on by the electors of the state of Iowa. For state and county statutory political committees, "election year" means a year in which primary and general elections are held.

4.9(15) *Independent expenditure reporting.* An independent expenditure committee that is required to file campaign disclosure reports shall file an initial report at the same time as the committee files its original independent expenditure statement. Form IE-O shall serve as a campaign disclosure report for an independent expenditure committee. Form IE shall serve as a campaign disclosure report for an individual making an independent expenditure.

This rule is intended to implement Iowa Code section 68A.402.

351—4.10(68A) Time of filing. A report must be filed with the board on or before 4:30 p.m. on the due date. If the due date falls on a Saturday, Sunday, or holiday on which the board office is closed, the due date is extended to the first working day when the board office is open.

This rule is intended to implement Iowa Code sections 68A.401(1) and 68A.402.

351—4.11(68A) Voluntary registration—Form DR-SFA.

4.11(1) *Voluntarily registering a committee.* A committee that has not exceeded the $1,000 financial filing threshold may file Form DR-SFA for purposes of using the short form "paid for by" attribution statement prior to distributing the published material containing the short form attribution statement.

4.11(2) *Threshold later exceeded.* A person filing Form DR-SFA shall not be required to file a statement of organization or be required to file disclosure reports unless the $1,000 threshold is later exceeded. A committee that fails to timely file a statement of organization or to timely file disclosure reports after exceeding the $1,000 threshold may be subject to board sanctions.

4.11(3) *Subsequent elections.* A person who filed Form DR-SFA for one election and then becomes involved in a subsequent election and wants to voluntarily register a committee shall file a new or amended Form DR-SFA that provides information concerning the new election.

This rule is intended to implement Iowa Code sections 68A.201 and 68A.405.

351—4.12(68A,68B) Exemption from reporting requirement—reports due within five days of one another. When two disclosure reports are due from the same committee within five days of each other, the activity may be combined into one report. A committee choosing this option shall file a report on or before the second due date that covers the extended reporting period.

This rule is intended to implement Iowa Code section 68A.402.

351—4.13(68A,68B) Report forms—summary page (DR-2) and supporting schedules.

4.13(1) *Additional information.* The board may require committees to submit relevant information not specifically delineated in Iowa Code chapter 68A where the disclosure report form asks for information.

4.13(2) *Reporting forms.* The disclosure reports shall be submitted using the forms provided in the board's electronic filing system. The forms include:

a. DR-2 — Disclosure Summary Page.
b. Schedule A — Monetary Receipts.
c. Schedule B — Monetary Expenditures.
d. Schedule C — (Reserved).
e. Schedule D — Incurred Indebtedness.
f. Schedule E — In-kind Contributions.
g. Schedule F — Loans Received and Repaid.
h. Schedule G — Consultant Activity.
i. Schedule H — Campaign Property.

4.13(3) *Special information required for city, school, or local ballot issue elections.* Committees expressly advocating the election or defeat of a candidate for city or school public office or expressly advocating the passage or defeat of a local ballot issue shall indicate in the designated spaces on the report summary page the date that the election is to be held, the period covered by the disclosure report, and the county responsible for conducting the election.

4.13(4) *Independent expenditure disclosures.* Form IE-O shall serve as a campaign disclosure report for an independent expenditure committee. Form IE shall serve as a campaign disclosure report for an individual making an independent expenditure.

This rule is intended to implement Iowa Code sections 68A.402A and 68A.404.

351—4.14(68A,68B) Schedule A - Monetary Receipts.

4.14(1) *Reporting of all monetary receipts; chronological listing.* The committee shall report the amounts of all monetary receipts that are accepted by the committee during the reporting period. If a contribution is returned to a contributor prior to the end of the reporting period and is not deposited into the committee's bank account, the contribution is deemed to have been rejected and shall not be reported. A contribution that is physically received and either deposited into the committee's account or not returned by the end of the reporting period is deemed to have been accepted. The schedule entries shall be listed in chronological order by the date on which the contribution was received.

4.14(2) *Date of contribution—date received.* The schedule shall include the month, day, and year that the contribution was physically received by a person on behalf of the committee. If the contribution is by check, the date of the contribution to be reported is the date the check is physically received by a person on behalf of the committee, even if this date is different from the date shown on the check. For contributions received by mail, the date of the contribution to be reported shall be the date that the recipient physically opens the envelope.

4.14(3) *Name and address of contributor; joint accounts.* The schedule shall include the name and address of each person who has made one or more contributions of money to the committee if the aggregate amount of contributions (either monetary or in-kind) received from that person in the calendar year exceeds $25, except that the itemization threshold is $200 for a state statutory political committee and $50 for a county statutory political committee. In the case of a contribution by check, the contributor name on the disclosure report shall be the name shown as the account name on the account, except that if the check is on a joint account, the contribution shall be presumed to be from the person who signs the check.

4.14(4) *Unitemized contributions through freewill donations.* If the committee does not choose to itemize all contributions under the threshold provided in Iowa Code section 68A.402A, it shall aggregate these contributions, report the aggregate amount as unitemized, and affirm that all aggregated contributions do not individually exceed the threshold. The "date received" to be reported for a freewill donation is the date a representative of the committee takes possession of the proceeds of the collection.

4.14(5) *Relationship to candidate.* In the case of contributions to candidates' committees, the schedule shall include information indicating whether the contributor is related to the candidate within the third degree of consanguinity or affinity.

4.14(6) *Relationship to candidate—definitions.* For purposes of this rule:

"Affinity" means a relative through a current marriage. A husband has the same relation, by affinity, to his wife's blood relatives as she has to them by consanguinity and vice versa.

"Consanguinity" means a relative through descent from common ancestors.

"Degree of kinship" is determined by counting upward from one of the persons in question to the nearest common ancestor, and then down to the other person, calling it one degree for each generation in the ascending as well as the descending line.

4.14(7) *Relationship to candidate—example.* Under this rule, a woman's sister is related to her by consanguinity in the second degree. The sister is thus related to the woman's husband by affinity in the second degree. Other examples of relationships within the third degree between a contributor and a candidate would be the following: children and stepchildren (first degree); siblings and half-siblings (second degree); grandparents (second degree); grandchildren (second degree); aunts and uncles (third

degree); nieces and nephews (third degree); great-grandparents (third degree) and great-grandchildren (third degree), all irrespective of whether the blood relationship is to the candidate or to the candidate's spouse.

4.14(8) *ID number and check number.* If a contribution to a statewide or general assembly candidate or a judge standing for retention is from a state political committee (state PAC) or state party committee, the candidate receiving the contribution shall include on the candidate's disclosure report the board-assigned identification number of the contributing committee and the check number by which the contribution was made.

4.14(9) *Fundraiser income.* Contributions arising from the sale of goods or services at a fundraising event shall be designated by marking the indicated space on the schedule.

4.14(10) *Interest and other monetary receipts other than contributions.* If the monetary receipt is not a "contribution," the name and address of the source of the funds shall be identified in the space provided for the name and address of "contributor," with a notation as to the purpose of the payment, such as "bank interest."

4.14(11) *Reverse entries—refunds.* If a committee determines to decline or otherwise return a contribution after it has been deposited, the committee may issue a refund to the contributor, which shall be reported on Schedule A as a reverse entry, reducing the monetary receipts.

This rule is intended to implement Iowa Code section 68A.402.

351—4.15(68A,68B) Schedule B - Monetary Expenditures.

4.15(1) *Date expended.* The committee shall report the amounts of all itemized expenditures (expenditures of $5 or more) made by the committee for the reporting period chronologically by the date expended. The date of the expenditure is the date the check is issued. The month, day, and year of the expenditure shall be provided.

4.15(2) *Name and address of recipient.* The schedule shall include the name and address of each person to whom disbursements, other than loan repayments, were made during the reporting period. (Loan repayments shall be reported on Schedule F.)

4.15(3) *Purpose of expenditure.* The schedule shall include a description of the purpose of each disbursement. The description shall be a clear and concise statement that specifically describes the transaction which has occurred. The following general terms are examples of descriptions that are not acceptable: "expenses," "reimbursement," "candidate expense," "services," "supplies," and "miscellaneous expense." The following are examples of acceptable descriptions: "printing—candidate yard signs," "printing—PAC membership solicitation letter," "mailing—candidate brochures," "reimbursement for candidate lodging to attend campaign event," or "mileage reimbursement—150 miles @ 25¢ per mile." A combined description is not acceptable unless sufficient information is provided so that the cost of separate purposes can be discerned, for example, "printing and mailing of 1,000 brochures."

4.15(4) *Miscellaneous (unitemized) expenses.* Notwithstanding the other provisions of this rule, disbursements of less than $5 may be shown as "miscellaneous expenses" for the period so long as the aggregate miscellaneous disbursements to any one person during a calendar year do not exceed $100. If a committee chooses to itemize expenditures that are less than the required itemization threshold, it may do so, but shall either do so for all expenditures or none of the expenditures under the threshold.

4.15(5) *Candidate ID number and committee check number—transactions between committees registered with the board.* If a contribution is made by one Iowa-registered committee to another, the committee making the contribution shall include on the committee's disclosure report the board-assigned identification number of the recipient candidate's committee and the check number by which the contribution was made.

4.15(6) *Check transactions required.* All disbursements, including all expenditures and any other withdrawals from committee funds, shall be by check or debit card. Cash withdrawals and "petty cash" accounts are not permitted. Committees' activities that necessitate cash drawers or other cash transactions shall be conducted and reported as provided by rule 351—4.36(68A,68B).

4.15(7) *Reverse entries—refunds.* If a committee receives a refund of all or part of a disbursement previously made, the committee shall report the refund on Schedule B as a reverse entry, reducing the monetary expenditures. The purpose should include an explanation as to why the refund was made.

4.15(8) *Interest paid; bank charges.* Although repayments of loan principal are reported on Schedule F (more information can be found in rule 351—4.18(68A,68B)), interest payments on loans shall be reported on Schedule B. Bank service charges and fees (e.g., monthly service fees, costs for check printing, returned check charges) shall also be reported and identified on Schedule B.

This rule is intended to implement Iowa Code section 68A.402.

351—4.16(68A,68B) Schedule D - Incurred Indebtedness.

4.16(1) *Reporting of debts and obligations other than monetary loans.* The committee shall report all debts and obligations owed by the committee that are in excess of the thresholds in subrule 4.14(3). This applies to any unpaid debt or obligations incurred by the committee for the purchase of a good or service, either as a debt or obligation owed to the immediate provider of the good or service, or as a debt or obligation owed to an individual who initially personally paid for the good or service on behalf of the committee with the expectation of ultimately receiving reimbursement from the committee. This does not include monetary loans, which shall be reported on Schedule F.

4.16(2) *Date incurred; balance owed.* The committee shall report the amounts of all indebtedness owed by the committee at the end of the reporting period chronologically by the date incurred. The date the debt or obligation is incurred is the date on which the committee committed to obtaining the good or service underlying the obligation and shall be reported using the month, day, and year. This date may be earlier than the date the provider of the good or service issues a bill to the committee. For example, if the committee places a printing order, but the printer does not issue a bill until some time after the order is placed, the date that shall be reported as the date the debt was incurred is the date the order is placed, not the date the bill was issued. If the precise amount of the final bill is not known by the time the report is due, the committee shall provide its best estimate as to what the obligation will be, with an indication "(e)" that the amount reported is an estimate. Debts and obligations incurred and reported in a prior reporting period but that remain unpaid as of the end of the current reporting period shall be included, showing the remaining balance on the obligation. Payments of all or part of a previously reported obligation shall be reported on Schedule D.

4.16(3) *Name and address of person to whom the debt or obligation is owed.* The schedule shall contain the name and address of each person to whom an obligation is owed. If the obligation is owed to an individual who initially personally paid for the good or service on behalf of the committee with the expectation of ultimately receiving reimbursement from the committee, the original nature of the obligation shall be provided; the name and address of the original provider of the good or service shall also be provided, unless the nature of the obligation indicates that the obligation is for the anticipated reimbursement for mileage or postage stamps.

4.16(4) *Nature of obligation.* The schedule shall include a description of the nature of each obligation. The description shall be a clear and concise statement that specifically describes the transaction that has occurred. Examples of general terms that are not acceptable are included in subrule 4.15(3).

This rule is intended to implement Iowa Code section 68A.402.

351—4.17(68A,68B) Schedule E - In-kind Contributions.

4.17(1) *Reporting of all in-kind contributions; chronological listing.* The committee shall report the amounts of all in-kind contributions that are accepted by the committee during the reporting period in chronological order by the date on which the contribution is received.

4.17(2) *Date of contribution—date received.* The schedule shall include the month, day, and year on which the in-kind contribution was provided to the committee.

4.17(3) *Name and address of contributor.* The schedule shall include the name and address of each person who has made one or more in-kind contributions to the committee if the aggregate amount of contributions (either monetary or in-kind) received from that person in the calendar year exceeds $25,

except that the itemization threshold is $200 for a state statutory political committee and $50 for a county statutory political committee.

4.17(4) *Relationship to candidate.* In the case of in-kind contributions to candidates' committees, the schedule shall include information indicating whether the contributor is related to the candidate within the third degree of consanguinity or affinity as defined in subrule 4.14(5).

4.17(5) *Description of in-kind contribution; loaned equipment as in-kind contribution.*

a. The schedule shall include a description of the good or service contributed to the committee in kind. The description shall be a clear and concise statement that specifically describes the transaction that has occurred. Examples of general terms that are not acceptable are included in subrule 4.15(3).

b. A committee's use of equipment owned by another organization, committee, or individual is reportable as an in-kind contribution. Equipment includes but is not limited to computers, copy machines, office space, and printers.

4.17(6) *Fair market value.* The committee shall report the actual value of the good or service rendered. However, if the actual value is unknown, the committee may use the estimated fair market value.

4.17(7) *Fundraiser item.* Goods or services contributed in kind for sale at a fundraising event shall be designated by marking the indicated space on the schedule.

4.17(8) *Unitemized in-kind contributions.* Notwithstanding the other provisions of this rule, in-kind contributions with a fair market value less than the itemization threshold noted in subrule 4.17(3) may be reported as "unitemized in-kind contributions."

This rule is intended to implement Iowa Code section 68A.402.

351—4.18(68A,68B) Schedule F - Loans Received and Repaid.

4.18(1) *Reporting of monetary loans (not debts and obligations for goods and services).* The committee shall report all loan activity made to or repaid by the committee during the reporting period. This applies to any loan of money that is deposited into the committee's accounts. However, other debts and obligations owed for the provision of goods or services to the committee (that are not monetary advances) shall be reported on Schedule D.

4.18(2) *Report of lump sum of unpaid loans carried over from last report.* The schedule shall contain a beginning entry of the total unpaid loans as of the last report. Loans received and itemized on prior reports should not be re-itemized on the current report, except as necessary to indicate repayment activity.

4.18(3) *Date received.* The schedule shall include the month, day, and year the loan was physically received by a person on behalf of the committee. If the loan was by check, the date of the loan to be reported is the date the check is physically received by a person on behalf of the committee, even if this date is different from the date shown on the check.

4.18(4) *Date paid.* Full or partial loan repayments made by the committee shall be reported using the month, day, and year. The date of the repayment is the date the check is issued. Full or partial loan repayments shall be shown on this schedule and should not be reported on Schedule B. However, loan interest payments shall be reported on Schedule B (more information can be found in rule 351—4.15(68A,68B)) and not on Schedule F. Loans that are forgiven in full or in part are considered in-kind contributions and shall be itemized on Schedule E, with a cross-reference entry in the space provided on Schedule F.

4.18(5) *Name and address of lender.* The schedule shall include the name and address of each person who has made one or more loans of money to the committee during the reporting period, or to whom the committee makes a loan repayment during the reporting period. When the original source of the money is a third party (such as a bank that loans money to an individual who loans it to the committee) or if a third party has personally paid and assumed a loan from the original lender (such as an individual who pays off the loan to the bank with the expectation of receiving the loan repayment from the committee), the report shall also identify the name and address of the third party.

4.18(6) *Relationship to candidate.* In the case of monetary loans to candidates' committees, the schedule shall include information indicating whether the lender is related to the candidate within the third degree of consanguinity or affinity, as defined in subrule 4.14(5).

This rule is intended to implement Iowa Code section 68A.402.

351—4.19(68A) Schedule G - Breakdown of Monetary Expenditures by Consultants.

4.19(1) *Reporting consultant expenditures.* A committee that enters into a contract with a consultant for future or continuing performance shall be required to report expenditures made to the consultant and the nature of the performance of the consultant that is expected to be received by the committee. A committee is required to report in Part 1 of Schedule G any contracts with consultants that it has negotiated, the complete name and address of the consultant, the period of time during which the contract is in effect, and estimates of performance to be derived from the contract. Expenditures made to the consultant during a reporting period shall be reported with all other expenditures on Schedule B, and debts incurred with the consultant during the reporting period shall be reported with all other debts on Schedule D. Additionally, a detailed breakdown of the expenditures made by the consultant in furtherance of the contract with the committee shall be reported by the committee in Part 2 of Schedule G and shall include the date, purpose, and amount of the expenditure. The description of the purpose of the expenditure shall be consistent with the provisions of subrule 4.15(3).

4.19(2) *Definitions.* For purposes of this rule:

"Contract" means an oral or written agreement between two parties for the supply or delivery of specific services in the course of the campaign.

"Estimate of performance" means a clear description of the services the committee reasonably expects to receive or the benefit the committee reasonably expects to derive during the period of the contract.

"Nature of performance" means a clear description of the specific services received or benefit derived as the result of a contract with a consultant.

"Performance" means the execution or fulfillment of the contractual agreement.

This rule is intended to implement Iowa Code sections 68A.102(9) and 68A.402A.

351—4.20(68A,68B) Schedule H - Campaign Property.

4.20(1) *Ongoing inventory.* Equipment, supplies, or other materials purchased with campaign funds or received in kind are campaign property. Campaign property, other than consumable campaign property, with a value of $500 or more when acquired by the committee shall be listed on the inventory section of Schedule H. The property shall be listed on each report until it is disposed of by the committee or its residual value falls below $100, so long as the property is listed with a value of less than $100 on the report immediately following its depreciation below that threshold. For in-kind contributions, the date received shall be the date on which the committee attained physical possession of the property. The committee shall provide the month, day, and year of the purchase or attainment of physical possession. The schedule shall include the purchase price of property purchased by the committee and the actual or estimated fair market value of property received as an in-kind contribution, as well as the actual or estimated current fair market value of the property at the end of the current reporting period.

4.20(2) *"Consumable campaign property" defined.* "Consumable campaign property" means stationery, yard signs, and other campaign materials that have been permanently imprinted to be specific to a candidate or election. For consumable campaign property purchased by the committee, the date purchased shall be the earlier of the date the committee attained physical possession of the property or the date the committee issued payment for the property.

4.20(3) *Sales or transfers of campaign property.* Schedule H shall include information regarding the sale or transfer of campaign property, other than consumable campaign property, that occurred during the current reporting period. The information shall include the month, day, and year of the transaction; the name and address of the purchaser or donee; and a description of the property. If the property is sold, the information shall include the sale price received; if the property is donated, the information shall include the fair market value of the property at the time of the transfer.

This rule is intended to implement Iowa Code sections 68A.304 and 68A.402.

351—4.21(68A) Filing of reconciled bank statement. A candidate, a committee, an independent expenditure committee, or a sole individual filing Form IE-I may be required to submit a copy of a bank statement including a reconciliation to justify outstanding checks and other discrepancies between the ending balance on the bank statement and the ending balance on a statement or report when requested to do so by the board. The board may impose sanctions against a person for failing to file a requested reconciled bank statement.

This rule is intended to implement Iowa Code sections 68A.402A and 68B.32A(4).

351—4.22(68A,68B) Verification of reports; incomplete reports.

4.22(1) Board staff will review and audit each disclosure report. The board may contact other parties to verify the accuracy and completeness of the reports. The board may contact a representative of the committee and other parties to determine the authenticity of information provided on filed reports.

4.22(2) If, upon review, board staff determines that a report is incomplete because required information has been omitted or has been incorrectly reported, staff shall communicate the deficiencies. A failure to satisfactorily respond to or to remedy the error or omission may be grounds for a violation of Iowa Code section 68A.402 as a failure to file a report that conforms to the requirements of Iowa law.

This rule is intended to implement Iowa Code sections 68A.402 and 68B.32A.

351—4.23(68A,68B) Amendment—statements, disclosure reports and notices. A committee may amend a previously filed statement of organization, disclosure report, or notice of dissolution. To amend a previously filed statement, report, or notice, the committee shall file an amended document on the approved form and shall designate on the form in the space provided, if applicable, that the document being filed is an amendment to a previously filed statement, report, or notice. The term "amended document" as used in this rule shall mean a document on forms issued by the board that includes only the information that is being added, deleted, or changed.

This rule is intended to implement Iowa Code section 68A.402.

351—4.24(68A) Reporting of state party building fund transactions.

4.24(1) *Reporting requirements.* Pursuant to Federal Election Commission Advisory Opinion 2004-28, the board will permit a state statutory political committee (state party committee) to receive contributions from corporations, insurance companies, and financial institutions when those contributions are placed in the state party building fund account and used to pay for costs associated with the building, and all transactions involving the fund are disclosed pursuant to this rule.

4.24(2) *Period covered.* A state party building fund report shall cover the time period from January 1 through December 31 of the previous year.

4.24(3) *Information to be disclosed.* The following information shall be disclosed on a state party building fund report:

a. The name and address of the state party committee.

b. The name and address of each person or entity making a contribution in excess of $200, or contributions in the aggregate that exceed $200, during the period covered. If no contributions were received, the report shall disclose $0 as contributions received.

c. The month, day, year, and the amount of the contribution. If aggregate contributions from one person or entity exceed $200, the amount to be disclosed shall be the total amount received from that person or entity for the period covered, and the date shall be the date of the last contribution.

d. The total amount of all contributions of $200 or less received during the period covered, which may be disclosed as being received from "unitemized" with the date of the contribution being the last day of the reporting period. If a fund chooses to itemize contributions that are less than the required itemization threshold, it may do so but shall either do so for all contributions or none of the contributions under the threshold.

e. The name and mailing address of each person or entity to whom an expenditure that exceeds $200 is made, or expenditures in the aggregate that exceed $200 during the period covered. If no expenditures were made from the fund, the report shall disclose $0 as expenditures made.

f. The month, day, and year and the amount of the expenditure. If aggregate expenditures that exceed $200 are made to one person or entity, the amount shall be the total amount made to that person for the period covered and the date shall be the date of the last expenditure.

g. The total amount of all expenditures of $200 or less made during the period covered, which may be disclosed as being expended to "unitemized" with the date of the expenditure being the last day of the reporting period. If the fund chooses to itemize expenditures that are less than the required itemization threshold, it may do so, but shall either do so for all expenditures or none of the expenditures under the threshold.

h. The signature and date of the individual filing the state party building fund report.

4.24(4) *Time of filing.* A state party building fund report shall be filed no later than January 31 of each year. If January 31 falls on a weekend or holiday on which the board office is closed, the due date shall be extended to the next working day when the board office is open.

4.24(5) *Failure to file.* If the board determines a state party committee has failed to timely file a state party building fund report, the state party committee is subject to board sanctions.

This rule is intended to implement Iowa Code sections 68A.402A(1)*"k"* and 68A.503.

351—4.25(68A,68B) Legitimate expenditures of campaign funds.

4.25(1) Expenses that may be paid from campaign funds for campaign purposes include but are not limited to the following items, so long as the items are for the sole purpose of promoting or enhancing the candidacy of the candidate:

a. Electronic media advertising, such as radio, television, and Internet.

b. Printed advertising, such as newspaper, magazine, newsletter, and shopper advertising.

c. Printed promotional materials, such as brochures, flyers, invitations, stationery, envelopes, reply cards, return envelopes, campaign business cards, direct mailings, buttons, stickers, bumper stickers, pencils, pens, balloons, notepads, magnets, key chains, and articles of clothing that include political advertising.

d. Campaign signs, such as yard signs, car signs, and billboards.

e. Travel and lodging expenses of campaign workers for campaign purposes and political party activities. Travel and lodging expenses for a candidate to attend a national political party convention are also permitted.

f. Contributions to political party committees.

g. The purchase of tickets to a meal for the candidate and one guest. However, the purchase or rental of clothing to attend an event is not a permissible campaign expenditure.

h. General campaign expenditures, such as printing; mailing; office supplies; photographs; gambling permits; fundraiser prizes; and telephone, Internet, and computer services.

i. Purchase or lease of campaign equipment, such as copy machines, telephones, computer hardware, software, and printers.

j. Purchase or lease of campaign office space, parking lots, or storage space and payment for campaign office utilities and maintenance.

k. Payment of salaries, fringe benefits, bonuses, and payroll taxes of paid campaign staff. Family members who perform actual work or services for a campaign and are not the candidate, candidate's spouse, or candidate's dependent children may be compensated for such work or services.

l. Payment for check printing and financial institution banking service charges. Banking service charges include but are not limited to the costs of maintaining a committee bank account.

m. Lease or rental of a campaign vehicle, provided that a detailed trip log that provides dates, miles driven, destination, and purpose is maintained. Noncampaign miles shall be reimbursed to the committee at an amount not to exceed the current rate of reimbursement allowed under the standard mileage rate for computations of business expenses pursuant to the Internal Revenue Code. The purchase of a campaign vehicle is prohibited.

n. Reimbursement to candidates and campaign workers for mileage driven for campaign purposes in a personal vehicle, provided that a detailed trip log that provides dates, miles driven, destination and purpose is maintained. Reimbursement shall be paid at an amount not to exceed the current rate of reimbursement allowed under the standard mileage rate for computations of business expenses pursuant to the Internal Revenue Code.

o. Payment for food expenses and supplies for campaign-related activities, such as the purchase of food, beverages, and table service for fundraising events or campaign volunteers. However, except as provided in paragraph 4.25(1)*"h,"* the purchase of tickets for meals or fundraising events for other candidates is prohibited, and the purchase of groceries for the candidate or candidate's family is also prohibited. Payment for meals for the candidate is permitted as an allowable expenditure for campaign purposes if the meal was associated with campaign-related activities.

p. Payment of civil penalties and hearing costs assessed by the board.

q. Payment for the services of attorneys, accountants, consultants, or other professional persons when those services relate to campaign activities.

r. Subscriptions to newspapers and periodicals that circulate within the area represented by the office that a candidate is seeking or holds that contain information of a general nature about the state or political subdivision, and subscriptions that contain information useful to all candidates, such as those to national news outlets.

s. Membership in service organizations, including a local chamber of commerce.

t. Repayment of loans made to the committee. Candidates who make loans to their own committees shall not charge interest on the loans.

u. Purchase of reports of other candidates and political committees so long as the reports' contents are not used for solicitation or commercial purposes.

v. Donations to charitable organizations unless the candidate or the candidate's spouse, child, stepchild, brother, brother-in-law, stepbrother, sister, sister-in-law, stepsister, parent, parent-in-law, or stepparent is employed by the charitable organization and will receive a direct financial benefit from the donation.

w. Contributions to federal, state, county, and city political party committees.

x. Refunds to contributors when a contribution has been accepted in error or when a committee chooses to dispose of leftover funds by refunding them in prorated shares to contributors.

y. Payment for items with a purchase price not to exceed $250 per person that are presented to committee workers in recognition of services to the committee.

z. Expenses incurred with respect to an election recount as provided in Iowa Code section 50.48.

aa. The sharing of information in any format, such as yard sign locations, email lists, or lists of registered voters, with another candidate's committee.

4.25(2) Expenses that may be paid from campaign funds for educational and other expenses associated with the duties of office include but are not limited to the following items:

a. Purchase or lease of office supplies and equipment, such as paper, copy machines, telephones, facsimile machines, computer hardware, software, and printers.

b. Travel, lodging, and registration expenses associated with attendance at an educational conference of a state, national, or regional organization whose memberships and officers are primarily composed of state or local government officials or employees.

c. Meals and other expenses incurred in connection with attending a local meeting to which the officeholder is invited and attends due to the officeholder's official position as an elected official.

d. Purchases of small, incidental items such as pencils, pens, rulers, and bookmarks provided to members of the public touring the offices of the state or a political subdivision. Such items, if intended for distribution on public property, shall not expressly advocate the election or defeat of a candidate or the adoption or defeat of a ballot issue as prohibited in Iowa Code section 68A.505. For example, a bookmark bearing the state seal could be distributed on public property, while a bookmark that identified the donor as a candidate for office could not.

e. Gifts purchased for foreign dignitaries when the officeholder is part of an official trip out of the country, such as a trade mission or exchange program.

f. Printing of additional stationery and supplies above the standard allotment of the state or political subdivision.

4.25(3) Expenses that may be paid from campaign funds for constituency services include but are not limited to the following items:

a. Mailings and newsletters sent to constituents, including holiday and other greeting cards.

b. Polls and surveys conducted to determine constituent opinions.

c. Travel expenses incurred in communicating with members of an elected official's constituency, provided that a detailed trip log with dates, miles driven, destination, and purpose is maintained. Mileage reimbursement shall be paid at an amount not to exceed the current rate of reimbursement allowed under the standard rate for computations of business expenses pursuant to the Internal Revenue Code. However, meal expenses are not allowable as expenses associated with constituency services under any circumstances.

This rule is intended to implement Iowa Code sections 68A.301, 68A.302, and 68A.303.

351—4.26(68A) Transfers between candidates.

4.26(1) *Transfer of assets between different candidates.* A candidate's committee may transfer an asset to a candidate's committee established by a different candidate so long as the recipient committee pays the transferring committee the fair market value of the asset and the transaction is properly disclosed on each committee's disclosure report.

4.26(2) *Transfer of assets for same candidate.* A candidate's committee may transfer funds, assets, loans, and debts to a committee established for a different office when the same candidate established both committees. A candidate seeking to transfer funds, assets, loans, or debts under this rule shall file either an amended statement of organization disclosing information for the new office sought or register a new committee regardless of whether the $1,000 financial filing threshold for the new office will be exceeded.

This rule is intended to implement Iowa Code section 68A.303.

351—4.27(68A) Independent expenditure requirements.

4.27(1) *Filing of independent expenditure statement.* Any person except a candidate, a committee filing a statement of organization, a federal committee, or an out-of-state committee that makes one or more independent expenditures in excess of $1,000 in the aggregate shall file Form IE-O. A sole individual making one or more independent expenditures in excess of $1,000 in the aggregate shall file Form IE-I. A committee that has registered by filing a statement of organization shall disclose an independent expenditure on the appropriate campaign disclosure report.

4.27(2) *Independent expenditure reporting.* When applicable under Iowa Code section 68A.404 and this rule, Form IE-O shall be filed by a person and Form IE-I shall be filed by a sole individual. Both forms shall be filed electronically within 48 hours of making the independent expenditure exceeding $1,000 in the aggregate or within 48 hours of disseminating the communication, whichever is earlier. An independent expenditure is deemed made at the time the cost is incurred regardless of whether or not the costs have been billed.

4.27(3) *Failure to file.* Failure to timely file either independent expenditure form shall be subject to the imposition of civil penalties pursuant to subrule 4.59(7).

4.27(4) *Attribution statement applicable.* Any person who makes an independent expenditure in any amount shall comply with the appropriate "paid for by" attribution statement requirements pursuant to Iowa Code section 68A.405 and rule 351—4.38(68A).

This rule is intended to implement Iowa Code section 68A.404.

351—4.28(68A) Contributions and independent expenditures by foreign nationals.

4.28(1) *Prohibition.* A foreign national shall not, directly or indirectly, make a contribution to a candidate or to a committee organized under Iowa Code chapter 68A. Foreign nationals are also prohibited from making independent expenditures in relation to any state or local election in Iowa.

4.28(2) *Acceptance of campaign contributions and donations from foreign nationals.* No person shall knowingly accept or receive a campaign contribution from a foreign national. No person shall

knowingly accept a monetary donation from a foreign national for purposes of making an independent expenditure.

4.28(3) *Participation by foreign nationals in decisions involving election-related activity.* A foreign national shall not, directly or indirectly, participate in the decision-making process of any person with regard to such person's campaign-related activities, including making contributions, donations, or expenditures in connection with elections for state or local office, ballot issues, or decisions involving the administration of a committee.

This rule is intended to implement Iowa Code section 68A.404(2)*"c."*

351—4.29(68A,68B) Contributions by minors. Persons under 18 years of age may make contributions to a candidate or political committee if all of the following conditions exist:

4.29(1) The decision to contribute is made knowingly and voluntarily by the minor;

4.29(2) The funds, goods, or services contributed are owned or controlled exclusively by the minor, such as income earned by the minor, the proceeds of a trust for which the minor is the beneficiary, or a savings account opened and maintained exclusively in the minor's name; and

4.29(3) The contribution is not made from the proceeds of a gift, the purpose of which was to provide funds to be contributed, or is not in any other way controlled by another person.

This rule is intended to implement Iowa Code section 68A.404.

351—4.30(68A,68B) Funds from unknown source prohibited; subsequent identification of source; notice to contributors.

4.30(1) *Anonymous contributions in excess of $25 prohibited.* No person shall make a contribution in excess of $25 to a committee without providing the person's name and address to the committee.

4.30(2) *Escheat to the state.* Any contribution in excess of $25 from an unknown source or campaign funds in excess of $25 that cannot be accounted for and reconciled shall escheat to the state of Iowa. A committee required to escheat shall do so by depositing the funds into the committee's campaign account and issuing a committee check to "State of Iowa" in the same amount. The committee check shall be sent to the board office for processing and transfer to the office of the treasurer of state, which shall deposit the check into the general fund.

4.30(3) *Subsequent identification of source.* A committee discovering the source of any funds that have been escheated to the state may make an application to the board for a return of the funds if the following requirements are met:

a. The committee has not dissolved;

b. Documentation of the name and address of the source is provided;

c. The amount requested to be returned is in excess of $100; and

d. The application is made within 90 days of the date of the deposit in the general fund of the state of Iowa.

4.30(4) *Notice at fundraising event.* A person requested to make a contribution at a fundraising event shall be advised that it is illegal to make a contribution in excess of $25 unless the person making the contribution also provides the person's name and address. Notice may be made orally or in a written statement that is displayed at the fundraising event.

This rule is intended to implement Iowa Code section 68A.501.

351—4.31(68A) Information required for contributions from a trust.

4.31(1) *Prohibition on contributions in the name of another.* A contribution to a committee by a trustee solely in the name of the trust constitutes a contribution in the name of another person prohibited by Iowa Code section 68A.502 unless the recipient committee publicly discloses the contribution as provided in this rule.

4.31(2) *Living or revocable trust.* If the contribution involves a trust identified as a revocable trust or a living trust that does not file a separate trust tax return and whose federal tax ID number is the same as the social security number of the grantor who creates the trust and who is also a trustee, the contribution shall be reported by the recipient committee as being made by the "(name) revocable (or living) trust."

4.31(3) *Other trusts.* For a contribution involving a trust that does not qualify under subrule 4.31(2), the recipient committee shall identify the trust, the trustee, and the trustor.

4.31(4) *Registering a committee.* A trust, except for a living or revocable trust, that raises or spends more than $1,000 for campaign activities shall register a PAC and shall file disclosure reports. A trust, except for a living or revocable trust, that makes a one-time contribution in excess of $1,000 may file Form DR-OTC in lieu of filing a statement of organization and filing disclosure reports.

This rule is intended to implement Iowa Code sections 68A.402(6) and 68A.502.

351—4.32(68A) Contributions from political committees not organized in Iowa.

4.32(1) *Definition.* Iowa committees may receive contributions from committees organized outside Iowa provided the out-of-state committee complies with either subrule 4.32(2) or 4.32(3). For purposes of this rule, "out-of-state committee" means a committee that is registered with the campaign enforcement agency of another state or is registered with the Federal Election Commission. For purposes of this rule, "contribution" does not include an item purchased at fair market value from an Iowa committee.

4.32(2) *Regular filings.* Out-of-state committees may choose to comply with the regular disclosure filing requirements in Iowa Code sections 68A.201 and 68A.402 by filing a statement of organization and periodic disclosure reports.

4.32(3) *Verified statement of registration.* In lieu of regular filings referenced in subrule 4.32(1), the out-of-state committee shall file with the board a verified statement registration form (VSR) for each contribution in excess of $50. The VSR shall contain the following information:

a. The complete name, mailing address, email address, and telephone number of the out-of-state committee;

b. The state or federal agency with which the out-of-state committee is registered;

c. All parent entities or other affiliates or sponsors of the out-of-state committee;

d. The purpose of the out-of-state committee;

e. The name, mailing address, email address, and telephone number of an Iowa resident authorized to receive service on behalf of the out-of-state committee;

f. The name and mailing address of the Iowa recipient committee;

g. The date and amount of the contribution, including description if the contribution is in-kind; and

h. An attested statement that the jurisdiction with which the out-of-state committee is registered has reporting requirements substantially similar to those of Iowa Code chapter 68A. The statement shall include confirmation that the contribution is made from an account that does not accept contributions prohibited by Iowa Code section 68A.503 unless the contribution from the out-of-state committee is made to an Iowa ballot issue committee.

4.32(4) *When filed.* The VSR shall be filed with the board on or before the fifteenth day after the date of the contribution. For purposes of this rule, "date of the contribution" means the day, month, and year the contribution check is dated. If the board deems it necessary, a copy of any contribution check may be required to be filed within ten days after notice by the board.

4.32(5) *Enhanced filing.* An out-of-state committee determining that the jurisdiction under which the committee is registered does not have reporting requirements substantially similar to those of Iowa Code chapter 68A may choose to comply by enhancing the committee's filing in the other jurisdiction. The enhanced filing shall meet the reporting requirements of Iowa Code chapter 68A for the reporting period during which contributions to Iowa committees are made. The report shall cover a period of at least one month. An out-of-state committee choosing this option shall comply with the VSR procedures in subrule 4.32(3) and affirm that the report has been enhanced to satisfy the Iowa reporting requirements.

This rule is intended to implement Iowa Code section 68A.201A.

351—4.33(68A) Reporting of earmarked contributions. A political committee or a political party committee is permitted to receive a contribution that is earmarked to be donated to another committee. A political committee or political party committee receiving and transferring an earmarked contribution

is required to list on its disclosure report the name of the contributor and the name of the candidate or committee for which the contribution is earmarked. The political committee or political party committee shall notify the recipient committee in writing of the name of the individual contributor and the name of the committee that originally received the contribution. The committee ultimately receiving the earmarked contribution shall disclose on its disclosure report both the name of the individual contributor and the name of the committee that originally received and then transferred the earmarked contribution. A ballot issue committee is not permitted to transfer earmarked contributions except to another ballot issue committee.

This rule is intended to implement Iowa Code section 68A.402.

351—4.34(68A) Copies of reports filed by 527 committees. If a 527 committee notifies the board that it is filing reports with the Internal Revenue Service, the 527 committee will be deemed in compliance with Iowa Code section 68A.401A. The board will then share a link on its website to the reports filed with the Internal Revenue Service or otherwise post the Internal Revenue Service reports on its website.

This rule is intended to implement Iowa Code section 68A.401A.

351—4.35(68A) Permanent organizations forming temporary political committees; one-time contributor filing Form DR-OTC.

4.35(1) *Form DR-OTC.* A permanent organization that makes a one-time contribution in excess of $1,000 to a committee may, in lieu of filing a statement of organization, disclosure reports, and a notice of dissolution, file Form DR-OTC. The following information shall be disclosed on Form DR-OTC:

a. The name and address of the organization making the contribution.

b. The name and address of a contact person for the organization.

c. The name and address of the committee receiving the contribution. If the contribution is to a candidate or a candidate's committee, the source of the original funds used to make the contribution shall be disclosed.

d. The date and amount of the contribution. If the contribution is an in-kind contribution, a description of the provided goods or services must be included.

e. The date of election and the county in which the recipient committee is located if the committee is a county or local committee.

f. The date and signature of the person filing Form DR-OTC. A Form DR-OTC that is filed electronically using the board's website is deemed signed when filed.

4.35(2) *Multiple contributions.* A permanent organization that makes more than one contribution in a calendar year is not eligible to file Form DR-OTC and is required to file a statement of organization and disclosure reports if the contributions cross the financial threshold requiring committee registration.

4.35(3) *Time of filing.* Form DR-OTC shall be filed with the board on or before 11:59 p.m. on the tenth day after the one-time contribution in excess of $1,000 is made. If the tenth day falls on a day on which the board office is closed, the filing deadline is extended to the next working day when the board office is open.

4.35(4) *Failure to register.* If the board discovers that a permanent organization has become subject to the provisions of Iowa Code chapter 68A but did not timely file a statement of organization or file Form DR-OTC, as applicable, the permanent organization may be subject to board sanctions.

4.35(5) *Partial refund of contribution.* A committee that receives a contribution from a permanent organization that causes the organization to become subject to the provisions of Iowa Code chapter 68A may refund all or part of a contribution to the organization so as to reduce the contribution to $1,000 or less and eliminate the organization's filing obligations.

This rule is intended to implement Iowa Code sections 68A.102(18) and 68A.402.

351—4.36(68A) Cash transactions. All disbursements, including all expenditures and any other withdrawals from committee funds, shall be by check, debit card, or credit card. Cash withdrawals and "petty cash" accounts are not permitted. If a fundraising activity necessitates a cash drawer, the committee may issue a check payable to the committee treasurer or chairperson registered with the board or the candidate. The purpose of the expenditure shall be reported on Schedule B as "cash advance for

(describe activity, e.g., concession stand cash drawer).” Upon completion of the fundraising activity, the committee shall redeposit the same amount as that which was advanced into the committee account. The redeposit shall be reported as a reverse entry on Schedule B as a “redeposit of cash advance for (describe activity).” The proceeds of the fundraising activity (excluding the cash advance) shall be reported on Schedule A.

This rule is intended to implement Iowa Code sections 68A.203 and 68A.402A.

351—4.37(68A,68B) Recordkeeping.

4.37(1) *Copies of reports.* A committee shall preserve a copy of every report it files for at least three years following the filing of the report.

4.37(2) *Supporting documentation.*

a. The documentation that supports a committee’s disclosure report shall be preserved by the committee for at least five years after the due date of the report; however, a committee is not required to preserve these records for more than three years from the certified date of dissolution of the committee. At a minimum, the supporting documentation shall consist of all of the following:

b. A ledger or similar recordkeeping device that details all contributions received by the committee. This record shall include the name and address of each person making a contribution in excess of $25 with the corresponding date and amount of the contribution. In lieu of or in addition to a ledger, the committee may record contributions received through a receipt book or other method of individually documenting the contributions, such as by making and keeping copies of the contribution checks.

c. The check register for the committee’s account(s).

d. Bank statements for the committee’s account(s).

e. Copies of canceled or duplicate checks for committee expenditures, if available.

f. Copies of bills or receipts for committee expenditures.

g. For committees that pay reimbursement for committee-related mileage, copies of vehicle mileage logs, including travel dates, distance driven, and travel purpose (description of event or activity). For a candidate’s committee that leases a vehicle, the mileage log shall detail all mileage driven on the vehicle, including non-committee-related mileage.

4.37(3) *Records forwarded.* An officer of a committee who is replaced by another officer shall forward within seven days any committee records to the subsequently appointed or elected committee officer. The board may grant an extension of time for good cause. Failure to forward records pursuant to this rule may subject the former officer to board sanctions.

This rule is intended to implement Iowa Code sections 68A.203, 68A.302, 68A.402, 68A.403 and 68B.32A.

DIVISION III
POLITICAL MATERIAL—ATTRIBUTION STATEMENTS

351—4.38(68A) Political attribution statement.

4.38(1) *Required content.* Published material that expressly advocates for or against a clearly identified candidate or ballot issue shall contain a statement identifying the person paying for the published material. This statement is referred to as the “attribution statement.”

4.38(2) *Registered committee.* If the person paying for the published material is a committee that has filed a statement of organization, the words “paid for by” and the name of the committee shall appear on the material. An independent expenditure committee is not a registered committee.

4.38(3) *Individual, married couple, or unregistered candidate’s committee.* If the person paying for the published material is an individual, the words “paid for by” and the name and address of the individual shall appear on the material. Published material that is jointly paid for by a married couple shall include the words “paid for by” and the name and address of one member of the married couple. For purposes of this rule, “individual” includes a candidate who has not filed a statement of organization to register a committee.

4.38(4) *Multiple individuals.* If more than one individual paid for the published material, the words "paid for by" and the names and addresses of the individuals shall be included.

4.38(5) *Organization or unregistered political committee.* If the person paying for the published material is an organization, the words "paid for by," the name and address of the organization, and the name of one officer of the organization shall appear on the material. For purposes of this rule, "organization" includes an organization advocating the passage or defeat of a ballot issue but that has not filed a statement of organization to register a political committee.

4.38(6) *Corporations.* If the person paying for the published material is a corporation, the words "paid for by," the name and address of the corporation, and the name and title of the corporation's chief executive officer shall appear on the material.

4.38(7) *Independent expenditures.* A person, including a sole individual, making an independent expenditure shall provide the attribution statement according to the appropriate category under this rule. The attribution statement shall also include a statement that the published material was not authorized by any candidate, candidate's committee, or ballot issue committee.

This rule is intended to implement Iowa Code section 68A.405.

351—4.39(68A) Specific items exempted from or subject to attribution statement requirement; multiple pages.

4.39(1) *Items exempted from requirement.* The requirement to place a "paid for by" attribution statement does not apply to the following:

a. Editorials or news articles of a media organization that are not paid advertisements.

b. Small items upon which the inclusion of the attribution statement would be impracticable, such as bumper stickers, pins, buttons, pens, pencils, emery boards, matchbooks and, except as set out in subrule 4.39(2), other items that are smaller than 2 inches by 4 inches.

c. T-shirts, caps, and other articles of clothing that expressly advocate for or against a candidate or ballot issue.

d. Radio advertisements, live telephone calls, or autogenerated telephone messages.

e. Published material placed by an individual who acts independently and spends $100 or less of the individual's own resources to expressly advocate the passage or defeat of a ballot issue.

4.39(2) *Items subject to requirement.* The requirement to place a "paid for by" attribution statement applies to published material. The term "published material" means any newspaper, magazine, shopper, outdoor advertising facility, poster, direct mailing, brochure, website, campaign sign, television, video, or motion picture advertising. "Published material" includes all of the following:

a. Advertising in a newspaper, magazine, shopper, or other periodical. An attribution statement shall be included regardless of the size of the material.

b. Mailings and handouts. Direct mailings, flyers, brochures, postcards, or any other form of published material that is physically distributed and that is larger than 2 inches by 4 inches and not otherwise exempt in this rule shall include an attribution statement.

c. Campaign websites. A blog that is not owned or controlled by a candidate or committee is not required to include an attribution statement disclosing who paid for the costs of the blog, but a political advertisement on a blog is required to include the appropriate attribution statement disclosing who paid for the advertisement.

d. Campaign signs. Campaign signs smaller than 32 square feet on one side shall be exempt from the attribution statement requirement. However, a campaign sign placed on a building or vehicle shall contain the appropriate attribution statement regardless of the size of the sign.

e. Television, video, and motion picture advertising. The attribution statement shall be displayed on the advertisement in a clearly readable manner for at least four seconds.

f. Printed or electronic general public political advertising. For purposes of this rule, "printed or electronic general public political advertising" means a communication that is distributed by a candidate, candidate's committee, PAC, state or county statutory political committee, or a person making an independent expenditure that:

(1) Includes express advocacy,

(2) Is distributed to 100 or more individuals, and

(3) Costs more than $1,000 in the aggregate.

4.39(3) *Multiple pages.* If the published material consists of more than one page, the "paid for by" attribution statement need only appear on one page of the material. For a campaign website, the attribution statement need only appear on the homepage of the site. A notepad need only include the attribution statement on the pad and not on each individual page of the pad.

This rule is intended to implement Iowa Code section 68A.405.

351—4.40(68A,68B) Newspaper or magazine. "Newspaper or magazine" means a regularly scheduled publication of news, articles of opinion, and features available to the general public, including by paid subscription, that does not require membership in or employment by a specific organization.

This rule is intended to implement Iowa Code section 68A.405.

351—4.41(68A,68B) Apparent violations; remedial action.

4.41(1) *Administrative resolution.* In an effort to informally resolve apparent violations of the requirement to place a "paid for by" attribution statement, the board may order administrative resolution of the matter. The board may direct the person responsible for placing the original published political material that did not include the attribution statement to place a correction notice in a local newspaper that reaches the same or substantially the same portion of the public that received the original published political material. A person may also resolve a violation of the "paid for by" attribution statement by resending corrected published political material to the same portion of the public that received the original published political material and by filing a copy of the corrected material with the board.

4.41(2) *Form of correction notice.* The correction notice shall be in substantially the following form: "On (date) (describe the type of published political material) was distributed that did not state who paid for it. The (describe the type of published political material) was paid for by (insert name)."

4.41(3) *Refusal to place correction notice.* The board may initiate a contested case proceeding and impose discipline against any person who refuses to place a correction notice under this rule.

This rule is intended to implement Iowa Code sections 68A.405 and 68B.32A(8).

351—4.42 and **4.43** Reserved.

DIVISION IV
CORPORATE POLITICAL ACTIVITY

351—4.44(68A,68B) Prohibited corporate activity.

4.44(1) The prohibition on corporate political activity does not apply to any of the following:

a. An LLC, LLP, or any other organization that does not file articles of incorporation and is not owned in whole or in part by a corporation.

b. Monetary or in-kind campaign contributions to a ballot issue committee.

c. Independent expenditure communications.

d. A committee using a corporate entity computer to generate and file a campaign disclosure statement or report.

4.44(2) For purposes of this rule, prohibited corporate activity shall include but not be limited to the following:

a. The physical placement of campaign materials on corporate property except as permitted under Iowa Code sections 68A.406 and 68A.503.

b. The use of motor vehicles, telephone equipment, computers, office space, duplicating equipment and supplies, stationery, envelopes, labels, postage, postage meters, or other communication systems of corporate entities.

c. The use of corporate entity facilities, premises, recreational facilities, and housing that are not ordinarily available to the general public.

d. The furnishing of beverages and other refreshments that cost in excess of $50 and that are not ordinarily available to the general public.

e. Contributing money of the corporate entity.

f. Any other transaction conducted between a corporate entity and a candidate, candidate's committee, political committee that expressly advocates for or against candidates, or a political party committee. Such transaction is presumed to be a corporate contribution unless it is sufficiently demonstrated to the board that the transaction should not be considered a prohibited contribution under Iowa Code section 68A.503.

This rule is intended to implement Iowa Code section 68A.503.

351—4.45(68A,68B) Corporate-sponsored political committee. These rules do not prevent a corporate entity from soliciting eligible members to join or contribute to its own corporate-sponsored PAC.

This rule is intended to implement Iowa Code section 68A.503.

351—4.46 Reserved.

351—4.47(68A,68B) Permitted corporate activity—reimbursement required. Notwithstanding subrule 4.44(2), the following are permissible political activities by corporations.

4.47(1) *Purchase or rental of office facility.* A candidate's committee or any other committee that expressly advocates the election or defeat of a candidate may purchase or rent property belonging to a corporate entity, so long as the purchase or rental is at fair market value. For the purpose of this rule, "fair market value" means the amount that a member of the general public would expect to pay to purchase or rent a similar property within the community in which the property is located.

4.47(2) *Use or rental of corporate facilities by other persons.* Persons other than stockholders, administrative officers, or employees of a corporate entity who make any use of corporate facilities, such as using telephones, computers, printers and copy machines, or office furniture, for activity in connection with a candidate election are required to reimburse the corporate entity within a commercially reasonable time in the amount of the normal and usual rental charge. This rule includes the use of corporate equipment to produce and mail published materials.

4.47(3) *Use of airplanes and other means of transportation.*

a. Air travel. A candidate, candidate's agent, or person traveling on behalf of a candidate who uses noncommercial air transportation made available by a corporate entity shall, in advance, reimburse the corporate entity as follows:

(1) Where the destination is served by regularly scheduled commercial service, the coach class airfare (without discounts).

(2) Where the destination is not served by a regularly scheduled commercial service, the usual charter rate.

b. Other transportation. A candidate, candidate's agent, or person traveling on behalf of a candidate who uses other means of transportation made available by a corporate entity shall, within a commercially reasonable time, reimburse the corporate entity at the normal and usual rental charge.

4.47(4) *Equal access not required.* For the purpose of this rule, it is not necessary that the corporate entity be in the business of selling or renting the property, good, or service to the general public; further, it is not necessary that the corporate entity provide access to the same property, good, or service to other candidates or committees.

4.47(5) *Reimbursement to a corporate entity.* The reimbursement shall be for the actual costs of the corporate resource or be for the same amount charged to a person using the corporate resource for any other purpose. For the purpose of this rule, a rebuttable presumption is established that reimbursement to the corporate entity within ten business days is within a commercially reasonable time.

4.47(6) *Loans and debts.* A financial institution may make a loan to a candidate or candidate's committee so long as the loan is repaid and all proper public disclosure of the transaction is made pursuant to rule 351—4.18(68A,68B). A candidate or candidate's committee may owe a debt to an insurance company, financial institution, or corporation so long as the debt is repaid and all proper public disclosure of the transaction is made pursuant to rule 351—4.16(68A,68B). The repayment of

a loan or debt under this rule shall be made prior to the dissolution of the committee pursuant to rule 351—4.54(68A).

This rule is intended to implement Iowa Code section 68A.503.

351—4.48(68A) Sham newspapers subject to campaign laws.

4.48(1) *Media exception inapplicable.* The owner, publisher, or editor of a sham newspaper is not entitled to the exceptions for media organizations provided in Iowa Code chapter 68A.

4.48(2) *Factors.* In determining whether or not a publication is entitled to the press exception, the board will consider the following factors:

a. Whether the publication is published and made available on a regular schedule or interval;

b. The proximity to the election in which the candidates and public affairs are discussed;

c. Whether the publication contains news items and articles of opinion of a general character separate from discussions concerning candidates and public affairs;

d. How widely the publication is circulated or is otherwise made available to the public in comparison to a targeted audience for potential campaign purposes;

e. Whether the publication discusses all candidates for a particular election or otherwise gives all candidates equal space; and

f. Whether the publication expressly advocates for the candidacy of any person.

This rule is intended to implement Iowa Code section 68A.503(5)*"b."*

351—4.49(68A,68B) Individual property. These rules do not apply to the personal or real property of corporate officers or of individuals employed or associated with a corporate entity and shall not abridge the free-speech rights and privileges of individuals.

This rule is intended to implement Iowa Code section 68A.503.

351—4.50 Reserved.

351—4.51(68A) Candidate debate—media organization, debate structure, debate funding, contribution reporting inapplicable.

4.51(1) *Exception to corporate contribution ban.* The prohibition on corporate campaign contributions does not apply to incorporated media organizations that host candidate debates as described in this rule.

4.51(2) *"Media organization" defined.* "Media organization" means a broadcaster, cable television operator, television programmer, television producer, bona fide newspaper, magazine, or any other periodical publication. The media organization shall not be owned or controlled by a political party, political committee, or candidate.

4.51(3) *Debate structure.* The structure of the debate shall be left to the discretion of the media organization provided that at least two or more candidates for the particular office are invited to participate. The debate shall not be structured to promote or advance one candidate over another. In choosing which candidates to invite to a debate, the media organization shall use good faith editorial judgment that is reasonable and viewpoint-neutral.

4.51(4) *Funding debates.* A media organization may use its own funds and may accept funds donated by corporations to defray costs incurred in staging a candidate debate under this rule.

4.51(5) *Contribution reporting inapplicable.* The costs of a debate under this rule are not reportable monetary or in-kind contributions.

This rule is intended to implement Iowa Code sections 68A.402 and 68A.503.

351—4.52(68A,68B) Corporate involvement with political committee funds.

4.52(1) *Corporate payroll deductions.* For purposes of Iowa Code section 68A.503, the administrative functions performed by a corporation (profit or nonprofit corporation, including but not limited to a bank, savings and loan institution, credit union, or insurance company) to make payroll deductions for an employee organization's political committee and to transmit the deductions in lump

sum to the treasurer of the political committee shall not be a prohibited corporate activity, so long as the corporate entity is serving only as a conduit for the contributions.

4.52(2) *Electronic transfer of deposits.* A corporation, financial institution, or insurance company may receive and deposit checks that include both dues and PAC contributions. Contributions for the PAC shall be transferred as soon as possible into the PAC checking account and all disclosure, recordkeeping, and record-retention requirements shall be followed.

4.52(3) *Allowable costs of administration.* For the purposes of interpreting Iowa Code section 68A.503(3), the following are considered to be allowable costs of administration:

a. Full or partial compensation for political committee staff, which may include both wages and benefits.

b. Expenses of transportation and travel incurred by political committee staff; however, this does not include expenses of transportation or travel if provided by a political committee or a staff member to a candidate, nor does this include expenses of meals or events held on behalf of a candidate.

c. Printing and office supplies related to routine office administration so long as the printing and supplies are not used to expressly advocate for or against any candidate.

d. Postage and stationery, including that necessary for mailing contributions to specific candidates. Postage and stationery necessary for distributing political material expressly advocating a specific candidate to persons other than committee membership are not permitted.

e. Expenses of maintaining committee records and preparing financial disclosure reports, including costs associated with services provided by an accountant or other professional.

f. Promotional materials, such as stickers, pens, and coffee cups, so long as the items promote the political committee itself, but not a specific candidate.

g. An item which is excluded by this rule from being an allowable cost of administration may still be provided by the committee, so long as that cost is paid for from contributions or other sources of funds other than the parent entity.

This rule is intended to implement Iowa Code section 68A.503.

DIVISION V
INDEPENDENT EXPENDITURES AND IN-KIND CONTRIBUTIONS

351—4.53(68A,68B) In-kind contributions, independent expenditures—definitions. For the purposes of Iowa Code chapter 68A, the following definitions apply.

4.53(1) *In-kind contribution.* "In-kind contribution" means the provision of any good or service to a committee without charge or at a charge that is less than the usual and normal charge for such good or service. If a good or service is provided at less than the usual and normal charge, the amount of the in-kind contribution is the difference between the usual and normal charge for the good or service at the time of the contribution and the amount charged to the committee. An in-kind contribution also includes any expenditure that meets the definition of a coordinated expenditure in subrule 4.53(2).

4.53(2) *Coordinated expenditure.*

a. "Coordinated expenditure" means an expenditure made with the knowledge and approval of a candidate, candidate's committee, political party committee, or political committee. "Coordinated expenditure" also means that there has been arrangement, coordination, or direction by the candidate, candidate's committee, political party committee, or political committee, or an agent or officer of the candidate's committee or a ballot issue committee prior to the procurement or purchase of the good or service, or the publication, distribution, display, or broadcast of an express advocacy communication.

b. An expenditure will be presumed to be coordinated when it is:

(1) Based on information provided to the expending person by the candidate, the candidate's committee, or the ballot issue committee with a view toward having an expenditure made; or

(2) Made by or through any person who is or has been authorized to raise or expend funds; who is or has been an officer of the candidate's committee or the ballot issue committee; or who is or has been receiving any form of compensation or reimbursement from the candidate, the candidate's committee, or the ballot issue committee.

c. Pursuant to Iowa Code section 68A.404(7), a person making an independent expenditure shall not engage or retain an advertising firm or consultant that has also been engaged or retained within the prior six months by the candidate, candidate's committee, or ballot issue PAC that is benefited by the independent expenditure. "Engage or retain" shall not include the purchase of goods or products from an advertising firm or consultant when the advertising firm or consultant does not provide guidance, assistance, or advice to the person making the purchase concerning the good or product.

This rule is intended to implement Iowa Code section 68A.404.

DIVISION VI
COMMITTEE DISSOLUTION

351—4.54(68A) Committee dissolution; disposition of property; resolution of loans or debts.

4.54(1) *Conditions to dissolve.* A committee shall not dissolve until all loans and debts are paid, forgiven, or transferred, and the remaining funds in the committee's campaign account are distributed according to Iowa Code sections 68A.302 and 68A.303 and rule 351—4.25(68A,68B).

4.54(2) *Manner of disposition—candidates' committees.* In the case of a candidate's committee, all campaign property with a residual value of $100 or more shall be disposed of through a sale of the property at fair market value, with proceeds treated as any other campaign funds, or through donation of the property as set out in Iowa Code section 68A.303(1). The candidate's committee shall disclose on the committee's campaign report the manner of disposition.

4.54(3) *Resolution of loans and debts.* The loans and debts of a committee may be transferred, assumed, or forgiven except that a loan or debt owed to a financial institution, insurance company, or corporation may not be forgiven unless the committee is a ballot issue committee. The committee shall disclose on the committee's campaign report the transfer, assumption, or forgiveness of a loan or debt on the appropriate reporting schedules.

4.54(4) *Settlement of disputed loans and debts.* A dispute concerning a loan or debt may be resolved for less than the original amount if the committee discloses on the committee's campaign report the resolution of the dispute. If the dispute is between a candidate's committee and a financial institution, insurance company, or corporation, the candidate's committee shall submit a written statement to the board describing the loan or debt, the controversy, and the steps taken to settle or collect the loan or debt. The board will review the statement and determine whether to permit the candidate's committee to report the loan or debt as discharged.

4.54(5) *Unavailable creditor.* If the committee cannot locate a person to whom it owes a loan or debt, the committee shall provide the board with a written statement describing the steps the committee has taken to locate the creditor and request direction from the board as to what additional steps, if any, should be taken. If a candidate's committee owes a loan or debt to a financial institution, insurance company, or corporation, resolution of the matter shall include payment to a charitable organization or the general fund of the state of Iowa.

This rule is intended to implement Iowa Code section 68A.402B.

351—4.55(68A) Statement of dissolution; final report; final bank statement.

4.55(1) *Statement of dissolution.* A statement of dissolution (Form DR-3) shall be filed after the committee terminates its activity, disposes of its funds and assets, and has discharged all of its loans and debts.

4.55(2) *Time of filing.* A committee seeking to dissolve shall file a statement of dissolution within 30 days of terminating activity, disposing of funds and assets, and discharging all loans and debts. A statement must be submitted at or before 11:59 p.m. on the required due date. If the due date falls on a Saturday, Sunday, or holiday on which the board office is closed, the due date is extended to the next working day.

4.55(3) *Final report.* The committee shall file a final report disclosing the committee's closing transactions. Once the board staff reviews the report and determines that the committee has complied with all of the requirements of Iowa Code chapter 68A, the committee is no longer required to file

campaign reports. The committee shall be required to resolve all inconsistencies with Iowa Code chapter 68A before dissolving.

4.55(4) *Final bank statement.* A copy of the committee's final bank statement showing the committee's closing transactions and a zero balance shall be attached to or submitted with the committee's final report. A committee participating in an election at the county, city, school, or other political subdivision level, an independent expenditure committee, or a sole individual making an independent expenditure is not required to file a final bank statement unless requested to do so by the board. A committee seeking a waiver from the requirements of this rule may do so in accordance with Iowa Code section 17A.9A.

This rule is intended to implement Iowa Code section 68A.402B.

351—4.56 to **4.58** Reserved.

DIVISION VII
CIVIL PENALTIES FOR LATE REPORTS

351—4.59(68B) Routine civil penalty assessment for late-filed disclosure reports.

4.59(1) *Administrative resolution.* In administrative resolution of violations for late-filed disclosure reports, the board shall assess and collect monetary penalties. The board shall notify any person assessed a penalty of the amount of the assessment and the person's ability to request a waiver under rule 351—4.60(68B). A person shall not be assessed a civil penalty if the board's electronic filing system is not properly functioning and causes the person to be unable to timely file the report.

4.59(2) *County and local committee assessments.* County, county statutory, city, school, other political subdivision, and local ballot issue committees shall be assessed civil penalties for late-filed reports in accordance with the following schedule:

Date report received	First-time delinquency	Repeat delinquency by same committee in 12-month period
1 to 14 consecutive days delinquent	$20	$100
15 to 30 consecutive days delinquent	$50	$200
31 to 45 consecutive days delinquent	$100	$400

4.59(3) *State committee assessments.* Statewide, general assembly, state statutory, and state political committees and a judge standing for retention shall be assessed civil penalties for late-filed reports, except for supplementary and special election reports, in accordance with the following schedule:

Date report received	First-time delinquency	Repeat delinquency by same committee in 12-month period
1 to 14 consecutive days delinquent	$50	$200
15 to 30 consecutive days delinquent	$100	$400
31 to 45 consecutive days delinquent	$200	$600

4.59(4) *Supplementary report assessments.* General assembly candidates' committees required to file supplementary disclosure reports shall be assessed a $200 civil penalty for filing a supplementary report late. Statewide committees required to file supplementary disclosure reports shall be assessed a $400 civil penalty for filing a supplementary report late.

4.59(5) *Special election assessments.* The committees of general assembly candidates to fill vacancies in special elections shall be assessed a $100 civil penalty for filing a special election report late. The committees of statewide candidates to fill vacancies in special elections shall be assessed a $200 civil penalty for filing a special election report late.

4.59(6) *Verified statement of registration assessments.* An out-of-state committee that chooses to file a VSR, but fails to do so on or before the fifteenth day after the date of the contribution, shall be assessed a $25 civil penalty per late-filed VSR. However, if there is a repeat delinquency by the

committee in a 12-month period, the penalty shall be $50. For purposes of this rule, "date of the contribution" means the day, month, and year the contribution check is dated.

4.59(7) *Independent expenditure assessment.* An individual who is delinquent in timely filing Form IE-I shall be assessed a $25 civil penalty. If there is a repeat delinquency by the individual in timely filing Form IE-I within a 12-month period, the penalty shall be $50. A person that is designated by the board as an independent expenditure committee that fails to timely file Form IE-O shall be assessed a $50 civil penalty. If there is a repeat delinquency by the person in timely filing Form IE-O within a 12-month period, the penalty shall be $100.

4.59(8) *Form DR-OTC assessment.* A permanent organization that has not previously made a contribution in excess of $1,000 and that fails to file Form DR-OTC within ten days of notice to do so by the board shall be assessed a $20 civil penalty. A permanent organization that has previously made a contribution in excess of $1,000 and that fails to file Form DR-OTC within ten days of the date on which the contribution check is issued shall be assessed a $20 civil penalty.

4.59(9) *Additional sanctions.* The issuance of a civil penalty under this rule does not prohibit the board from imposing additional sanctions pursuant to the process set out in Iowa Code chapter 68B and rule 351—9.3(68B) if the board determines that there was evidence of an intentional failure to timely file the report.

This rule is intended to implement Iowa Code section 68B.32A(8).

351—4.60(68B) Requests for waiver of penalties. If a person believes that there are mitigating circumstances that prevented the timely filing of a report, the person may petition to the board for waiver of the penalty. A person seeking a waiver must submit the request to the board within 30 days of receiving a civil penalty assessment order. The board will review the petition and may waive the penalty or deny the request. If a waiver is granted, the board will determine how much of the penalty is waived based on the circumstances.

This rule is intended to implement Iowa Code section 68B.32A(8).

351—4.61(68B) Contested case challenge.

4.61(1) *Request.* If the person accepts administrative resolution of a matter through the payment of an assessed penalty, the matter shall be closed. If the person chooses to contest the board's decision to deny the request or grant a partial waiver of an assessed penalty, the person shall make a written request for a contested case proceeding within 30 days of being notified of the board's decision.

4.61(2) *Procedure.* Upon timely receipt of a request for a contested case proceeding, the board shall provide for the issuance of a statement of charges and notice of hearing. The burden shall be on the board's legal counsel to prove that a violation occurred.

4.61(3) *Failure to request hearing.* Failure to request a contested case proceeding to appeal the board's decision on a waiver request is failure to exhaust administrative remedies for purposes of seeking judicial review in accordance with Iowa Code chapter 17A and section 68B.33.

This rule is intended to implement Iowa Code section 68B.32A(8).

351—4.62(68B) Payment of penalty.

4.62(1) *Where payment made.* Checks shall be made payable to "State of Iowa" and sent to the board's office for transfer to the office of the treasurer of state, which shall deposit the check into the general fund.

4.62(2) *Who may make payment.* Payment may be made from funds of a committee or from personal funds of an officer or candidate of a committee.

This rule is intended to implement Iowa Code section 68B.32A(8).

351—4.63(68A,68B) Electronic filings.

4.63(1) *Reports filed electronically.* For purposes of the board's jurisdiction, all reports will be filed electronically using the designated electronic filing system.

4.63(2) *Accommodations.* Those who require assistance completing their electronic filings may contact the board's office.

This rule is intended to implement Iowa Code section 68B.32A.

ARC 0095D

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Notice of Intended Action

Proposing rulemaking related to use of public resource for a political purpose and providing an opportunity for public comment

The Iowa Ethics and Campaign Disclosure Board hereby proposes to rescind Chapter 5, "Use of Public Resources for a Political Purpose," Iowa Administrative Code, and to adopt a new Chapter 5 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 68B.32A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 68A and 68B.

Purpose and Summary

Pursuant to Executive Order 10, the Board proposes to rescind Chapter 5 and adopt a new chapter in lieu thereof. Chapter 5 establishes permissible and impermissible uses of public resources for political purposes.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025. A public hearing was held on the following date(s):

- October 21, 2025

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to Iowa Code section 17A.9A and 7—Chapter 2504.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Board no later than 4:30 p.m. on March 26, 2026. Comments should be directed to:

Kimberly Murphy
Iowa Ethics and Campaign Disclosure Board
510 East 12th Street, Suite 1A
Des Moines, Iowa 50319
Email: kim.murphy2@iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

March 24, 2026 11 to 11:30 a.m.	Via virtual meeting/videoconference meet.google.com/ixy-hbtz-pgq Or dial: 940.242.1362 Passcode: 547 791 510#
March 26, 2026 11 to 11:30 a.m.	Via virtual meeting/videoconference meet.google.com/hpp-udyp-wmx Or dial: 786.577.9483 Passcode: 538 299 136#

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 351—Chapter 5 and adopt the following **new** chapter in lieu thereof:

CHAPTER 5
USE OF PUBLIC RESOURCES FOR A POLITICAL PURPOSE

351—5.1(68A) Scope of chapter. This chapter outlines the permissible and impermissible uses of public resources for a political purpose pursuant to Iowa Code section 68A.505 and board interpretations of the statute. For the purposes of this chapter, the board will construe the phrase "expenditure of public moneys for political purposes" broadly to include the use of public resources generally.

This rule is intended to implement Iowa Code section 68A.505.

351—5.2(68A) General prohibition and applicability. The public officials and employees of the executive branch of state government, a county, a city, a public school, or other political subdivision shall not permit public resources to be used to expressly advocate the nomination, election, or defeat of a candidate or to expressly advocate the passage or defeat of a ballot issue. This chapter applies to the use of resources that belong to those political subdivisions by state and local campaigns in Iowa. This chapter does not apply to property belonging to the federal government or to the use of the executive branch of state government, a county, a city, a public school, or other political subdivision by a federal campaign.

This rule is intended to implement Iowa Code section 68A.505.

351—5.3(68A) Definitions. For purposes of this chapter, the following definitions apply:

"Ballot issue" means a question that has been approved to be placed before the voters or is otherwise required by law to be placed before the voters. "Ballot issue" does not include the nomination or election of a candidate.

"Campaign" means the organized effort to expressly advocate the nomination, election, or defeat of a candidate for state or local office in Iowa. "Campaign" also means the organized effort to expressly advocate the passage or defeat of a ballot issue.

"Candidate" means any individual who has taken affirmative action to seek nomination or election to a state or local office in Iowa.

"Expressly advocate" means "express advocacy" as defined in Iowa Code section 68A.102(14). "Express advocacy" includes a communication that uses any word, term, phrase, or symbol that exhorts an individual to vote for or against a clearly identified candidate or for the passage or defeat of a clearly identified ballot issue.

"Political purpose" means to expressly advocate the nomination, election, or defeat of a candidate or to expressly advocate the passage or defeat of a ballot issue.

"Public resources" means the moneys, time, property, facilities, equipment, and supplies of the executive branch of state government, a county, city, public school, or other political subdivision.

"Public school" includes a school designated as a charter school.

This rule is intended to implement Iowa Code sections 68A.102 and 68A.505.

351—5.4(68A) Use of public resources for a political purpose prohibited. The following specific conduct or actions are deemed to be the prohibited use of public resources for a political purpose:

5.4(1) Using public resources to solicit or accept campaign contributions.

5.4(2) Using public resources to solicit votes, engage in campaign work, or poll voters on their preferences for candidates or ballot issues. The prohibition on polling voters by using public resources does not apply to authorized research at a public university.

5.4(3) Using a publicly owned motor vehicle to transport political materials, placing campaign signs on a publicly owned motor vehicle, or traveling to campaign-related events in a publicly owned motor vehicle.

5.4(4) Using public resources to produce and distribute communications that expressly advocate for or against candidates or ballot issues.

5.4(5) Placing campaign materials on public property, including the placement of campaign signs in the public right-of-way.

This rule is intended to implement Iowa Code section 68A.505.

351—5.5(68A) Exceptions from prohibition on use of public resources for a political purpose.

5.5(1) *Expressing opinion at government meetings.* Iowa Code section 68A.505 permits the state or a governing body of a county, city, public school, or other political subdivision to express an opinion on a ballot issue through the passage of a resolution or proclamation. It is also permissible for a member of a governing body of the state, county, city, public school, or other political subdivision to express the member's opinion on a ballot issue at a public meeting of the governing body.

5.5(2) *Public forum.* Any public resource that is open to a member of the general public to use for other purposes may be used for political purposes, including the distribution of political materials on windshields of vehicles that are parked in public parking lots.

5.5(3) *Candidate debate.* The executive branch of state government, a county, city, public school, or other political subdivision may hold a candidate debate or forum and permit the accompanying distribution of campaign materials on governmental property so long as at least two candidates seeking the same office are invited to attend the debate or forum.

5.5(4) *Reimbursement to governmental body.* A person may reimburse a governmental body for the use of a public resource for a political purpose so long as it can be demonstrated to the board that the use of the resource was also for a public purpose or furthered a public interest. The reimbursement shall be for the actual costs of the public resource or be for the same amount charged to a person using the public resource for any other purpose.

5.5(5) *Use of job title.* Official job titles, such as "representative" or "commissioner," may be used for political purposes.

5.5(6) *Use of government-issued clothing.* Official clothing or uniforms issued by the state or other political subdivision in the regular course of employment may be worn by public officials or employees while participating in political activities.

5.5(7) *Residence.* It is not deemed a violation of Iowa Code section 68A.505 for a public official or public employee to use for political purposes the portion of public property that is designated as the personal residence of the public official or public employee.

5.5(8) *Clothing or paraphernalia.* While performing official duties, a public official or public employee may wear clothes or wear political paraphernalia that expressly advocate for or against candidates or that expressly advocate for or against ballot issues. However, the administrative head of a state agency or of a department of a political subdivision may enact an internal policy that would prohibit the wearing of campaign materials on the public property of that agency or subdivision.

This rule is intended to implement Iowa Code section 68A.505.

351—5.6(68B) Board advice.

5.6(1) *Advice requested.* Public officials, public employees, or other persons interested in using public funds for a political purpose may first seek advice or guidance from the board concerning the legality of the action or conduct, including the production and distribution of a communication for a determination of whether the communication contains express advocacy.

5.6(2) *Declaratory order.* Persons may also seek board guidance concerning the application of a statute or rule to a specific factual situation through the petition for declaratory order procedure set out in Iowa Code section 17A.9.

This rule is intended to implement Iowa Code section 68B.32A(12).

351—5.7(68B) Complaints. Any person may file a complaint or provide information to the board alleging a violation of Iowa Code section 68A.505 or the rules of this chapter by a public official or a public employee of the executive branch or a political subdivision of state government. The procedure for filing a complaint or providing information to the board is set out in Iowa Code section 68B.32B and 351—Chapter 9. The board may prescribe the manner for filing formal complaints, including the use of specific forms.

This rule is intended to implement Iowa Code section 68B.32B.

351—5.8(68A) Holders of certain government positions prohibited from engaging in political activities. Several statutes outside of the board's jurisdiction prohibit the holders of certain government positions from being engaged in political activities. The board does not enforce these statutory prohibitions.

This rule is intended to implement Iowa Code section 68A.505.

ARC 0094D

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Notice of Intended Action

Proposing rulemaking related to executive branch ethics and providing an opportunity for public comment

The Iowa Ethics and Campaign Disclosure Board hereby proposes to rescind Chapter 6, "Executive Branch Ethics," Iowa Administrative Code, and to adopt a new Chapter 6 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 68B.32A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 68A and 68B.

Purpose and Summary

Pursuant to Executive Order 10, the Board proposes to rescind Chapter 6 and adopt a new chapter in lieu thereof. Chapter 6 establishes permissible and impermissible Executive Branch conduct-related ethics.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025. A public hearing was held on the following date(s):

- October 21, 2025

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to Iowa Code section 17A.9A and 7—Chapter 2504.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Board no later than 4:30 p.m. on March 26, 2026. Comments should be directed to:

Kimberly Murphy
Iowa Ethics and Campaign Disclosure Board
510 East 12th Street, Suite 1A
Des Moines, Iowa 50319
Email: kim.murphy2@iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

March 24, 2026 11 to 11:30 a.m.	Via Microsoft Teams meet.google.com/ixy-hbtz-pgq Or dial: 940.242.1362 Passcode: 547 791 510#
March 26, 2026 11 to 11:30 a.m.	Via Microsoft Teams meet.google.com/hpp-udyp-wmx Or dial: 786.577.9483 Passcode: 538 299 136#

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 351—Chapter 6 and adopt the following **new** chapter in lieu thereof:

CHAPTER 6
EXECUTIVE BRANCH ETHICS

DIVISION I
GENERAL PROVISIONS

351—6.1(68B) Scope of chapter. Pursuant to Iowa Code section 68B.32A(13), this chapter establishes rules relating to ethical conduct for the executive branch of state government and other political subdivisions.

This rule is intended to implement Iowa Code sections 68B.32(1) and 68B.32A(13).

351—6.2(68B) Definitions. For purposes of this chapter, the following definitions apply:

"Agency of state government" or *"state agency"* includes any authority, board, bureau, commission, community college, department, division, office of a statewide elected official, or regents university within the executive branch of the State of Iowa.

"Candidate for statewide office" means a candidate for governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, secretary of agriculture, or attorney general.

"Employee" means an individual who is a paid employee of any agency of state government. "Employee" includes an individual employed in an interim or acting capacity. "Employee" does not include an official or an independent contractor.

"Official" means a statewide elected official, an executive or administrative head or heads of a state agency, a deputy executive or administrative head or heads of a state agency, a member of a board or commission as defined under Iowa Code section 7E.4, or a head of a major subunit of a state agency whose position involves a substantial exercise of administrative discretion or the expenditure of public funds. "Official" includes an individual serving in an interim or acting capacity.

"State duties" includes the official duties, responsibilities, or activities of an official or employee that are mandated by law, rule, or court order or that otherwise lawfully aid an agency of state government in carrying out the statutory functions of the agency.

This rule is intended to implement Iowa Code section 68B.2.

351—6.3(68B) Complaints or filing information alleging a violation.

6.3(1) *Who may file.* Any person may file a complaint or provide information to the board alleging a violation of Iowa Code chapter 68B or this chapter by officials, employees, and candidates for statewide office.

6.3(2) *Procedure.* The procedure for filing a complaint or providing information to the board alleging a violation of Iowa Code chapter 68B or this chapter is set out in Iowa Code section 68B.32B and 351—Chapter 9.

6.3(3) *Whistleblower protection.* A person who discharges or discriminates against an official or employee because the official or employee filed a complaint or provided information to the board will be subject to the board's complaint process if the official or employee filed the complaint or

provided the information in good faith. If it is determined after a contested case proceeding that a person has impermissibly discharged or discriminated against an official or employee, the board may impose sanctions as set out in Iowa Code section 68B.32D. For purposes of this rule, "good faith" means that any statements or materials in a complaint or included as part of information provided to the board were made or provided with a reasonable belief that such statements or materials were true and accurate.

This rule is intended to implement Iowa Code sections 68B.32A(14) and 68B.32B.

351—6.4(68B) Board advice.

6.4(1) *Advice requested.* Persons subject to the authority of the board under Iowa Code chapter 68B may first seek advice or guidance from the board concerning the legality of action or conduct potentially affected by Iowa Code chapter 68B.

6.4(2) *Declaratory order.* Persons may also seek board guidance concerning the application of a statute or rule under the board's jurisdiction to a specific factual situation through the petition for declaratory order.

This rule is intended to implement Iowa Code section 68B.32A(12).

DIVISION II
CONFLICT OF INTEREST AND MISUSE OF PROPERTY

351—6.5(68B) Dual executive branch compensation prohibited.

6.5(1) *Definitions.* For purposes of Iowa Code section 68B.2B and this rule, the following definitions apply:

"Employment with a second executive branch agency" includes services provided as an independent contractor with another executive branch agency.

"Executive branch agency" means "agency of state government" or "state agency" as defined in Iowa Code section 68B.2(2). However, the legislative branch is not considered an agency of state government or state agency for purposes of Iowa Code section 68B.2B or this rule.

6.5(2) *Exceptions.* The prohibition on receiving simultaneous compensation from more than one executive branch agency does not apply to the following:

a. Employment with any governmental entity other than simultaneous employment with two or more executive branch agencies.

b. Service in the Iowa national guard.

c. An official or employee who is interchanged from one executive branch agency to another executive branch agency pursuant to Iowa Code chapter 28D unless the official or employee is simultaneously receiving compensation from both the receiving agency and the sending agency.

d. Serving on the board, commission, or authority of two or more executive branch agencies.

6.5(3) *Reporting form.* An official or employee of the executive branch who accepts simultaneous employment with another executive branch agency will file Form Dual-Comp within 20 business days of accepting employment with the second executive branch agency. The form will be filed with the board. The failure to timely file Form Dual-Comp may subject the executive branch official or employee to board sanctions.

This rule is intended to implement Iowa Code section 68B.2B.

351—6.6(68B) Misuse of public property.

6.6(1) *Definition of public property.* "Public property" means any real or personal property owned or controlled by the state of Iowa, including but not limited to buildings, facilities, equipment, supplies, funds, records, files, and materials.

6.6(2) *Prohibited uses.* The following are deemed to be the misuse of public property by an official, employee, or candidate for statewide office:

a. Using public property to engage in an outside employment or activity that leads to an unacceptable conflict of interest.

b. Using public property for personal financial gain. This prohibition does not apply to the receipt of lawful compensation for the performance of official state duties.

c. Using public property for a personal benefit to the detriment of the state.

d. Using public property to engage in political activities.

This rule is intended to implement Iowa Code section 68B.32A(13).

DIVISION III
SALES OR LEASES OF GOODS, REAL ESTATE, OR SERVICES

351—6.7(68B) Prohibition on sales; when public bids required—disclosure of income.

6.7(1) *Prohibition.* An official or employee will not sell, in any one occurrence, goods or services having a value in excess of $2,000 to a state agency unless the sale is made pursuant to an award or contract let after public notice and competitive bidding and the official or employee making the sale files Form Public Bid with the board within 20 days of making the sale. This prohibition includes sales to the state agency in which the official or employee serves or is employed.

6.7(2) *Exceptions.* The prohibition in Iowa Code section 68B.3 and this rule will not apply to any of the following:

a. Sales of goods or services done as part of the official's or employee's state duties.

b. Sales of goods or services by a member of a board or commission to state executive branch agencies or subunits of departments or independent agencies that are not the subunit of the department or independent agency in which the person serves or are not a subunit of a department or independent agency with which the person has substantial and regular contact as part of the person's duties. "Board" and "commission" as used in this rule mean the same as defined in Iowa Code section 7E.4.

c. The publication of resolutions, advertisements, or other legal propositions or notices in newspapers designated by law for the publication of such materials and for which publication rates are fixed by law.

d. Instruction at an accredited educational institution if the official or employee meets the minimum education and licensing requirements established for other instructors at the educational institution.

e. A contract for professional services that is exempt from competitive bidding requirements under any provision in the Iowa Code or Iowa Administrative Code.

6.7(3) *Sales to political subdivisions.* An official who sells goods or services to a political subdivision of the state will disclose on the official's Form PFD as provided in 351—Chapter 7 if income was received from the sale.

6.7(4) *Filing of report.* An official or employee making a sale to a state agency pursuant to Iowa Code section 68B.3 will file Form Public Bid within 20 days of making the sale. The failure to timely file Form Public Bid with the board within 20 days of making the sale may subject the official or employee to board sanctions under Iowa Code chapter 68B and rule 351—9.3(68B).

6.7(5) *Use of confidential information.* No official or employee will disclose or use confidential information, including the contents of a sealed bid acquired during the course of the official's or employee's state duties, for the personal gain or benefit of any person. This rule does not apply to the release of information that is mandated by law, rule, or court order.

This rule is intended to implement Iowa Code sections 68B.32A(13) and 68B.3.

351—6.8(68B) Sales or leases by regulatory agency officials or employees.

6.8(1) *Prohibition.* An official or employee of a regulatory agency will not directly or indirectly sell or lease any goods, real estate, or services to individuals, associations, or corporations subject to the regulatory authority of the official's or employee's agency except as provided by Iowa Code section 68B.4 and this rule. This prohibition does not apply to sales or leases that are part of the official's or employee's state duties.

6.8(2) *Definitions.* For purposes of this rule, the following definitions apply:

"Agency" means a regulatory agency.

"Employee" means an employee of an executive branch regulatory agency and does not include an independent contractor or an official.

"Official" means a statewide elected official of a regulatory agency, an executive or administrative head or heads of a regulatory agency, a deputy executive or administrative head or heads of a regulatory agency, a member of a board or commission as defined under Iowa Code section 7E.4, or a head of a major subunit of a regulatory agency whose position involves a substantial exercise of administrative discretion or the expenditure of public funds.

"Regulatory agency" means the department of agriculture and land stewardship; department of workforce development; department of insurance and financial services; department of public safety; department of education; state board of regents; department of health and human services; department of revenue; department of inspections, appeals, and licensing; department of administrative services; public employment relations board; department of transportation; civil rights commission; department of public defense; department of homeland security and emergency management; Iowa ethics and campaign disclosure board; utilities commission; and department of natural resources.

6.8(3) *Request for consent.* An official's or employee's request for an agency's consent to the sale or lease of goods, real estate, or services will comply with all of the following:

a. The request will be in writing and will be filed with the official's or employee's agency at least 20 calendar days in advance of the proposed sale or lease of any goods, real estate, or services.

b. The request will include all of the following:

(1) The name of the individual, association, or corporation to which the goods, real estate, or services are to be sold or leased;

(2) The relationship of the individual, association, or corporation to the agency;

(3) A description of the goods, real estate, or services;

(4) The date or dates that the goods, real estate, or services will be delivered; and

(5) A statement by the official or employee explaining how the proposed sale or lease of the goods, real estate, or services will not violate the provisions of Iowa Code section 68B.4 or create a conflict of interest under Iowa Code section 68B.2A.

6.8(4) *Agency guidelines.* Iowa Code section 68B.4 and the guidelines in this subrule will be the sole legal authorities to be used by an agency in considering the granting of consent. In determining whether to grant consent, the agency will take the following guidelines into consideration:

a. The official or employee seeking consent is not the person with the authority to determine whether consent should be granted.

b. The duties and functions performed by the official or employee seeking consent are not related to the regulatory authority of the agency over the individual, association, or corporation to which the goods, real estate, or services will be sold or leased.

c. The selling or leasing of the goods, real estate, or services does not affect the official's or employee's duties or functions at the agency.

d. The selling or leasing of the goods, real estate, or services will not cause the official or employee to advocate on behalf of the individual, association, or corporation to the agency.

e. The selling or leasing of the goods, real estate, or services does not cause the official or employee to sell or lease goods, real estate, or services to the agency on behalf of the individual, association, or corporation.

f. The selling or leasing of the goods, real estate, or services will not result in a conflict of interest as provided in Iowa Code section 68B.2A.

g. The request complies with the procedural requirements of subrule 6.8(3).

h. A regulatory agency may grant blanket consent for sales or leases to classes of individuals, associations, or persons when such blanket consent is consistent with subrule 6.8(4) and the granting of single consents is impractical or impossible to determine.

These guidelines will be publicized and made known to all personnel throughout the agency.

6.8(5) *Agency decision.* The official's or employee's agency will issue a written consent or denial within 14 calendar days following the date the request was filed. The deadline may be extended

by agreement of both the official or employee and the agency. If the request is denied or granted conditionally, the agency will state the reasons for the denial or conditional consent.

6.8(6) *Appeal of denial.* An official or employee who receives a denial or conditional consent may file a request with the board for a contested case proceeding pursuant to Iowa Code chapter 17A for a determination of whether the situation described in the request complies with the requirements of Iowa Code section 68B.2A or 68B.4 and this rule. The final order of the board constitutes final agency action for purposes of seeking judicial review.

6.8(7) *Copy of consent filed with board.* Pursuant to Iowa Code section 68B.4, an agency granting consent will file a copy of the consent with the board within 20 days of the granting of consent. The board will treat the consent as a public record. The failure to provide a copy of the consent may result in the imposition of board sanctions against the individual who granted the consent.

6.8(8) *Consent not a defense.* Consent granted by an agency under this rule will not constitute a defense to a complaint alleging a violation of any law or rule. It is the responsibility of the official or employee to ensure compliance with all applicable laws and rules.

This rule is intended to implement Iowa Code section 68B.4.

351—6.9(68B) Sales or leases by members of the office of the governor.

6.9(1) *Prohibition.* A permanent full-time member of the office of the governor will not directly or indirectly sell or lease any goods or services to registered lobbyists before the general assembly or the executive branch or to individuals, associations, or corporations that employ persons who are registered lobbyists before the general assembly or the executive branch except as provided in Iowa Code section 68B.4B and this rule. This prohibition does not apply to sales or leases that are part of the member's state duties.

6.9(2) *Request for consent.* A request submitted by a member of the office of the governor for consent to sell or lease goods or services will comply with all of the following:

a. The request will be in writing and will be filed at least 20 calendar days in advance of the proposed sale or lease of any goods or services with the person responsible for hiring or approving the hiring of the member.

b. The request will include all of the following:

(1) The name of the lobbyist, individual, association, or corporation to which the goods or services are to be sold or leased;

(2) The relationship of the lobbyist, individual, association, or corporation to the office of the governor;

(3) A description of the goods or services;

(4) The date or dates that the goods or services will be delivered; and

(5) A statement by the member explaining how the proposed sale or lease of the goods or services will not violate the provisions of Iowa Code section 68B.4B or create a conflict of interest under Iowa Code section 68B.2A.

6.9(3) *Guidelines for granting consent.* In determining whether to grant consent, the person responsible for hiring or approving the hiring of the member will take the following guidelines into consideration:

a. The duties and functions performed by the member are not related to the authority of the office of the governor over the lobbyist, individual, association, or corporation.

b. The selling or leasing of goods or services by the member to the lobbyist, individual, association, or corporation does not affect the member's duties or functions at the office of the governor.

c. The selling or leasing of any goods or services by the member to a lobbyist, individual, association, or corporation does not include lobbying the office of the governor.

d. The selling or leasing of any goods or services by the member does not cause the member to sell or lease goods or services to the office of the governor on behalf of the lobbyist, individual, association, or corporation.

e. The selling or leasing of the goods or services will not result in a conflict of interest as provided in Iowa Code section 68B.2A.

f. The request complies with the procedural requirements of subrule 6.9(2).

g. A blanket consent may be granted for sales or leases to classes of lobbyists, individuals, associations, or corporations when such blanket consent is consistent with subrule 6.9(3) and the granting of single consents is impractical or impossible to determine.

These guidelines will be publicized and made known to members of the office of the governor.

6.9(4) *Decision.* The person responsible for hiring or approving the hiring of the member will issue a written consent or denial within 14 calendar days following the date the request was filed. The deadline may be extended by agreement of both the member and the person. If the request is denied, the person will state the reasons for the denial.

6.9(5) *Appeal of denial.* A member who receives a denial may file a request with the board for a contested case proceeding pursuant to Iowa Code chapter 17A for a determination of whether the situation described in the request complies with the requirements of Iowa Code chapter 68B. The final order of the board constitutes final agency action for purposes of seeking judicial review.

6.9(6) *Copy of consent filed with board.* A copy of the consent granted to a member will be filed with the board within 20 days of the granting of consent. The board will treat the consent as a public record. The failure to provide a copy of the consent may result in the imposition of board sanctions against the person who granted the consent.

6.9(7) *Consent not a defense.* Consent granted under this rule will not constitute a defense to a complaint alleging a violation of any law or rule. It is the responsibility of the member of the office of the governor to ensure compliance with all applicable laws and rules.

This rule is intended to implement Iowa Code section 68B.4B.

DIVISION IV
EMPLOYMENT RESTRICTIONS

351—6.10(68B) Engaging in services against the interest of the state.

6.10(1) *Public officials and employees.* Except for a member of a board or commission, no official or employee will receive compensation in any form, or enter into any type of agreement to receive compensation in any form, to appear on behalf of any person or otherwise render services against the interest of the state except as set out in Iowa Code section 68B.6 and this rule. This prohibition relates to any case, proceeding, application, or other matter before any federal court, federal bureau, federal agency, federal commission, federal department, any agency of state government, or any court of the state of Iowa.

6.10(2) *Definitions.* For purposes of this rule, the following definitions apply:

"Board" means a policymaking body that has the power to hear contested cases or a policymaking body that has powers for both rulemaking and hearing contested cases.

"Commission" means a policymaking body that has rulemaking powers.

6.10(3) *Member of board or commission.* No member of a board or commission will receive compensation in any form, or enter into any type of agreement to receive compensation in any form, to appear on behalf of any person or otherwise render services against the interest of the state in relation to any case, proceeding, application, or other matter before the subunit of a state agency in which the member serves or is employed, or with which the member has substantial and regular contact as part of the member's state duties.

6.10(4) *Exception for attorney general and public defender.* Officials and employees carrying out the official duties of the office of the attorney general or the office of the state public defender are not subject to the provisions of Iowa Code section 68B.6 or this rule.

This rule is intended to implement Iowa Code section 68B.6.

DIVISION V
GIFTS AND OFFERS

351—6.11(68B) Prohibition on receipt of an honorarium.

6.11(1) *Definitions.* For purposes of this rule, the following definitions apply:

"Honorarium" means a payment of compensation or the giving of anything of value to an official or employee in relation to a speaking engagement.

"Restricted donor" means the same as defined in Iowa Code section 68B.2(24).

6.11(2) *Exceptions.* An official or employee may receive and accept an honorarium provided that the honorarium consists of:

a. Payment of actual expenses for registration, food, beverages, travel, or lodging paid in return for participation on a panel or for a speaking engagement at a meeting. The expenses will relate directly to the day or days on which the official or employee has participation or speaking responsibilities.

b. Receipt of a nonmonetary item or a series of nonmonetary items that the official or employee donates within 30 days of receipt to any of the following:

(1) A public body;

(2) A bona fide educational or charitable organization; or

(3) The department of administrative services. Items donated to the department of administrative services will be disposed of by assignment to state agencies for official use or by public sale.

c. Payment to an official or employee for services rendered as part of a bona fide private business, trade, or profession in which the official or employee is engaged so long as both of the following conditions are met:

(1) The payment is commensurate with the actual services rendered; and

(2) The payment is being made due to a special expertise or other qualification the recipient possesses separate from the recipient's status as a public official or public employee.

6.11(3) *Solicitation prohibited.* An official or employee will not solicit, demand, or otherwise request an honorarium from a restricted donor.

This rule is intended to implement Iowa Code sections 68B.23 and 68B.32A(13).

351—6.12(68B) Loans from executive branch lobbyists prohibited.

6.12(1) *Definitions.* For purposes of this rule, the following definitions apply:

"Executive branch lobbyist" means an individual who is registered as a lobbyist with the board or is an executive branch lobbyist as defined in rule 351—8.2(68B).

"Loan" means a sum of money upon agreement, express or implied, to be repaid with or without interest.

6.12(2) *Offer of loan prohibited.* An executive branch lobbyist will not directly or indirectly offer or make a loan to an official, an employee, or a candidate for statewide office.

6.12(3) *Exceptions.* The prohibitions in Iowa Code section 68B.24 and this rule do not apply to a loan made in either of the following circumstances:

a. A loan made in the ordinary course of business. "Ordinary course of business" means the loan is made by a person regularly engaged in a business that makes loans to members of the public, and the finance charges and other terms of the loan are the same as or substantially similar to the finance charges and loan terms that are available to members of the public.

b. A loan made to the campaign committee of a candidate for statewide office that is subject to the campaign laws in Iowa Code chapter 68A.

This rule is intended to implement Iowa Code sections 68B.24 and 68B.32A(13).

ARC 0093D

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Notice of Intended Action

Proposing rulemaking related to personal financial disclosure and providing an opportunity for public comment

The Iowa Ethics and Campaign Disclosure Board hereby proposes to rescind Chapter 7, "Personal Financial Disclosure," Iowa Administrative Code, and to adopt a new Chapter 7 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 68B.32A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 68A and 68B.

Purpose and Summary

Pursuant to Executive Order 10, the Board proposes to rescind Chapter 7 and adopt a new chapter in lieu thereof. Chapter 7 establishes procedures for personal financial disclosure within the Executive Branch.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025. A public hearing was held on the following date(s):

- October 21, 2025

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to Iowa Code section 17A.9A and 7—Chapter 2504.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Board no later than 4:30 p.m. on March 26, 2026. Comments should be directed to:

Kimberly Murphy
Iowa Ethics and Campaign Disclosure Board
510 East 12th Street, Suite 1A
Des Moines, Iowa 50319
Email: kim.murphy2@iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

March 24, 2026 11 to 11:30 a.m.	Via Microsoft Teams meet.google.com/ixy-hbtz-pgq Or dial: 940.242.1362 Passcode: 547 791 510#
March 26, 2026 11 to 11:30 a.m.	Via Microsoft Teams meet.google.com/hpp-udyp-wmx Or dial: 786.577.9483 Passcode: 538 299 136#

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 351—Chapter 7 and adopt the following **new** chapter in lieu thereof:

CHAPTER 7
PERSONAL FINANCIAL DISCLOSURE

351—7.1(68B) Filing requirements and procedures.

7.1(1) *Period covered.* All persons who are required to file a personal financial disclosure will file the statement with the board no later than April 30 of each year following a year during which the person holds a designated position, without regard to the length of time the position was occupied by the person. A person who held a designated position who left that position or state employment will have a continuing obligation to file the statement for any year or portion of a year in which the position was held prior to termination.

7.1(2) *Place and timing of filing.* A personal financial disclosure will be filed with the board electronically no later than 11:59 p.m. on the due date. If the due date falls on a weekend or holiday, the deadline will be extended to the next day the board's office is open.

7.1(3) *Persons holding more than one designated position.* A person who is required to file a personal financial disclosure for more than one position will be required to file only one statement for the reporting year. A member of the general assembly who files a form with the secretary of the senate or the chief clerk of the house will not be required to file the form with the board for any designated position held in the executive branch.

7.1(4) *Period covered.* Information will be filed on a personal financial disclosure as designated by the board and will cover the previous calendar year. However, a statement filed by a person who has left a designated position during the course of a year need only contain information covering the portion of that year that has elapsed prior to the person's leaving the position.

This rule is intended to implement Iowa Code sections 68B.32A(5), 68B.35 and 68B.35A.

351—7.2(68B) Information disclosed on form.

7.2(1) *Definitions.* For the purpose of completing a personal financial disclosure, "income sources" includes those sources that are held solely or jointly with one or more persons and that in total generate more than $1,000 of income.

7.2(2) *Spousal income.* For purposes of completing a personal financial disclosure, income earned solely by the spouse of a person subject to reporting is not income to that person and need not be reported as an income source.

This rule is intended to implement Iowa Code section 68B.35.

351—7.3(68B) Procedure for determining persons required to file with the board—distribution of forms.

7.3(1) *Persons required by statute.* In order to determine which persons in the executive branch are required to file a personal financial disclosure, the board will contact each agency on an annual basis and provide notification of the statutory requirement. This notification will include the name and position title of each person in the agency who filed the previous year. Each agency, in consultation with the board, will then determine which persons are required to file for the next filing period and will provide the board with the appropriate names and position titles. The board will have the final authority to determine whether a position requires that a personal financial disclosure be filed.

7.3(2) *Boards, commissions, or authorities not named in statute.* On an annual basis, the board will conduct a review to determine if a member of any other board, commission, or authority not specifically named in the Iowa Code should file a personal financial disclosure. If the board determines that a personal financial disclosure should be filed, the board will by rule require a personal financial disclosure to be filed.

7.3(3) *Statewide candidates.* A person who is a candidate for statewide office will file a personal financial disclosure with the board by 11:59 p.m. on April 30 of the year the candidate appears on the ballot. If the due date falls on a weekend or holiday, the filing deadline will be extended to the first working day following the deadline. Once nomination papers or an affidavit of candidacy is filed, the board will notify the person of the requirement. The notification will be sent by first-class mail or email and will include information on how to file.

7.3(4) *Statewide candidates in a special election.* A candidate for statewide office in a special election will electronically file a personal financial disclosure with the board within ten days after the certification of the candidate's name as the nominee under Iowa Code section 43.88. Notification to a statewide candidate in a special election will be sent by first-class mail or email and will include information on how to file electronically.

This rule is intended to implement Iowa Code sections 68B.32A(5) and 68B.35.

351—7.4(68B) Penalties.

7.4(1) *Penalties for late personal financial disclosure statements.* An individual holding a designated position in the executive branch who fails to timely file a personal financial disclosure will be subject to an automatic civil penalty according to the following schedule:

Days Delinquent	Penalty Amount
1 to 14	$50
15 to 30	$100
31 and over	$250

7.4(2) *Additional penalty.* If an individual holding a designated position in the executive branch fails to file a personal financial disclosure statement within 45 days of the required filing date, a contested case proceeding may be held. The board may impose any of the actions under Iowa Code section 68B.32D in addition to the automatically assessed penalty in subrule 7.4(1).

7.4(3) *Failure to file true statement.* It will be considered a violation of Iowa Code section 68B.35 for an individual holding a designated position in the executive branch to file a disclosure statement containing false or fraudulent information. Complaints concerning the filing of a false or fraudulent

disclosure statement will be handled by the procedures in Iowa Code section 68B.32B. If it is determined after a contested case proceeding that a false or fraudulent disclosure statement was filed, the board may impose any of the actions under Iowa Code section 68B.32D.

This rule is intended to implement Iowa Code sections 68B.32A(9) and 68B.35.

351—7.5(68B) Requests for waiver of penalties. If an individual holding a designated position in the executive branch believes that mitigating circumstances prevented the timely filing of a personal financial disclosure, the individual may petition the board for waiver of the penalty. The petition for waiver must be received by the board within 30 days of notification to the individual of the civil penalty assessment. The board will review the petition and may waive the penalty, in whole or in part, or deny the request.

This rule is intended to implement Iowa Code section 68B.32A(5) and 68B.32A(9).

351—7.6(68B) Contested case challenge.

7.6(1) *Request.* If the individual accepts administrative resolution concerning a late-filed personal financial disclosure through the payment of the assessed penalty, the matter will be closed. If the individual chooses to contest the board's decision to deny the request or grant a partial waiver of an assessed penalty, the individual will make a written request to the executive director for a contested case proceeding within 30 days of being notified of the board's decision.

7.6(2) *Procedure.* Upon timely receipt of a request for a contested case proceeding, the board will provide for the issuance of a statement of charges and notice of hearing. The contested case will be conducted in accordance with the provisions of Iowa Code chapter 17A. The burden will be on the board's legal counsel to prove that a violation occurred.

7.6(3) *Failure to request proceeding.* The failure to request a contested case proceeding to contest the board's decision on a waiver request is a failure to exhaust administrative remedies for purposes of seeking judicial review in accordance with Iowa Code chapter 17A.

This rule is intended to implement Iowa Code sections 68B.32A(9) and 68B.33.

351—7.7(68B) Payment of penalty. Checks will be made payable to the State of Iowa and sent to the board's office for transfer to the office of the treasurer of state, which will deposit the check into the general fund.

This rule is intended to implement Iowa Code section 68B.32A(9).

351—7.8(68B) Retention and availability of filed forms.

7.8(1) *Public record.* Forms filed with the board are public records and will be available for inspection and copying.

7.8(2) *Internet access.* Pursuant to Iowa Code section 68B.35A, the board will record filed personal financial disclosure statements on the board's website. Filed forms will be accessible for a period of at least five years from the reporting due date.

This rule is intended to implement Iowa Code sections 68B.35 and 68B.35A.

ARC 0092D

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Notice of Intended Action

Proposing rulemaking related to executive branch lobbying and providing an opportunity for public comment

The Iowa Ethics and Campaign Disclosure Board hereby proposes to rescind Chapter 8, "Executive Branch Lobbying," Iowa Administrative Code, and to adopt a new Chapter 8 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 68B.32A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 68A and 68B.

Purpose and Summary

Pursuant to Executive Order 10, the Board proposes to rescind Chapter 8 and adopt a new chapter in lieu thereof. Chapter 8 establishes regulations for Executive Branch lobbying.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025. A public hearing was held on the following date(s):

- October 21, 2025

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to Iowa Code section 17A.9A and 7—Chapter 2504.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Board no later than 4:30 p.m. on March 26, 2026. Comments should be directed to:

Kimberly Murphy
Iowa Ethics and Campaign Disclosure Board
510 East 12th Street, Suite 1A
Des Moines, Iowa 50319
Email: kim.murphy2@iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

March 24, 2026 11 to 11:30 a.m.	Via Microsoft Teams meet.google.com/ixy-hbtz-pgq Or dial: 940.242.1362 Passcode: 547 791 510#
March 26, 2026 11 to 11:30 a.m.	Via Microsoft Teams meet.google.com/hpp-udyp-wmx Or dial: 786.577.9483 Passcode: 538 299 136#

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 351—Chapter 8 and adopt the following **new** chapter in lieu thereof:

CHAPTER 8
EXECUTIVE BRANCH LOBBYING

351—8.1(68B) Definitions.

8.1(1) *Definitions.*

"Executive branch lobbying" means acting directly to encourage the passage, defeat, approval, veto, or modification of legislation, a rule, or an executive order by a state agency or any statewide elected official. For purposes of this chapter, "state agency" does not include the legislative branch of state government.

"Executive branch lobbyist" means an individual who by acting directly does at least one of the following:

1. Receives compensation for engaging in executive branch lobbying.
2. Is a designated representative of an organization that has as one of its purposes engaging in executive branch lobbying.
3. Represents the position of a federal, state, or local agency in which the person serves or is employed as the representative designated to engage in executive branch lobbying.
4. Makes expenditures of more than $1,000 in a calendar year to communicate in person for the purpose of engaging in executive branch lobbying.

"Executive branch lobbyist client" means a private person or a federal, state, or local governmental entity that pays compensation to or designates an individual to be a lobbyist before the executive branch.

"Lobbyist compensation" means any money, thing of value, or financial benefit conferred in return for engaging in executive branch lobbying.

8.1(2) *Exemptions.* The following individuals are not considered to be executive branch lobbyists:

a. Officials and employees of a political party that is organized in the state of Iowa and that meets the requirements of Iowa Code section 43.2, when the officials and employees represent the political party in an official capacity.

b. Representatives of the news media only when engaged in the reporting and dissemination of news and editorials.

c. All federal, state, and local elected officials, while performing the duties and responsibilities of office.

d. Individuals whose activities are limited to appearances to give testimony or provide information or assistance at public hearings of state agencies or who are giving testimony or providing information or assistance at the request of public officials or employees.

e. Members of the staff of the United States Congress or the Iowa general assembly.

f. Agency officials and employees while they are engaged in activities within the agency in which they serve or are employed or with another agency within which an official's or employee's agency is involved in a collaborative project.

g. An individual who is a member, director, trustee, officer, or committee member of a business, trade, labor, farm, professional, religious, education, or charitable association, foundation,

or organization who is not paid compensation and is not specifically designated as an executive branch lobbyist.

h. Individuals whose activities are limited to submitting data, views, or arguments in writing, or requesting an opportunity to make an oral presentation under Iowa Code section 17A.4(1).

i. Individuals whose activities are limited to monitoring or following the progress of legislation, a rule, or an executive order, but who do not engage in executive branch lobbying.

j. Individuals who represent a client in responding to a request for proposal or otherwise receiving a contract or grant from a state agency.

k. Individuals who represent a client involved in a legal dispute with the state, including a contested case proceeding.

l. Individuals advocating for or against the appointment of a particular individual to a board or commission of the state.

This rule is intended to implement Iowa Code section 68B.2.

351—8.2(68B) Individuals not considered executive branch lobbyists. Individuals uncertain as to whether they are considered executive branch lobbyists should contact the board for guidance prior to engaging in any executive branch lobbying.

This rule is intended to implement Iowa Code section 68B.2(13).

351—8.3(68B) Contingency fee lobbying prohibited. No person will offer, nor will any person accept, compensation contingent upon the outcome of executive branch lobbying services rendered or to be rendered. Complaints or information alleging a violation of this rule will be filed with the board.

This rule is intended to implement Iowa Code section 68B.2(7).

351—8.4(68B) Lobbyist registration required.

8.4(1) *Time of filing.* Any individual engaging in executive branch lobbying activity will register by electronically filing an executive branch lobbyist registration statement with the chief clerk of the house of representatives or the secretary of the senate on or before the day the lobbying activity begins. Registration expires at the end of the calendar year. Beginning December 1 of each year, a person may register to lobby for the following calendar year.

8.4(2) *Place of filing.* Executive branch lobbyist registration statements will be electronically filed with the chief clerk of the house of representatives or the secretary of the senate through the general assembly's website.

8.4(3) *Amendment.* Any change or addition to the information in an executive branch lobbyist's registration statement will be filed with the chief clerk of the house of representatives or the secretary of the senate within ten days after the change or addition is made known to the lobbyist. The lobbyist may file changes or additions by electronically filing an amended registration statement.

8.4(4) *Failure to timely file.* An individual who fails to file an executive branch lobbyist registration statement before engaging in executive branch lobbying will be subject to sanctions by the board as permitted under Iowa Code chapter 68B and rule 351—9.3(68B) separate to any sanctions imposed by the general assembly.

This rule is intended to implement Iowa Code section 68B.36.

351—8.5(68B) Executive branch lobbyist client reporting.

8.5(1) *Place of filing.* Executive branch lobbyist client reports will be electronically filed with the general assembly through its website.

8.5(2) *Time of filing.* An executive branch lobbyist client report will be filed on or before July 31 unless the due date is extended by the general assembly.

This rule is intended to implement Iowa Code section 68B.38.

351—8.6(68B) Session function registrations and reports. Pursuant to Iowa Code section 68B.22(4)*"s,"* a sponsor of a qualified function is required to file with the general assembly a registration notice prior to the function and a report within 28 days of the function. The board will

deem filings with the general assembly as acceptable filings with the board. The failure of a sponsor to timely file either a registration notice or a report will subject the sponsor to sanctions by the board as permitted under Iowa Code chapter 68B and rule 351—9.3(68B) separate from any sanctions imposed by the general assembly.

This rule is intended to implement Iowa Code sections 68B.22(4)*"s"* and 68B.32A(5).

351—8.7(68B) Automatic penalties for delinquent client reports.

8.7(1) *Late client report.* An executive branch lobbyist client that fails to file an executive branch lobbyist client report on or before the required due date will be subject to an automatic civil penalty according to the following schedule:

Days Delinquent	Penalty Amount
1 to 14	$50
15 to 30	$100
31 and over	$250

8.7(2) *Additional penalty.* If an executive branch lobbyist client fails to file a required client report or fails to file an accurate client report, a contested case proceeding may be held to determine whether a violation has occurred. If, after a contested case proceeding, it is determined that a violation occurred, the board may impose any of the actions under Iowa Code section 68B.32D. Any action so imposed would be in addition to the automatically assessed penalty in this rule.

This rule is intended to implement Iowa Code section 68B.32A(5) and 68B.32A(9).

351—8.8(68B) Request for waiver of penalty. An executive branch lobbyist client that believes there are mitigating circumstances that prevented the timely filing of a report may petition the board for waiver of the penalty. The board must receive the petition for waiver within 30 days of the executive branch lobbyist's client being notified of the civil penalty assessment. The board will review the request and issue a waiver, in whole or in part, or denial of the request. If a denial or partial waiver is issued, the person will promptly pay the assessed penalty or request a contested case proceeding pursuant to rule 351—8.9(68B) to appeal the board's decision.

This rule is intended to implement Iowa Code section 68B.32A(5) and 68B.32A(9).

351—8.9(68B) Contested case proceeding.

8.9(1) *Request.* If an executive branch lobbyist client accepts administrative resolution of a matter through the payment of a civil penalty, the matter will be closed. If the person chooses to contest the board's decision, the person will make a written request to the executive director for a contested case proceeding within 30 days of being notified of the board's decision.

8.9(2) *Procedure.* Upon timely receipt of a request for a contested case proceeding, the board will provide for the issuance of a statement of charges and notice of hearing. The burden will be on the board's legal counsel to prove that a violation occurred.

8.9(3) *Failure to request a contested case proceeding.* The failure to request a contested case proceeding to appeal the board's decision on a waiver request is the failure to exhaust administrative remedies for purposes of seeking judicial review in accordance with Iowa Code chapter 17A and section 68B.33.

This rule is intended to implement Iowa Code sections 68B.32A(5), 68B.32A(9), and 68B.33.

351—8.10(68B) Payment of penalty. Checks will be made payable to the State of Iowa and sent to the board's office for transfer to the office of the treasurer of the state, which will deposit the check into the general fund.

This rule is intended to implement Iowa Code section 68B.32A(5) and 68B.32A(9).

351—8.11(68A) Campaign contributions by lobbyists during the regular legislative session.

8.11(1) *Prohibition.* Individuals who are registered in Iowa as either executive branch or legislative branch lobbyists are prohibited from contributing to, acting as an agent or intermediary for contributions to, or arranging for the making of monetary or in-kind contributions to the campaign of an elected state official, member of the general assembly, or candidate for state office on any day during the legislative session.

8.11(2) *Mailed contributions prohibited.* This prohibition includes a contribution that is mailed during the legislative session but received by the candidate after adjournment sine die.

8.11(3) *Application to governor, lieutenant governor, and candidates.* The prohibition on contributions to the governor, lieutenant governor, or candidates for either office during the legislative session extends for 30 days following the adjournment sine die of a regular legislative session.

8.11(4) *Exceptions.* The prohibition on contributions during the legislative session does not apply to any of the following:

a. Contributions to an elected state official, member of the general assembly, or other state official who has taken affirmative action to seek nomination or election to a federal elective office so long as the lobbyist's contribution is placed into the candidate's federal account.

b. Contributions to a candidate for state office who filed nomination papers for a special election called or held during the legislative session if the candidate receives the contribution at any time during the period commencing on the date on which at least two candidates have been nominated for the office and ending on the date on which the election is held. However, elected state officials are prohibited from soliciting lobbyists for contributions to another candidate for state office when a special election is held during the legislative session.

c. Contributions made during a special legislative session. In the case of the governor, lieutenant governor, and candidates for either office, this exception also includes the 30 days following a special legislative session unless that time period falls within 30 days of adjournment of the regular legislative session.

d. Contributions from a lobbyist's personal funds made to the lobbyist's own campaign for public office.

8.11(5) *Complaints.* Complaints or information provided to the board alleging a violation of Iowa Code section 68A.504 involving either executive branch lobbyists or legislative branch lobbyists will be filed with the board.

8.11(6) *Date of session.* For purposes of Iowa Code section 68A.504 and this rule, a legislative session commences at 12 a.m. on the first day of the legislative session through 11:59:59 p.m. on the day that the legislative session adjourns sine die.

This rule is intended to implement Iowa Code section 68A.504.

351—8.12(68B) Loans made by lobbyists.

8.12(1) *Prohibition.* An executive branch official or employee or a candidate for statewide office will not directly or indirectly seek or accept a loan from a person who is an executive branch lobbyist.

8.12(2) *Offer of loan prohibited.* An executive branch lobbyist will not directly or indirectly offer or make a loan to an executive branch official, executive branch employee, or a candidate for statewide office.

8.12(3) *Exception.* This prohibition does not apply to loans made in the ordinary course of business. "Ordinary course of business" means the loan is made by a person who is regularly engaged in a business that makes loans to members of the general public and the finance charges and other terms of the loan are the same or substantially similar to the finance charges and loan terms that are available to members of the general public.

8.12(4) *Complaints.* Complaints or information provided to the board alleging a violation of Iowa Code section 68B.24 by an executive branch official or employee, candidate for statewide office, or an executive branch lobbyist will be filed with the board.

This rule is intended to implement Iowa Code section 68B.24.

351—8.13(68B) Ban on certain lobbying activities by government personnel.

8.13(1) *Lobbying restrictions—statewide elected officials and executive or administrative heads.*

a. A person who serves as a statewide elected official, the executive or administrative head of an agency, or the deputy executive or administrative head of an agency will not act as a lobbyist during the time in which the person serves or is employed by the state unless the person is designated to represent the official position of the person's agency.

b. A person subject to this prohibition will not accept employment as a lobbyist for two years after leaving state government except as provided in subrule 8.13(4).

8.13(2) *Lobbying restrictions—employees of statewide elected officials and other agency employees.*

a. The head of a major subunit of an agency whose position involves substantial exercise of administrative discretion or the expenditure of public funds or a full-time employee of an office of a statewide elected official whose position involves substantial exercise of administrative discretion or the expenditure of public funds will not act as a lobbyist during the time in which the person is employed by the state before the agency that the person is employed by or before state agencies, officials, or employees with whom the person has substantial or regular contact as part of the person's duties, unless the person is designated to represent the official position of the agency.

b. A person subject to this prohibition will not accept employment as a lobbyist for two years after leaving state government if the employment involves lobbying before the agency by which the person was employed or before state agencies, officials, or employees with whom the person had substantial and regular contact as part of the person's former duties except as provided in subrule 8.13(4).

8.13(3) *Lobbying restrictions—conflicts of interest.* A state employee who is not included in subrule 8.13(1) or 8.13(2) will not act as a lobbyist in relation to any particular case, proceeding, or application with respect to which the person is directly concerned and personally participates as part of the person's employment, unless the person is designated to represent the official position of the agency by which the person is employed. Persons subject to this prohibition will not accept employment as a lobbyist for two years after leaving state government if the employment involves lobbying in relation to any particular case, proceeding, or application with respect to which the person was directly concerned and personally participated as part of the person's employment.

8.13(4) *Exception.* This prohibition does not apply to a person who, within two years of leaving state service or employment, is elected to, appointed to, or employed by another office of the state, an office of a political subdivision of the state, or the federal government and represents the position of the new office or employment.

8.13(5) *Complaints.* Complaints or information provided to the board alleging a violation of Iowa Code section 68B.5A by an executive branch official or an executive branch employee will be filed with the board.

This rule is intended to implement Iowa Code section 68B.5A.

351—8.14(68B) False communications prohibited.

8.14(1) *False material fact.* An executive branch lobbyist will not intentionally deceive or attempt to deceive any executive branch official or employee in regard to a material fact pertinent to an administrative rule, legislation, or an executive order.

8.14(2) *False communication.* An executive branch lobbyist will not cause a communication or an executive branch lobbyist registration statement to be sent to an executive branch official or an executive branch employee in the name of either of the following:

a. A fictitious person; or

b. A real person except with the consent of that person.

8.14(3) *Complaints.* Complaints or information provided to the board alleging a violation of this rule by an executive branch lobbyist will be filed with the board.

This rule is intended to implement Iowa Code section 68B.32A(13).

ARC 0096D

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Notice of Intended Action

Proposing rulemaking related to complaint, investigation, and resolution procedures and providing an opportunity for public comment

The Iowa Ethics and Campaign Disclosure Board hereby proposes to rescind Chapter 9, "Complaint, Investigation, and Resolution Procedures," Iowa Administrative Code, and to adopt a new Chapter 9 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 68B.32A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 68A and 68B.

Purpose and Summary

Pursuant to Executive Order 10, the Board proposes to rescind Chapter 9 and adopt a new chapter in lieu thereof. Chapter 9 establishes the procedures used by the Board to process complaints made pursuant to Iowa Code chapters 68A and 68B.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025. A public hearing was held on the following date(s):

- October 21, 2025

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to Iowa Code section 17A.9A and 7—Chapter 2504.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Board no later than 4:30 p.m. on March 26, 2026. Comments should be directed to:

Kimberly Murphy
Iowa Ethics and Campaign Disclosure Board
510 East 12th Street, Suite 1A
Des Moines, Iowa 50319
Email: kim.murphy2@iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

March 24, 2026 11 to 11:30 a.m.	Via virtual meeting/videoconference meet.google.com/ixy-hbtz-pgq Or dial: 940.242.1362 Passcode: 547 791 510#
March 26, 2026 11 to 11:30 a.m.	Via virtual meeting/videoconference meet.google.com/hpp-udyp-wmx Or dial: 786.577.9483 Passcode: 538 299 136#

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 351—Chapter 9 and adopt the following **new** chapter in lieu thereof:

CHAPTER 9
COMPLAINT, INVESTIGATION, AND RESOLUTION PROCEDURES

351—9.1(68B) Complaints.

9.1(1) *Form.* A complaint will be on forms provided by the board and will be certified under penalty of perjury. The complaint will contain all information required by Iowa Code section 68B.32B(1). The complainant may attach up to 20 pages of supporting documents to the complaint. The Board's legal counsel will review the complaint for sufficiency of form. If the complaint is deficient as to form, the complaint will be returned to the complainant with a statement of deficiency.

9.1(2) *Board acceptance.* A complaint will be deemed accepted if, after legal review by the board's legal counsel, review by the chairperson, and a vote of the board, it is determined the complaint contains the requirements as listed in Iowa Code section 68B.32B(4). If both the board's legal counsel and the board opine that the complaint does not contain a legally sufficient allegation, the complaint will be dismissed.

9.1(3) *Notice.* Notice to the subject of a complaint is made only when a complaint is accepted, subject to the conditions of Iowa Code section 68B.32B(3).

9.1(4) *Board review.* The board's review of a formal complaint for legal sufficiency is not a contested case proceeding and will be made solely on the contents of the complaint. Dismissal for lack of legal sufficiency is not subject to appeal.

9.1(5) *Information provided to board.* The board may, on its own motion and without the filing of a complaint, initiate investigations into matters that the board believes may be subject to the board's jurisdiction.

351—9.2(68B) Investigations—board action.

9.2(1) *Board-initiated investigation.* In addition to investigations of legally sufficient complaints, the board may, on its own motion, refer to staff for investigation matters that the board believes may be subject to the board's jurisdiction.

9.2(2) *Subpoenas.* Investigations may include the issuance and enforcement of investigative subpoenas requiring the production of real evidence as well as requiring the attendance and testimony of witnesses.

9.2(3) *Completion.* Upon completion of an investigation, staff will make a report to the board, and the board's legal counsel may provide a recommendation for board action.

9.2(4) *Board action.* Upon receipt and review of the investigative findings and any recommendations, the board may:

a. Redirect the matter for further investigation;

b. Dismiss the matter for lack of probable cause to believe a violation has occurred;

c. Dismiss the matter without a determination regarding probable cause as an exercise of administrative discretion;

d. Make a determination that probable cause exists to believe a violation has occurred and direct administrative resolution of the matter as provided in subrule 9.3(2); or

e. Make a determination that probable cause exists to believe a violation has occurred and direct the issuance of a statement of charges to initiate a contested case proceeding.

351—9.3(68B) Disciplinary remedies; administrative resolution of enforcement matters.

9.3(1) *Action after hearing.* If it is determined after a contested case proceeding that a violation of statute or rule under the board's jurisdiction has occurred, the board may impose any of the actions set out in Iowa Code section 68B.32D, including as a remedial action the assessment of direct costs related to the hearing for printing, postage, long-distance telephone charges, witness fees, and compensation paid to the presiding officer.

9.3(2) *Administrative resolution.* Violations may be handled by administrative resolution rather than through the full contested case proceeding process. The board may order administrative resolution by directing that the person take specified remedial action. The board may also order administrative resolution by issuing a letter of reprimand or by imposing a civil penalty as set out in subrule 9.3(7).

9.3(3) *Response to administrative resolution.* A person subject to board discipline may accept administrative resolution. If the person accepts the administrative resolution by complying with the directed remedial action or accepting a letter of reprimand, the matter will be closed. If the person wishes to appeal the administrative resolution, the person will make a written request to the executive director for a contested case proceeding and will submit the request within 30 days of the date of the correspondence informing the person of the board's decision.

9.3(4) *Statement of charges.* The board will issue a statement of charges upon timely receipt of a request for a contested case proceeding to appeal an administrative resolution. The contested case will be conducted in accordance with the provisions in Iowa Code chapter 17A. The board's legal counsel will have the burden of proving the violation. Failure to challenge the administrative resolution through a request for a contested case proceeding is a failure to exhaust administrative remedies for purposes of seeking judicial review.

9.3(5) *Automatic civil penalties.* The board may administratively resolve late-filed reports by the assessment of automatic civil penalties, subject to the civil penalty waiver process. The board may retain $10 of any civil penalty that is ultimately not waived by the board or by a court of law as return receipts covering incidental costs such as printing and postage. The remainder of the civil penalty will be deposited in the state general fund.

9.3(6) *Admonishment.* The board may admonish any person who it believes has committed a minor violation to exercise care. An admonishment is not discipline and is not subject to a contested case proceeding appeal.

9.3(7) *Civil penalty for violation.* If the board determines that probable cause exists to believe that a violation of any statute or rule under its jurisdiction has occurred, except for a late-filed disclosure

report, the board may order administrative resolution of the violation by imposing a civil penalty not to exceed $1,000. A person assessed a civil penalty may appeal the decision by requesting within 30 days of the date of the correspondence informing the person of the board's decision a contested case proceeding to be held under the process set out in subrule 9.3(4).

351—9.4(68B) Settlements. Settlements may be negotiated during an investigation or after the commencement of a contested case proceeding. Negotiations will be conducted between the board's legal counsel and any person subject to the investigation or contested case proceeding or the person's legal representatives. A settlement will be in writing and is subject to approval of the board. If the board declines to approve a proposed settlement, the settlement will be of no force or effect.

351—9.5(68B) Protections for complaints made in good faith.

9.5(1) *Good faith definition.* For purposes of Iowa Code section 68B.32A(14), "good faith" means that any statements or materials in a complaint, in information provided to the board for a possible board-initiated investigation, or provided in information during the course of a board investigation were made or provided with a reasonable belief that such statements or materials were true and accurate.

9.5(2) *Protections.* A person who discharges or discriminates against an employee because the employee filed a complaint or provided information during the course of a board investigation may be subject to the board's complaint process if the employee filed the complaint or provided the information in good faith. If it is determined after a contested case proceeding that a person has impermissibly discharged or discriminated against an employee under this rule, the board may impose sanctions as set out in Iowa Code section 68B.32D.

This rule is intended to implement Iowa Code sections 68B.32A(14) and 68B.32B.

351—9.6(68B) Providing false information to the board during an investigation. A person providing false information to the board during a board investigation of a potential violation of Iowa Code chapter 68A or 68B or rules adopted by the board will be subject to the complaint or administrative resolution process as provided under Iowa Code chapter 68B and rule 351—9.3(68B). For purposes of this rule, "providing false information" means the intentional providing of a false material statement of fact, falsely denying knowledge of a material fact, or providing a material statement of fact with a reckless disregard for the truth of the statement.

This rule is intended to implement Iowa Code sections 68B.32A and 68B.32B.

These rules are intended to implement Iowa Code section 68B.32B.

ARC 0097D

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Notice of Intended Action

Proposing rulemaking related to contested case procedures and providing an opportunity for public comment

The Iowa Ethics and Campaign Disclosure Board hereby proposes to rescind Chapter 11, "Contested Case Procedures," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 17A and 68B.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A, 68A, and 68B.

Purpose and Summary

The Iowa Administrative Procedure Act has long required agencies to adopt rules regarding contested case procedures. To satisfy these obligations, the Board promulgated Chapter 11 consistent with the Uniform Rules on Agency Procedure.

However, 2024 Iowa Acts, Senate File 2370, sections 4 and 12, repealed related requirements and enacted a new Iowa Code section, respectively. The new section states that the Administrative Rules Coordinator, in partnership with the Iowa Attorney General's Office, may adopt a new set of uniform model rules that will automatically apply to agencies in the absence of self-promulgated rules (more information can be found in Iowa Code section 17A.24 as enacted by 2024 Iowa Acts, Senate File 2370).

Accordingly, the Board is proposing to rescind Chapter 11 consistent with the principles of Executive Order 10 as being either unauthorized or unnecessary. The Board will instead operate under the new model rules and other applicable laws.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025. A public hearing was held on the following date(s):

- October 21, 2025

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to Iowa Code section 17A.9A and 7—Chapter 2504.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Board no later than 4:30 p.m. on March 26, 2026. Comments should be directed to:

Kimberly Murphy
Iowa Ethics and Campaign Disclosure Board
510 East 12th Street, Suite 1A
Des Moines, Iowa 50319
Email: kim.murphy2@iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

March 24, 2026 11 to 11:30 a.m.	Via virtual meeting/videoconference meet.google.com/ixy-hbtz-pgq Or dial: 940.242.1362 Passcode: 547 791 510#
March 26, 2026 11 to 11:30 a.m.	Via virtual meeting/videoconference meet.google.com/hpp-udyp-wmx Or dial: 786.577.9483 Passcode: 538 299 136#

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve **351—Chapter 11**.

ARC 0098D

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Notice of Intended Action

Proposing rulemaking related to declaratory orders and providing an opportunity for public comment

The Iowa Ethics and Campaign Disclosure Board hereby proposes to rescind Chapter 12, "Declaratory Orders," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 17A and 68B.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A, 68A, and 68B.

Purpose and Summary

The Iowa Administrative Procedure Act has long required agencies to adopt rules regarding procedures for declaratory orders. To satisfy these obligations, the Board promulgated Chapter 12 consistent with the Uniform Rules on Agency Procedure.

However, 2024 Iowa Acts, Senate File 2370, sections 4 and 12, repealed related requirements and enacted a new Iowa Code section, respectively. The new section states that the Administrative Rules Coordinator, in partnership with the Iowa Attorney General's Office, may adopt a new set of uniform model rules that will automatically apply to agencies in the absence of self-promulgated rules (more information can be found in Iowa Code section 17A.24 as enacted by 2024 Iowa Acts, Senate File 2370).

Accordingly, the Board is proposing to rescind Chapter 12 consistent with the principles of Executive Order 10 as being either unauthorized or unnecessary. The Board will instead operate under the new model rules and other applicable laws.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025. A public hearing was held on the following date(s):

- October 21, 2025

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to Iowa Code section 17A.9A and 7—Chapter 2504.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Board no later than 4:30 p.m. on March 26, 2026. Comments should be directed to:

Kimberly Murphy
Iowa Ethics and Campaign Disclosure Board
510 East 12th Street, Suite 1A
Des Moines, Iowa 50319
Email: kim.murphy2@iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

March 24, 2026 11 to 11:30 a.m.	Via virtual meeting/videoconference meet.google.com/ixy-hbtz-pgq Or dial: 940.242.1362 Passcode: 547 791 510#
March 26, 2026 11 to 11:30 a.m.	Via virtual meeting/videoconference meet.google.com/hpp-udyp-wmx Or dial: 786.577.9483 Passcode: 538 299 136#

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve **351—Chapter 12**.

ARC 0099D

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Notice of Intended Action

Proposing rulemaking related to petitions for rulemaking and providing an opportunity for public comment

The Iowa Ethics and Campaign Disclosure Board hereby proposes to rescind Chapter 13, "Petitions for Rule Making," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 17A and 68B.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A, 68A and 68B.

Purpose and Summary

The Iowa Administrative Procedure Act has long required agencies to adopt rules regarding the rulemaking process and petitions for rulemaking. To satisfy these obligations, the Board promulgated Chapter 13 consistent with the Uniform Rules on Agency Procedure.

However, 2024 Iowa Acts, Senate File 2370, sections 4 and 12, repealed related requirements and enacted a new Iowa Code section, respectively. The new section states that the Administrative Rules Coordinator, in partnership with the Iowa Attorney General's Office, may adopt a new set of uniform model rules that will automatically apply to agencies in the absence of self-promulgated rules (more information can be found in Iowa Code section 17A.24 as enacted by 2024 Iowa Acts, Senate File 2370).

Accordingly, the Board is proposing to rescind Chapter 13 consistent with the principles of Executive Order 10 as being either unauthorized or unnecessary. The Board will instead operate under the new model rules and other applicable laws.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025. A public hearing was held on the following date(s):

- October 21, 2025

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to Iowa Code section 17A.9A and 7—Chapter 2504.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Board no later than 4:30 p.m. on March 26, 2026. Comments should be directed to:

Kimberly Murphy
Iowa Ethics and Campaign Disclosure Board
510 East 12th Street, Suite 1A
Des Moines, Iowa 50319
Email: kim.murphy2@iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

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Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve **351—Chapter 13**.

ARC 0101D

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Notice of Intended Action

Proposing rulemaking related to board procedure for rulemaking and providing an opportunity for public comment

The Iowa Ethics and Campaign Disclosure Board hereby proposes to rescind Chapter 14, "Board Procedure for Rule Making," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 17A and 68B.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A, 68A, and 68B.

Purpose and Summary

The Iowa Administrative Procedure Act has long required agencies to adopt rules regarding the rulemaking process. To satisfy these obligations, the Board promulgated Chapter 14 consistent with the Uniform Rules on Agency Procedure.

However, 2024 Iowa Acts, Senate File 2370, sections 4 and 12, repealed related requirements and enacted a new Iowa Code section, respectively. The new section states that the Administrative Rules Coordinator, in partnership with the Iowa Attorney General's Office, may adopt a new set of uniform model rules that will automatically apply to agencies in the absence of self-promulgated rules (more information can be found in Iowa Code section 17A.24 as enacted by 2024 Iowa Acts, Senate File 2370).

Accordingly, the Board is proposing to rescind Chapter 14 consistent with the principles of Executive Order 10 as being either unauthorized or unnecessary. The Board will instead operate under the new model rules and other applicable laws.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025. A public hearing was held on the following date(s):

- October 21, 2025

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to Iowa Code section 17A.9A and 7—Chapter 2504.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Board no later than 4:30 p.m. on March 26, 2026. Comments should be directed to:

Kimberly Murphy
Iowa Ethics and Campaign Disclosure Board
510 East 12th Street, Suite 1A
Des Moines, Iowa 50319
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Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve **351—Chapter 14**.

ARC 0100D

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Notice of Intended Action

Proposing rulemaking related to waivers or variances from administrative rules and providing an opportunity for public comment

The Iowa Ethics and Campaign Disclosure Board hereby proposes to rescind Chapter 15, "Waivers or Variances from Administrative Rules," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 17A and 68B.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A, 68A, and 68B.

Purpose and Summary

The Iowa Administrative Procedure Act has long required agencies to adopt rules regarding the rulemaking process and waivers from administrative rules. To satisfy these obligations, the Board promulgated Chapter 15 consistent with the Uniform Rules on Agency Procedure.

However, 2024 Iowa Acts, Senate File 2370, sections 4 and 12, repealed related requirements and enacted a new Iowa Code section, respectively. The new section states that the Administrative Rules Coordinator, in partnership with the Iowa Attorney General's Office, may adopt a new set of uniform model rules that will automatically apply to agencies in the absence of self-promulgated rules (more information can be found in Iowa Code section 17A.24 as enacted by 2024 Iowa Acts, Senate File 2370).

Accordingly, the Board is proposing to rescind Chapter 15 consistent with the principles of Executive Order 10 as being either unauthorized or unnecessary. The Board will instead operate under the new model rules and other applicable laws.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 1, 2025. A public hearing was held on the following date(s):

- October 21, 2025

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to Iowa Code section 17A.9A and 7—Chapter 2504.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Board no later than 4:30 p.m. on March 26, 2026. Comments should be directed to:

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Iowa Ethics and Campaign Disclosure Board
510 East 12th Street, Suite 1A
Des Moines, Iowa 50319
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Public hearings at which persons may present their views orally or in writing will be held as follows:

March 24, 2026 11 to 11:30 a.m.	Via virtual meeting/videoconference meet.google.com/ixy-hbtz-pgq Or dial: 940.242.1362 Passcode: 547 791 510#
March 26, 2026 11 to 11:30 a.m.	Via virtual meeting/videoconference meet.google.com/hpp-udyp-wmx Or dial: 786.577.9483 Passcode: 538 299 136#

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve **351—Chapter 15**.

ARC 0086D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to Healthy and Well Kids in Iowa (Hawki) Program and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to amend Chapter 86, "Healthy and Well Kids in Iowa (Hawki) Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 514I as amended by 2025 Iowa Acts, Senate File 474, division IV.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 514I as amended by 2025 Iowa Acts, Senate File 474, division IV.

Purpose and Summary

This proposed rulemaking serves to implement 2025 Iowa Acts, Senate File 474, division IV, by amending rule 441—86.7(514I).

2025 Iowa Acts, Senate File 474, division IV, pertains to Iowa's Children's Health Insurance Program (CHIP), Hawki. Within division IV, section 47 created new Iowa Code section 514I.8B and provided that following the first 30 days of commitment to a public institution, the Department will suspend rather than terminate an otherwise eligible individual's eligibility for Hawki. The Iowa Code section also requires the Department to adopt rules to implement the new Iowa Code section.

This new Iowa Code section is intended to implement Section 5121 of the federal Consolidated Appropriations Act, which similarly requires suspension rather than termination of eligibility after 30 days of commitment to a public institution for incarcerated individuals otherwise eligible for CHIP.

Prior to fully implementing this federal change, the Department must receive federal approval for a State Plan Amendment (SPA), which has not yet been submitted pending receipt of federal funding approval from the Centers for Medicare and Medicaid Services. For this reason, when the adopted filing is submitted for this proposed rulemaking, it will contain a future effective date contingent upon that federal approval of the SPA.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on January 21, 2026. A public hearing was held on the following date(s):

- February 10, 2026

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on March 24, 2026. Comments should be directed to:

Victoria L. Daniels
Department of Health and Human Services
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

March 24, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 287 677 567 218 98 Passcode: Ny3YJ3ES
March 24, 2026 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 240 625 137 286 91 Passcode: nk2aR699

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Amend rule 441—86.7(514I) as follows:

441—86.7(514I) Cancellation or suspension. The child's eligibility for the hawki program shall be canceled or suspended before the end of the 12-month enrollment period for any of the following~~:~~.

86.7(1) to **86.7(4)** No change.

86.7(5) *Admission to a public institution.* The ~~child shall be canceled from the program if the child is in a public institution at the time of the annual review~~ child's eligibility for the program shall be suspended after the first 30 days a child is in a public institution. Eligibility will be suspended for the term of the child's commitment, provided that all other eligibility criteria are met. Eligibility will resume upon the child's discharge, provided all other eligibility criteria are met.

86.7(6) and **86.7(7)** No change.

ARC 0087D

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to bingo location and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to amend Chapter 103, "Bingo," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 99B.2.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 99B.21 and Executive Order 10.

Purpose and Summary

This proposed rulemaking rescinds numbered paragraph "3" of rule 481—103.9(99B), which excessively limits the location where bingo occasions can be held, and renumbers numbered paragraph "4" accordingly.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on March 24, 2026. Comments should be directed to:

Amy Oetken
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.672.4929
Email: amy.oetken@dia.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

March 24, 2026 8 to 8:30 a.m.	Ledges Conference Room 6200 Park Avenue Des Moines, Iowa

March 24, 2026 2 to 2:30 p.m.	Ledges Conference Room 6200 Park Avenue Des Moines, Iowa

Virtual participation information will be made available on the Department's website prior to the public hearings.

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Emergency Rulemaking Adopted by Reference

This proposed rulemaking is also published herein as an Adopted and Filed Emergency rulemaking (see **ARC 0088D**, IAB 3/4/26). The purpose of this Notice of Intended Action is to solicit public comment on that emergency rulemaking, whose subject matter is hereby adopted by reference.

ARC 0083D

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to fire control administration and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to amend Chapter 280, "Fire Control Administration," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 10A.511.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 10A.511.

Purpose and Summary

This rulemaking proposes the repromulgation of subrule 280.8(2). Iowa Code section 10A.511 requires that the Department adopt rules regarding fire hazards or fire safety or protection in any establishment, building, or structure. Subrule 280.8(2) was mistakenly revised during the Red Tape Review of Chapter 280. This proposed rulemaking implements Iowa Code section 10A.511 by returning subrule 280.8(2) to its previous form.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on January 7, 2026. A public hearing was held on the following date(s):

- January 27, 2026

The Department received no public comments.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on March 24, 2026. Comments should be directed to:

Amy Oetken
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.672.4929
Email: amy.oetken@dia.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)"b," an oral presentation regarding this rulemaking may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind subrule 280.8(2) and adopt the following **new** subrule in lieu thereof:

280.8(2) The following chapters and sections of the International Building Code, 2024 edition, published by the International Code Council, as amended by rule 481—301.3(10A):

a. Chapter 2.
b. Chapter 3.
c. Chapter 4.
d. Chapter 5.
e. Chapter 6.
f. Chapter 7.
g. Sections 804 and 805.

ARC 0103D

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Proposing rulemaking related to licenses and providing an opportunity for public comment

The Natural Resource Commission (Commission) hereby proposes to amend Chapter 15, "General License Regulations," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 483A.1.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 483A.1.

Purpose and Summary

Chapter 15 governs hunting, fishing, and trapping license sales, fees, and general administration and a framework for license revocation and suspension. This proposed rulemaking seeks to increase hunting, fishing, and trapping resident and nonresident license fees by 5 percent, consistent with the statutory cap. These fees are only paid by persons who choose to participate in these recreational activities. License fees are deposited into the State Fish and Game Protection Fund (commonly known as the Fish and Wildlife Trust Fund), which also receives certain federal funds generated by excise taxes on outdoor sporting equipment. The Trust Fund is dedicated to Iowa's natural resources by and protected by the Iowa Constitution. The Department of Natural Resources (Department) is charged by law to use Trust Fund dollars to fund its natural resource protection, management, research, and enhancement activities.

While funded by a specific user group, the Trust Fund pays significant dividends to all Iowans. The Department's three Trust Fund-managing bureaus (Wildlife, Fisheries, and Law Enforcement) ensure the health and abundance of Iowa's natural resources, which underpins substantial economic activity. Simply put, the fees paid by sportsmen and sportswomen support the conservation infrastructure that benefits the State's economy, the environment, and Iowans' quality of life.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on January 7, 2026. A public hearing was held on the following date(s):

- January 27, 2026

Fiscal Impact

This rulemaking will generate revenue for the Trust Fund. Revenue is constrained by the Iowa Code to a 5 percent increase. This is a modest increase per license; for example, current resident fishing licenses will change from $20 to $21. However, every cent is important: license fees are a vital source of revenue for the Department's active promotion, management, research, and protection of Iowa's natural resources.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 571—Chapter 11.

Public Comment

Any interested person may submit comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on March 24, 2026. Comments should be directed to:

Joe Larscheid
Iowa Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Phone: 515.201.3376
Email: joe.larscheid@dnr.iowa.gov

Free language access: If you speak a non-English language, the Department offers you language assistance services free of charge. Contact the Department at joe.larscheid@dnr.iowa.gov.

Asistencia lingüística gratuita: Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el Departamento al joe.larscheid@dnr.iowa.gov.

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 24, 2026	6200 Park Avenue, Second Floor
1 to 2 p.m.	Des Moines, Iowa

Persons who wish to make oral comments at the public hearing will be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend the hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Free language assistance: If you need assistance in a language other than English, contact the Department at joe.larscheid@dnr.iowa.gov or civilrights@dnr.iowa.gov or by telephone at 515.210.3408 at least seven days before the event.

Asistencia lingüística gratuita: Si necesita ayuda en un idioma que no sea inglés, comuníquese con el Departamento al joe.larscheid@dnr.iowa.gov o civilrights@dnr.iowa.gov o por teléfono a 515.210.3408 al menos siete días antes del evento.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Amend rule 571—15.10(483A) as follows:

571—15.10(483A) Licenses—fees. Except as otherwise provided by law, a person shall not fish, trap, hunt, harvest, pursue, catch, kill, take in any manner, use, have possession of, sell, or transport all or a

part of any wild animal, bird, game, turtle, or fish, the protection and regulation of which is desirable for the conservation of resources of the state, without first obtaining a license for that purpose and paying a fee as follows:

15.10(1) *Residents.*

a. Fishing license, annual — ~~$20~~ $21.
b. Fishing license, three-year — ~~$60~~ $63.
c. Fishing license, seven-day — ~~$13.50~~ $14.
d. Fishing license, one-day — ~~$8.50~~ $8.75.
e. Third-line fishing permit, annual — ~~$12~~ $12.50.
f. Fishing license, lifetime, 65 years of age or older — ~~$59.50~~ $62.
g. Fishing license, lifetime, disabled veteran or POW — $5.
h. Paddlefish fishing license, annual — ~~$23.50~~ $24.50.
i. Trout fishing fee — ~~$12.50~~ $13.
j. Boundary waters sport trotline license, annual — ~~$24~~ $25.
k. Hunting license, annual — ~~$20~~ $21.
l. Hunting license, annual, including the wildlife habitat fee — ~~$33~~ $34.50.
m. Hunting license, three-year, including the wildlife habitat fee — ~~$99~~ $103.75.
n. Hunting license, lifetime, 65 years of age or older — ~~$59.50~~ $62.
o. Combination hunting and fishing license, annual, including the wildlife habitat fee — ~~$53~~ $55.50.
p. Combination hunting and fishing license, lifetime, disabled veteran or POW — $5.
q. Deer hunting license — ~~$30~~ $31.50.
r. First antlerless deer license — ~~$25.50~~ $26.75.
s. Additional antlerless deer license — ~~$12~~ $12.50.
t. Wildlife habitat fee — ~~$13~~ $13.50.
u. Migratory game bird fee — ~~$10~~ $10.50.
v. Wild turkey hunting license — ~~$26.50~~ $27.75.
w. Fur harvester license, annual — ~~$24~~ $25.
x. Fur harvester license, annual, including the wildlife habitat fee — ~~$37~~ $38.75.
y. Fur harvester license, annual, under 16 years of age — ~~$5.50~~ $5.75.
z. Fur harvester license, lifetime, 65 years of age or older — ~~$59.50~~ $62.
aa. Fur dealer license, annual — ~~$264~~ $277.
bb. Aquaculture unit license, annual — ~~$30~~ $31.50.
cc. Retail bait dealer license, annual — ~~$36~~ $37.75.
dd. Wholesale bait dealer license, annual — ~~$146.50~~ $153.75.
ee. Game breeder license, annual — ~~$18~~ $18.75.
ff. Taxidermy license, annual — ~~$18~~ $18.75.
gg. Trout fishing license, lifetime, 65 years of age or older — ~~$63~~ $66.
hh. Trout fishing license, lifetime, disabled veteran — ~~$63~~ $66.
ii. Fishing license, annual, veteran — $5.
jj. Combination hunting and fishing license, annual, veteran — $5.

15.10(2) *Nonresidents.*

a. Fishing license, annual — ~~$46~~ $48.
b. Fishing license, seven-day — ~~$35.50~~ $37.
c. Fishing license, three-day — ~~$18.50~~ $19.
d. Fishing license, one-day — ~~$10~~ $10.50.
e. Third-line fishing permit, annual — ~~$12~~ $12.50.
f. Paddlefish fishing license, annual — ~~$47~~ $49.
g. Trout fishing fee — ~~$15.50~~ $16.
h. Boundary waters sport trotline license, annual — ~~$47.50~~ $49.75.
i. Hunting license, annual — ~~$129~~ $135.
j. Hunting license, annual, including the wildlife habitat fee — ~~$142~~ $149.

k. Hunting license, annual, under 18 years of age — ~~$30~~ $31.50.

l. Hunting license, annual, under 18 years of age, including the wildlife habitat fee — ~~$43~~ $45.

m. Hunting license, five-day (not applicable to deer or wild turkey seasons) — ~~$75~~ $78.50.

n. Hunting license, five-day, including the wildlife habitat fee (not applicable to deer or wild turkey seasons) — ~~$88~~ $92.

o. Deer hunting license, antlered or any-sex deer — ~~$345.50~~ $362.75.

p. Deer hunting license, antlerless-deer-only, required with the purchase of an antlered or any-sex deer hunting license — ~~$146.50~~ $153.75.

q. Deer hunting license, antlerless-deer-only — ~~$263.50~~ $276.50.

r. Preference point issued under Iowa Code section 483A.7(3)*"b"* or 483A.8(3)*"e"* — ~~$58.50~~ $61.

s. Holiday deer hunting license issued under Iowa Code section 483A.8(6), antlerless-deer-only — ~~$88~~ $92.

t. Wildlife habitat fee — ~~$13~~ $13.50.

u. Migratory game bird fee — ~~$10~~ $10.50.

v. Wild turkey hunting license, annual — ~~$117~~ $122.75.

w. Fur harvester license, annual — ~~$232~~ $243.50.

x. Fur harvester license, annual, including the wildlife habitat fee — ~~$245~~ $257.

y. Fur dealer license, annual — ~~$586.50~~ $615.75.

z. Fur dealer license, one-day, one location — ~~$292.50~~ $307.

aa. Location permit for fur dealer — ~~$66~~ $69.

bb. Aquaculture unit license, annual — ~~$66~~ $69.

cc. Retail bait dealer license, annual — ~~$146.50~~ $153.75.

dd. Wholesale bait dealer license, annual — ~~$292.50~~ $307.

ee. Game breeder license, annual — ~~$30.50~~ $32.

ff. Taxidermy license, annual — ~~$30.50~~ $32.

ARC 0082D

PUBLIC HEALTH DEPARTMENT[641]

Amended Notice of Intended Action

Proposing rulemaking related to general provisions for radiation machines and radioactive materials and providing an opportunity for public comment

The Department of Health and Human Services proposes to rescind Chapter 38, "General Provisions for Radiation Machines and Radioactive Materials," and to adopt a new Chapter 38, "Permits to Operate Ionizing Radiation Producing Machines or Administer Radioactive Materials for Medical Imaging," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 136C.3 to 136C.5, 136C.10 and 136C.14.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 136C.3 to 136C.5, 136C.10 and 136C.14 and 10 CFR 20.

Purpose and Summary

This proposed chapter is one of eight chapters pertaining to radiologic health matters regulated by the Department. This proposed chapter and the seven others were reviewed as a part of the Red Tape Review process laid out in Executive Order 10. As a result of this review, restrictive terms were

removed, areas that were duplicative were combined or eliminated, and editorial updates were made to reflect current policies and procedures. This proposed chapter establishes standards for protection against ionizing radiation resulting from activities conducted pursuant to licenses or registrations issued by the Department. This proposed rulemaking also decreases the application fee amount that prospective permit holders must pay.

Reason for Amendment of Notice of Intended Action

Notice of Intended Action was published in the Iowa Administrative Bulletin on November 26, 2025, as **ARC 9773C**. The original Notice is being amended to update the returned check fee for licensing applications. Through an agreement with the Department of Inspections, Appeals, and Licensing, the Department has agreed to standardize these fees so that they are in line with other departments across the State. The returned check fee is being updated from $25 to $40. The Department assessed one returned check fee in SFY 2025 and SFY 2026.

Fiscal Impact

This proposed rulemaking lowers the application fee for permit holders from $150 to $100. This decrease in application fee is expected to decrease fees to permit holders by roughly $9,000, based on SFY 2025 data. In addition, the State of Iowa is moving to a new licensing system for all agencies. The new licensing system does not support late fees. This change was expected to have a fairly significant fiscal impact on the total fees collected under 641—Chapters 37, 38, 43, and 44. As a result, the Department is removing the recurring late fees from these chapters and adding a one-time reinstatement fee for late registrations. In total, this switch is expected to decrease fee revenue by approximately $20,000 for the Department's Bureau of Radiologic Health. Fees collected under these chapters offset administrative costs and do not impact the State's General Fund.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on March 24, 2026. Comments should be directed to:

Victoria L. Daniels
Department of Health and Human Services
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 24, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 287 677 567 218 98 Passcode: Ny3YJ3ES

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

ITEM 1. Rescind 641—Chapter 38 and adopt the following **new** chapter in lieu thereof:

CHAPTER 38
PERMITS TO OPERATE IONIZING RADIATION PRODUCING MACHINES OR ADMINISTER RADIOACTIVE MATERIALS FOR MEDICAL IMAGING

641—38.1(136C) Definitions.

"ARRT" means the American Registry of Radiologic Technologists.

"Attenuation correction" means the use of X-rays from a CT scan to construct an attenuation map of density differences throughout the body that can then be used to correct for the absorption of the photons emitted from Fludeoxyglucose (^{18}F) decay during a PET/CT scan.

"Authorized user" means an Iowa-licensed physician identified on a specific radioactive materials license or a license of broad scope pursuant to 641—Chapter 39.

"Category" defines specific duties allowed in the limited radiologic technologist permit classification.

"Classification" means a specific class of permit that allows the permit holder to perform the duties specified for that permit class.

"Continuing education activity" means a learning activity that is recognized as continuing education by the ARRT or NMTCB.

"Diagnostic computed tomography" means the use of computed tomography to create cross-sectional images of the human body to be used for diagnosis.

"Expiration date" means 11:59 p.m. on the stated date.

"Formal education" means a course of classroom and clinical instruction that meets the training standards set by the department.

"NMTCB" means Nuclear Medicine Technology Certification Board.

"Nuclear medicine diagnostic computed tomography endorsement" means a qualification that allows a nuclear medicine technologist to perform diagnostic computed tomography of the human body as ordered by an individual authorized by Iowa law to order radiography.

"Nuclear medicine procedure" means any procedure utilizing radiopharmaceuticals for diagnosis or treatment of disease in human beings and any duties performed by the technologist during sealed source procedures and includes but is not limited to:

1. Administration of any radiopharmaceutical to human beings for diagnostic purposes.
2. Administration of radioactive material to human beings for therapeutic purposes.
3. Use of radioactive material for diagnostic purposes involving transmission or excitation.
4. Quality control and quality assurance.

"Nuclear medicine technologist" means an individual who performs nuclear medicine procedures while under the supervision of an authorized user. The classifications are as follows:

1. "General nuclear medicine technologist" performs any nuclear medicine procedures and may perform computed tomography for attenuation correction during PET/CT or SPECT/CT only.

2. "Limited nuclear medicine technologist" performs nuclear medicine procedures only as approved by the department at the time the initial permit was issued.

"Permit" means the document issued to an individual by the department when the individual has met the requirements of this chapter. This document authorizes the individual to perform the duties allowed for the classification of permit issued.

"Radiation therapist" means an individual who performs radiation therapy under the supervision of a radiation oncologist licensed in Iowa.

"Radiation therapy" means the science and art of performing simulation radiography or applying ionizing radiation emitted from X-ray machines, particle accelerators, or radioactive materials in the form of sealed sources to human beings for therapeutic purposes.

"Radiography" means a technique for generating and recording an X-ray pattern for the purpose of providing the user with an image(s) during or after termination of the exposure.

"Radiologic technologist" means an individual, excluding X-ray equipment operators, who performs radiography of the human body as ordered by an individual authorized by Iowa law to order radiography. The classifications are as follows:

1. "General radiologic technologist" performs radiography and computed tomography of any part of the human body.

2. "Limited radiologic technologist" performs radiography for the chest, spine, extremities, shoulder or pediatrics, excluding computed tomography and fluoroscopy.

3. "Limited in-hospital radiologic technologist" performs radiography of any part of the human body as approved by the department at the time the initial permit was issued.

"Radiologist assistant" means an advanced-level radiologic technologist who has completed the necessary requirements in order to perform procedures as outlined in ARRT guidance while under supervision of a radiologist.

"Student" means an individual enrolled in and participating in formal education.

"Therapeutic" means a medical treatment using radiation for therapy purposes.

"X-ray equipment operator" means an individual performing radiography of the human body using dedicated equipment as ordered by an individual authorized by Iowa law to order radiography. These individuals do not qualify for a permit in any other classification. The classifications are as follows:

1. "Podiatric X-ray equipment operator" performs radiography of only the foot and ankle using dedicated podiatric equipment. Studies using computed tomography, fluoroscopy, or nondedicated equipment are prohibited.

2. "Bone densitometry equipment operator" performs bone densitometry using only dual energy X-ray absorptiometry equipment. Studies using computed tomography, fluoroscopy, or nondedicated equipment are prohibited.

641—38.2(136C) Exemptions.

38.2(1) The following are exempt from obtaining a permit for the operation of radiation machines only as required by this chapter in accordance with Iowa Code chapter 136C.

a. A licensed physician.

b. A licensed physician assistant.

c. A licensed chiropractor.

d. A licensed dentist.

e. A licensed dental hygienist.

f. A licensed podiatrist.

g. An individual certified by the dental board in dental radiography.

h. A student as a part of the student's formal education.

38.2(2) The department may, upon application or upon its own initiative, grant such exemptions from the requirements of this chapter as it determines are authorized by law and will not result in undue hazard to public health and safety. Application for exemptions should be made in accordance with 441—Chapter 6.

641—38.3(136C) Permit application and renewal. An individual cannot operate ionizing radiation producing machines or administer radioactive materials for diagnostic or therapeutic purposes unless the individual possesses a current Iowa permit in the individual's classification of practice.

641—38.4(136C) Permit to practice—general radiologic technologist, nuclear medicine technologist, radiation therapist.

38.4(1) An individual applying for an initial permit shall:

a. Be at least 18 years of age.

b. Submit the appropriate completed application.

c. Submit a nonrefundable $100 application fee.

d. Submit proof of a passing score on the ARRT general radiography examination, the NMTCB nuclear medicine examination, or the ARRT radiation therapist examination.

38.4(2) An individual renewing a current permit shall:

a. Renew annually by submitting a renewal application and a nonrefundable $75 renewal fee.

b. Report 24.0 hours of continuing education obtained within the biennium indicated on the individual's permit.

38.4(3) An individual reinstating an expired permit shall submit the following:

a. Application to reinstate and nonrefundable $100 application fee. If the permit is expired six months or more, all previous exemptions from this chapter are no longer valid and the individual is subject to all requirements of applying for an initial license.

b. Any continuing education hours due at time of renewal. If the permit is expired more than one year past the expiration date, 24.0 hours of continuing education obtained within the previous 24 months must be submitted.

c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

641—38.5(136C) Permit to practice as a general nuclear medicine technologist with computed tomography endorsement. An individual applying for a nuclear medicine diagnostic computed tomography endorsement shall:

38.5(1) Maintain an active permit to practice as a general nuclear medicine technologist. Endorsements shall not be held without an active permit.

38.5(2) Submit proof of a passing score on the ARRT or NMTCB computed tomography examination.

641—38.6(136C) Permit to practice as a radiologist assistant.

38.6(1) An individual applying for an initial permit shall:

a. Submit the appropriate completed application.

b. Submit a nonrefundable $100 application fee.

c. Submit proof of completion of formal education for a radiologist assistant.

d. Submit proof of one year of experience as a general radiologic technologist.

e. Submit proof of a passing score on the ARRT radiologist assistant examination or another examination that is recognized by the department.

38.6(2) An individual renewing a current permit shall:

a. Renew annually by submitting a renewal application and a nonrefundable $75 renewal fee.

b. Report 50.0 hours of continuing education obtained within the biennium indicated on the individual's permit. Radiologist assistant permit holders must obtain at least one-half of the required continuing education in subject areas specific to radiography. The remainder may be earned as physician credit hours.

38.6(3) An individual reinstating an expired permit shall submit the following:

a. Application to reinstate and nonrefundable $100 application fee. If the permit is expired six months or more, all previous exemptions from this chapter are no longer valid and the individual is subject to all requirements of applying for an initial permit.

b. Any continuing education hours due at time of renewal. If the permit is expired more than one year past the expiration date, 50.0 hours of continuing education obtained within the previous 24 months must be submitted.

c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

641—38.7(136C) Permit to practice as a limited radiologic technologist with categories of chest, spine, extremities, shoulder, pediatric. An individual with a limited radiologic technologist permit can perform radiography only within the scope of the category(ies) in which the permit is issued. Limited radiologic technologists may use portable/mobile radiography equipment. The facility must maintain proof of the completion of training on specific portable/mobile equipment as part of the facility's radiation protection program.

38.7(1) The scope of each category is defined as follows:

a. "Chest" allows the permit holder to perform radiography of the lung fields, including the cardiac shadow, as taught in the limited radiography formal education standards. Chest radiograph techniques cannot be manipulated for the evaluation of the shoulder, clavicle, scapula, ribs, thoracic spine and sternum. Limited radiologic technologists who have completed the appropriate formal education after January 1, 2009, may perform lateral decubitus chest views.

b. "Extremities" allows the permit holder to perform radiography for body parts from:

(1) The distal phalanges of the foot to the head of the femur, including its articulation with the pelvic girdle. True hip radiographs are prohibited.

(2) The distal phalanges of the hand to the head of the humerus. These projections may include the acromioclavicular or glenoid-humeral areas. The radiograph shall not include any of the views in the shoulder category unless the individual holds a limited radiologic technologist permit that includes the shoulder category.

c. "Spine" allows the permit holder to perform radiography of the spine in the approved areas only. Approved areas and limitations are described as:

(1) Cervical vertebrae.

(2) Thoracic (dorsal) vertebrae.

(3) Lumbar vertebrae to include the articulations with the sacrum and coccyx and the sacral articulation with the pelvic girdle. True pelvis radiographs or other projections performed with the image receptor positioned perpendicular to the long axis of the torso are prohibited under this category.

(4) All projections shall be performed as taught in the limited radiologic technologist formal education standards.

d. "Shoulder" allows the permit holder to perform radiography of the shoulder in the approved projections only. Approved projections and limitations are described as:

(1) AP internal and external rotation.

(2) AP neutral.

(3) Transthoracic lateral views.

(4) Scapular "Y" lateral.

(5) The image cannot include the proximal end of the clavicle on any AP projection. All other shoulder views are prohibited. The permit holder must hold a limited radiologic technologist permit with a category of either chest or extremity in order to be granted the shoulder category.

e. "Pediatric" allows the permit holder to perform radiography of either chest or extremities or both as defined in this chapter for patients aged 36 months and under. The permit holder must hold a limited radiologic technologist permit with the minimum categories of chest or extremities or both in order to qualify for pediatric radiography. This designation allows permit holders to perform pediatric radiography within the permit classifications listed on their permit only. All other projections on pediatric patients by limited radiologic technologists are prohibited.

38.7(2) An individual applying for an initial permit shall:

a. Be at least 18 years of age.

b. Submit the appropriate completed application.

c. Submit a nonrefundable $100 application fee.

d. Submit proof of completion of formal education in all limited diagnostic radiography categories for which the individual is applying. In order to apply for the shoulder category, the individual needs to also apply for the chest or extremity category. In order to apply for the pediatric category, the individual must also apply for the chest or extremity category. Each individual making application to attend a formal education course provided by the department to fulfill these requirements must submit an application and nonrefundable fee of $200 to the department each time the individual attends a course.

e. Submit proof of completion of testing as applicable for each permit category for which the individual is applying on the limited radiologic technologist permit. No examination is required for the categories of shoulder or pediatric.

(1) The following are passing scores:

1. A score of at least 70 percent on the ARRT limited scope of practice in radiography examination core section and at least 70 percent on each category;

2. A score of at least 70 percent on the American Chiropractic Registry of Radiologic Technologists limited radiography examination; or

3. A score of at least 70 percent on a department-approved examination.

(2) Three failed attempts on the examination will require the individual to repeat the formal education or complete a department-approved review program.

(3) Each individual making application to take an examination as a limited radiologic technologist in must submit an application to the department each time the individual takes the examination. The individual must also submit the examination fee directly to the ARRT each time the individual takes the examination.

f. Submit proof of completion of formal education and examination in the category to be added and a nonrefundable $40 amendment fee to add chest, extremity, or spine category to an existing limited radiologic technologist permit. A score of at least 70 percent on each category is required.

g. Submit proof of completion of formal education and a nonrefundable $40 amendment fee to add shoulder or pediatric category to an existing limited radiologic technologist permit. No examination is required.

38.7(3) An individual renewing a current permit shall:

a. Renew annually by submitting a renewal application and a nonrefundable $75 renewal fee.

b. Report 12.0 hours of continuing education obtained within the biennium indicated on the individual's permit.

38.7(4) An individual reinstating an expired permit shall submit the following:

a. Application to reinstate and nonrefundable $100 application fee. If the permit is expired six months or more, all previous exemptions from this chapter are no longer valid and the individual is subject to all the requirements of obtaining an initial permit.

b. Any continuing education hours due at time of renewal. If the permit is expired more than one year past the expiration date, 12.0 hours of continuing education obtained within the previous 24 months must be submitted.

c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

641—38.8(136C) Permit to practice as an X-ray equipment operator in podiatric radiography or bone densitometry (dual energy X-ray absorptiometry or DEXA). After January 1, 2015, all individuals performing only bone densitometry or other examinations using DEXA machines must hold a bone densitometry permit.

38.8(1) An individual applying for an initial permit shall:

a. Be at least 18 years of age.

b. Submit the completed application.

c. Submit a nonrefundable $40 application fee.

d. Submit proof of completion of formal education that meets the department minimum training standards. Each individual applying to attend an X-ray equipment operator formal education course

provided by the department must submit an application and nonrefundable fee of $150 to the department each time the individual attends the course.

e. Submit proof of at least a 70 percent score on a department-approved examination.

(1) Three failed attempts on the examination will cause the individual to repeat the formal education or complete a department-approved review program.

(2) Each individual applying to take an examination as an X-ray equipment operator must submit an application and nonrefundable fee of $100 to the department each time the individual takes the examination.

38.8(2) An individual renewing a current permit shall:

a. Renew annually by submitting a renewal application and a nonrefundable $40 renewal fee.

b. Report four hours of continuing education obtained within the biennium indicated on the individual's permit.

38.8(3) An individual reinstating an expired permit shall submit the following:

a. Application to reinstate and nonrefundable $100 application fee. If the permit is expired six months or more, all previous exemptions from this chapter are no longer valid and the individual is subject to all requirements of applying for an initial permit.

b. Any continuing education hours due at time of renewal. If the permit is expired more than one year past the expiration date, four hours of continuing education obtained within the previous 24 months must be submitted.

c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

641—38.9(136C) Closed classification or category permits.

38.9(1) The following classifications or categories are closed to new applicants. Permits in the following classifications or categories that are expired for more than six months are not eligible to be reinstated, and individuals shall maintain current permits as outlined below:

a. Limited nuclear medicine technologist shall:

(1) Perform nuclear medicine procedures for which the individual is qualified and has been authorized by the department.

(2) Renew annually by submitting a renewal application and a nonrefundable $75 renewal fee.

(3) Report 12.0 hours of continuing education obtained within the biennium indicated on the individual's permit.

b. Limited radiologic technologist paranasal sinus shall:

(1) Perform diagnostic radiography procedures, excluding CT and fluoroscopy, specific to paranasal sinus.

(2) Renew annually by submitting a renewal application and a nonrefundable $75 renewal fee.

(3) Report six hours of continuing education obtained within the biennium indicated on the individual's permit.

38.9(2) An individual renewing a permit expired less than six months shall submit the following:

a. Application to reinstate and nonrefundable $150 application fee.

b. Any continuing education hours due at time of renewal.

c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

641—38.10(136C) Combining permits for an individual qualifying for permits in more than one classification.

38.10(1) An individual applying for an initial permit in more than one classification at the same time shall combine classifications on one permit by:

a. Indicating each classification on the appropriate completed application;

b. Submitting the required documentation for each classification as outlined in each classification section; and

c. Submitting a nonrefundable $150 application fee.

38.10(2) Permit holders can add a classification to an existing permit by:

a. Completing the appropriate application;

b. Submitting the required documentation as outlined in the rule specific to the classification to be added; and

c. Submitting a nonrefundable $40 fee.

38.10(3) An individual renewing a combined classification permit must submit the appropriately completed renewal application and submit a nonrefundable $110 renewal fee.

38.10(4) An individual shall submit a total of 24.0 hours of continuing education obtained within the biennium indicated on the individual's permit. If the permit includes the radiologist assistant classification, then the individual must submit a total of 50.0 hours of continuing education obtained within the biennium indicated on the individual's permit.

38.10(5) An individual reinstating an expired permit shall submit the following:

a. Application to reinstate and a nonrefundable $150 application fee. If the permit is expired six months or more, all previous exemptions from this chapter are no longer valid and the individual is subject to all requirements of submitting an initial application.

b. Any continuing education hours due at time of renewal. If the permit is expired more than one year past the expiration date, 24.0 hours of continuing education obtained within the previous 24 months must be submitted. If the permit includes the radiologist assistant classification, then the individual must submit a total of 50.0 hours of continuing education obtained within the biennium indicated on the individual's permit.

c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

641—38.11(136C) Submission of proof of completion of continuing education by permit holder to meet continuing education requirements to renew or reinstate a permit.

38.11(1) A permit holder who has a current ARRT or NMTCB registration that has been renewed within 60 days prior to the submission of the permit renewal application required by these rules shall be credited the number of hours recognized by the ARRT or NMTCB registration or must submit proof of completion of continuing education activities recognized by ARRT or NMTCB.

a. Acceptable proof of completion is documentation signed and dated by the continuing education provider that includes the participant's name, title of the activity, approval number for the activity, dates of attendance, number of contact hours for the activity, name of the approving organization, and signature of the sponsor or instructor or authorized representative of the sponsor or instructor.

b. Continuing education activities cannot be repeated for credit in the same biennium but may be repeated across different biennia.

38.11(2) Podiatric X-ray equipment operator permit holders may submit activities as described in this chapter or may submit activities sponsored by the American Podiatric Medical Association or the Iowa Podiatric Medical Society.

a. Acceptable proof of completion must be documentation signed and dated by the continuing education provider that includes the participant's name, title of the activity, approval number for the activity, dates of attendance, and number of contact hours for the activity; the name of the approving organization; and the signature of the sponsor or instructor or authorized representative of the sponsor or instructor.

b. Continuing education activities that are lecture presentations cannot be repeated for credit in the same biennium.

c. All continuing education activities that are not lecture presentations cannot be repeated for credit in the same or any subsequent biennium.

641—38.12(136C) Requirements for formal education. Formal education has to meet the following minimum requirements:

38.12(1) General radiologic technology formal education must be recognized by the ARRT to allow students to qualify for the general radiography examination.

38.12(2) Nuclear medicine technology formal education must be recognized by the ARRT or NMTCB to allow students to qualify for the nuclear medicine technology examination.

38.12(3) Radiation therapy formal education must be recognized by the ARRT to allow students to qualify for the radiation therapy examination.

38.12(4) Radiologist assistant formal education must provide training to allow students to qualify for a department-approved radiologist assistant examination.

38.12(5) Limited radiologic technologist formal education must meet the minimum standards specified in this chapter.

38.12(6) X-ray equipment operator formal education must meet the minimum standards as outlined in this chapter.

641—38.13(136C) Standards for formal education for limited radiologic technologists.

38.13(1) The formal education may be a single offering that meets all standards of all categories, or it may be offered individually specific to the category the provider wishes to offer.

38.13(2) The following are the minimum standards:

a. A principal instructor shall:

(1) Be an Iowa-licensed chiropractor teaching spine and extremities categories only;

(2) Be an Iowa-permitted general radiologic technologist and have at least two years of current experience in radiography; or

(3) Hold a current ARRT registration and have at least two years of current experience in radiography if the clinical site is located outside of Iowa.

b. A clinical instructor shall:

(1) Be an Iowa-licensed chiropractor teaching spine and extremities categories only;

(2) Be an Iowa-permitted general radiologic technologist and have at least two years of current experience in radiography;

(3) Be an Iowa-permitted limited radiologic technologist in the category of instruction and have at least two years of current experience in radiography; or

(4) Hold a current ARRT registration and have at least two years of current experience in radiography if the clinical site is located outside of Iowa.

c. Clinical instructors shall be supervised by the principal instructor.

d. A principal instructor may also act as clinical instructor, if applicable.

e. Classroom and clinical standards are listed below:

Category	Classroom Hours	Clinical Practice Projections	Clinical Competency Projections
Core: completed by all trainees	60		
Chest	20	30 PA or LAT	5 PA, 5 LAT
Upper extremity	20	30 (any projections)	10 (only 2 of any projection allowed)
Lower extremity	20	30 (any projections)	10 (only 2 of any projection allowed)
Shoulder	20	20 (any projections)	6 (only 2 of any projection allowed)
Spine	20	30 (any projections)	10 (only 2 of any projection allowed)
Pediatric: add on to chest	8 of initial pediatrics	20 (any projections)	2 PA, 2 LAT
Pediatric: add on to upper extremity	8 of initial pediatrics	20 (any projections)	10 (only 2 of any projection allowed)
Pediatric: add on to lower extremity	8 of initial pediatrics	20 (any projections)	10 (only 2 of any projection allowed)

(1) All competency testing for limited radiography shall be directly supervised by the principal or clinical instructor, can only begin after the classroom hours in a category have been completed, and cannot begin until after the clinical site has been approved by the department using the Initial Clinical Site Form.

(2) Clinical instructors shall directly supervise all students before a student's competency for a specific projection is documented and indirectly supervise after the student's competency for a specific projection is documented.

(3) Current permit holders completing formal education to add a category do not need to repeat the core curriculum.

38.13(3) Department approval is required before implementing any formal education or making any changes to a formal education offering.

38.13(4) Administrative items for all formal education. The department reserves the right to audit or evaluate any aspect of the formal education or student progress.

641—38.14(136C) Standards for formal education for X-ray equipment operators in podiatric radiography.

38.14(1) The following are the minimum standards:

a. A principal instructor shall:

(1) Be an Iowa-licensed podiatrist;

(2) Be an Iowa-permitted general radiologic technologist and have at least two years of current experience in radiography; or

(3) Hold a current ARRT registration and have at least two years of current experience in radiography if the clinical site is located outside of Iowa.

b. A clinical instructor shall:

(1) Be an Iowa-licensed podiatrist; or

(2) Be an Iowa-permitted limited radiologic technologist in the category of extremities and have at least two years of current experience in radiography;

(3) Be an Iowa-permitted X-ray equipment operator in podiatry and have at least two years of current experience in radiography;

(4) Be an Iowa-permitted general radiologic technologist and have at last two years of current experience in radiography; or

(5) Hold a current ARRT registration and have at least two years of current experience in radiography if the clinical site is located outside of Iowa.

c. Clinical instructors shall be supervised by the principal instructor.

d. A principal instructor may also act as clinical instructor, if applicable.

e. The following are classroom and clinical standards:

(1) A minimum of eight hours of classroom instruction to include radiation safety, equipment operation, patient care, and anatomy.

(2) Clinical instruction to include positioning and a minimum of 20 projections excluding the competency projections.

(3) Clinical competency projections to include ten projections with only two of any single projection allowed to count toward the competency projections.

(4) All competency testing to be directly supervised by the principal or clinical instructor.

(5) Clinical instructors to directly supervise all students before a student's competency for the specific projection is documented and indirectly supervise after the student's competency for the specific projection is documented.

38.14(2) Department approval is required before implementing any formal education or making any changes to a formal education offering.

38.14(3) Administrative items for all formal education:

a. The department reserves the right to audit or evaluate any aspect of the formal education or student progress.

b. The department may at any time request further documentation.

641—38.15(136C) Standards for formal education for X-ray equipment operators in bone densitometry.

38.15(1) The following are the minimum standards:

a. A principal instructor shall have at least two years of current experience in radiography and bone densitometry and:

(1) Be an Iowa-permitted general radiologic technologist; or

(2) Hold a current ARRT registration if the clinical site is located outside of Iowa.

b. A clinical instructor shall have at least two years of current experience in radiography and bone densitometry and shall:

(1) Be an Iowa-permitted limited radiologic technologist;

(2) Be an Iowa-permitted X-ray equipment operator in bone densitometry;

(3) Be an Iowa-permitted general radiologic technologist; or

(4) Hold a current ARRT registration if the clinical site is located outside of Iowa.

c. Clinical instructors shall be supervised by the principal instructor.

d. A principal instructor shall also act as clinical instructor, if applicable.

e. The following are classroom and clinical standards:

(1) A minimum of eight hours of classroom instruction to include radiation safety, equipment operation, quality control, patient care, and anatomy.

(2) Clinical instruction to include positioning and a minimum of ten projections excluding the competency projections.

(3) Clinical competency projections to include five projections.

(4) All competency testing to be directly supervised by the principal or clinical instructor.

(5) Clinical instructors to directly supervise all students before a student's competency for the specific projection is documented and indirectly supervise after the student's competency for the specific projection is documented.

38.15(2) Department approval is required before implementing any formal education or making any changes to a formal education offering.

38.15(3) Administrative items for all formal education:

a. The department reserves the right to audit or evaluate any aspect of the formal education or student progress.

b. The department may at any time request further documentation.

38.15(4) Application to reinstate and nonrefundable $150 application fee.

a. If the permit is expired six months or more, all previous exemptions from this chapter are no longer valid and the individual is subject to all requirements of subrule 38.5(1).

b. Any continuing education hours due at time of renewal. If the permit is expired more than one year past the expiration date, 50.0 hours of continuing education obtained within the previous 24 months must be submitted.

c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

641—38.16(136C) Administrative items and grounds for disciplinary action.

38.16(1) A nonrefundable $40 fee will be assessed for each check returned for any reason. All fees for returned checks plus original fees must be paid by certified bank check or money order.

38.16(2) A permit is valid from the date of issuance until the expiration date unless otherwise revoked or suspended.

38.16(3) The department may at any time request further documentation to ensure compliance with these rules.

38.16(4) The permit holder shall make the permit available at the individual's place of employment. If the permit holder works at more than one facility, a duplicate of the permit shall be kept at each facility.

38.16(5) The permit holder must maintain proof of continuing education for at least three years.

38.16(6) Continuing education obtained to satisfy disciplinary or enforcement action or as part of a corrective action plan cannot be reported to meet continuing education requirements.

38.16(7) All permit holders are subject to a department audit at any time.

641—38.17(136C) Rules of conduct, self-reporting requirements, and enforcement actions for all permit holders or applicants.

38.17(1) *Rules of conduct.* These are mandatory standards of minimally acceptable professional conduct intended to promote the protection, safety, and comfort of patients. Any individual who fails to meet or allows any other individual to fail to meet the following standards may be subject to enforcement actions as outlined in this chapter. The following are grounds for disciplinary action:

a. Failing to perform with reasonable skill and safety all procedures accepted under this chapter's educational guidelines and allowed under the individual's permit.

b. Operating as a permitted individual without meeting the applicable requirements of this chapter. This includes performing procedures not allowed under the individual's current permit.

c. Failing to report immediately to the department any individual who may be operating as a permit holder and who does not meet the requirements of this chapter.

d. Engaging in any practice that results in unnecessary danger to a patient's life, health, or safety. This includes delegating or accepting the delegation of any function when the delegation or acceptance could cause unnecessary danger.

e. Engaging in any action that the department determines may jeopardize the health and safety of the public, other staff, or the permit holder. These actions can include but are not limited to:

(1) A misdemeanor or felony that may impair or limit the individual's ability to perform the duties authorized by the individual's permit.

(2) Any disciplinary action brought against the individual in connection with a certificate or license issued from a certifying or licensing entity.

(3) Being found guilty of incompetence or negligence during the individual's performance as a permit holder.

f. Failing to conform to applicable state and federal statutes and rules. This includes any action that might place a facility in noncompliance with Iowa statutes and rules.

g. Practicing when there is an actual or potential inability to perform with reasonable skill and safety due to illness; due to use of alcohol, drugs, chemicals, or any other material; or as the result of any mental or physical condition.

h. Engaging in any unethical conduct or conduct likely to deceive, defraud, or harm the public or demonstrating a willful or careless disregard for the health, welfare, or safety of a patient.

i. Revealing privileged communication from or relating to former or current patients, except as permitted by law.

j. Improperly managing patient records, including failing to maintain adequate records; failing to furnish records; or making, causing, or allowing anyone to make a false, deceptive, or misleading entry into a patient record.

k. Providing false or misleading information that is directly related to the care of a former or current patient.

l. Interpreting or rendering a diagnosis for a physician based on a diagnostic image or prescribing medications or therapies.

m. Failing to immediately report to a supervisor information concerning an error made in connection with imaging, treating, or caring for a patient. This includes any departure from the normal standard of care and any behavior that is negligent.

n. Employing fraud or deceit to obtain, attempt to obtain or renew a permit under this chapter or in connection with a certification or license issued from a certifying or licensing entity. This includes altering documents, failing to provide complete and accurate responses or information, indicating falsely in writing that a permit is valid when that is not the case, or any form of examination subversion.

o. Failing to provide truthful, accurate, unaltered, or nondeceptive information related to continuing education activities to the department or a recordkeeper.

p. Assisting others to provide false, inaccurate, altered, or deceptive information related to continuing education to this department or a recordkeeper. This includes sharing answers, providing or using false certificates of participation, or verifying continuing education hours that have not been earned.

q. Failing to pay all fees or costs to meet the requirements of this chapter. Penalties for working without a current permit will be considered on a case-by-case basis.

r. Failing to respond to an audit request or failing to provide proper documentation.

s. Submitting false information to a facility that might place the facility in noncompliance with any federal or state statutes or laws.

t. Engaging in any conduct that subverts or attempts to subvert a department investigation.

u. Failing to comply with a subpoena issued by the department or failure to cooperate with an investigation by the department.

v. Failing to comply with the terms of a department order or the terms of a settlement agreement or consent order.

w. Engaging in sexual harassment of a patient, student, or supervisee. Sexual harassment includes sexual advances, sexual solicitation, requests for sexual favors, and other verbal and physical conduct of a sexual nature.

x. Violating a statute of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, including but not limited to a crime involving dishonesty, fraud, theft, embezzlement, controlled substances, substance abuse, assault, sexual abuse, sexual misconduct, or homicide. A copy of the record of conviction or plea of guilty is conclusive evidence of the violation.

y. Having a permit, license, or certification related to the classification of the permit issued to the individual suspended or revoked or having other disciplinary action taken by a licensing or certifying authority of this state or another state, territory, or country. A copy of the record or order of suspension, revocation, or disciplinary action is conclusive or prima facie evidence.

z. Failing to respond within 30 days of receipt of communication from the department.

38.17(2) *Self-reporting.* Each permit holder shall:

a. Submit a report to the department within five days of the final disposition of all criminal proceedings, convictions, or military court-martials involving alcohol or illegal drug use while operating as a permit holder; sex-related infractions; or patient-related infractions in any state, territory, or country.

b. Submit a written report to the department within five days of the initial charge and within five days of the final disposition of any disciplinary action brought against the individual in connection with a certificate or license issued from a certifying or licensing entity, or any disciplinary action brought against the individual by an employer or patient.

c. Report potential ethics violations (including state licensing issues and criminal charges and convictions) within 30 days of the occurrence or during the permit holder's annual renewal process, whichever comes first.

38.17(3) *Enforcement actions.* Enforcement actions may include but are not limited to denial, probation, suspension or revocation of a permit, directed corrective action, and civil penalty.

641—38.18(136C) Procedures for demand for information, notice of proposed action, and orders for penalties, suspensions, revocations, and civil penalties for all individuals under this chapter. These actions may be imposed on any permit holder who violates any rule in this chapter.

38.18(1) *Demand for information.*

a. The department may issue a demand for information for the purpose of determining whether any further action will be taken. The demand will state the alleged violations and allow the individual 20 days from the date of the letter to file a written answer with the department.

b. The individual must file a written answer to the department. The answer shall specifically admit or deny each allegation or charge made in the demand for information and provide fact and law on which the answer relies; set forth reasons why the demand should not have been issued; and if the requested information is not provided, the reasons why it is not provided.

c. Upon review of the answer, the department may institute the next level of proceeding or consider the matter closed. If no answer is filed, the department will institute the notice of proposed action.

38.18(2) *Procedures for enforcement actions.*

a. Notice of proposed action.

(1) In response to an alleged violation of any provision of the Iowa Code, these rules, or any order issued by the department, the department may issue a written notice of proposed action. The notice of proposed action will concisely state the alleged violation(s), the action the department is proposing, the time period in which a written response must be received, and the process for requesting a hearing.

(2) A written response has to state any facts, explanations, or arguments denying the violations or demonstrate any extenuating circumstances, error in the notice, or other reason why the proposed action should not be imposed. Responses may also request remission or mitigation of any penalty.

(3) If a request for a hearing is received within the allotted time period, the proposed action is to be suspended pending the outcome of the hearing. Prior to or at the hearing, the department may rescind the notice of proposed action upon satisfaction that the reason for the proposed action has been resolved.

(4) If no answer is filed, the department will institute the order.

b. Order. An order may be issued upon response to the notice of proposed action or if no answer to the notice has been filed. The order may institute a proceeding to impose a penalty or suspend, revoke, or place on probation the individual's permit or issue a civil penalty. An order will concisely state the violation(s), the action the department has imposed, the effective date of the order, the time period for written response to be received by the department, and the process for requesting a hearing. If there has been consent in writing to the notice of proposed action, no written response to the order is necessary.

(1) If a request for a hearing is received within the allotted time period, the proposed action of the order is suspended pending the outcome of the hearing. Prior to or at the hearing, the department may rescind the order upon satisfaction that the reason for the proposed action has been resolved.

(2) If no answer is filed, the department will institute the order. A consent to the order constitutes a waiver to a hearing, findings of fact and conclusions of law, and of all right to seek department and judicial review or to contest the validity of the order in any form as to those matters that have been consented to or agreed to or on which a hearing has not been requested. An order that has been consented to has the same force and effect as an order made after hearing by a presiding officer or the department and is effective as provided in the order. Failure to comply with an order either consented to or validated by a hearing officer will result in further enforcement action.

c. Civil penalty. Before instituting any proceeding to impose a civil penalty, the department will serve written notice of violation upon the individual charged. This notice will be included in the notice of proposed action or order issued. The notice of proposed action or order specifies the amount of each proposed penalty for each alleged violation. The notice or order will state that the amount charged may be paid as specified or protested in its entirety or in part. Upon final action of a civil penalty, payment must be made within the specified time stated in the order or the department may refer the matter to the attorney general for collection.

d. Settlement and compromise. At any time after the issuance of a notice or order designating the time and place of hearing in response to an order, the department and the regulated individual may enter into a stipulation for a settlement or compromise of the notice or order. The stipulation of compromise shall be subject to approval by the designated presiding officer or, if none has been designated, by the chief administrative law judge. The presiding officer or chief administrative law judge may order such adjudication of the issued notice or order as deemed to be in the public interest to dispose of the proceeding. If approved, the terms of the settlement or compromise shall be embodied in a decision or order settling and discontinuing the proceeding.

These rules are intended to implement Iowa Code sections 136C.3, 136C.4, 136C.5, 136C.10, and 136C.14.

ARC 0081D

PUBLIC HEALTH DEPARTMENT[641]

Amended Notice of Intended Action

Proposing rulemaking related to minimum requirements for radon testing and analysis and providing an opportunity for public comment

The Department of Health and Human Services proposes to rescind Chapter 43, "Minimum Requirements for Radon Testing and Analysis," and to adopt a new Chapter 43, "Radon Testing and Analysis Requirements," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 136B and 280.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 136B and 280.

Purpose and Summary

This proposed chapter was reviewed pursuant to Executive Order 10. As a result of this review, restrictive terms were removed, areas that were duplicative were combined or eliminated, and editorial updates were made to reflect current policies and procedures. This proposed chapter establishes requirements for the certification of radon measurement specialists and radon measurement laboratories.

Reason for Amendment of Notice of Intended Action

Notice of Intended Action was published in the Iowa Administrative Bulletin on November 26, 2025, as **ARC 9752C**. The original Notice is being amended to update the returned check fee for licensing applications. Through an agreement with the Department of Inspections, Appeals, and Licensing, the Department has agreed to standardize these fees so that they are in line with other departments across the State. The returned check fee is being updated from $25 to $40. The Department assessed one returned check fee in SFY 2025 and SFY 2026.

Fiscal Impact

The State of Iowa is moving to a new licensing system for all agencies. The new licensing system does not support late fees. This change was expected to have a fairly significant fiscal impact on the total fees collected under 641—Chapters 37, 38, 43, and 44. As a result, the Department is removing the recurring late fees from these chapters and adding a one-time reinstatement fee for late registrations. In total, this switch is expected to decrease fee revenue by approximately $20,000 for the Department's Bureau of Radiologic Health. Fees collected under these chapters offset administrative costs and do not impact the State's General Fund.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on March 24, 2026. Comments should be directed to:

Victoria L. Daniels
Department of Health and Human Services
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 24, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 264 358 640 097 83 Passcode: V95vw7re

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

ITEM 1. Rescind 641—Chapter 43 and adopt the following **new** chapter in lieu thereof:

CHAPTER 43
RADON TESTING AND ANALYSIS REQUIREMENTS

641—43.1(136B) General provisions. This chapter establishes requirements for the certification of radon measurement specialists and radon measurement laboratories. All persons performing measurements for radon or radon progeny in buildings, other than those that they own, and who provide the results of these measurements to the owner or occupant of these structures, must be certified in accordance with the provisions of this chapter.

641—43.2(136B) Definitions. The definitions provided in 641—Chapter 44 may also apply to the provisions of this chapter. Additionally, the following definitions set forth below are specific to this chapter.

"Act" means the Iowa Radon Testing and Abatement Act (Iowa Code chapter 136B).

"ANSI" means the American National Standards Institute.

"Building" means a structure enclosed with exterior walls or fire walls, built, erected and framed of component structural parts, and designed for the housing, shelter, enclosure and support of individuals.

"Certified person" means a certified radon measurement specialist or certified radon measurement laboratory as defined by this chapter.

"Certified radon measurement laboratory" or *"certified laboratory"* means a commercial laboratory that may analyze samples or test for radon decay products and meets the provisions for certification in this chapter.

"Certified radon measurement specialist" or *"certified specialist"* means an individual who performs radon or radon progeny measurements in buildings and provides professional or expert advice on radon and radon progeny measurements, radon entry routes, and other radon-related activities; is knowledgeable in the health risk associated from exposure to radon; and who meets the provisions for certification in this chapter. This includes the initial placement and final retrieval of all measurement devices.

"Compensation" means any form of monetary gain that in any way directly or indirectly results from a radon or radon progeny measurement being conducted.

"EPA" means the United States Environmental Protection Agency.

"IEA" means the Indoor Environments Association formerly known as the American Association of Radon Scientists and Technologists (AARST).

"Laboratory" means any person performing analysis, not at a testing site, on a passive device to measure radon or radon progeny (charcoal canister, alpha-track, electret, etc.).

"NRPP" means the National Radon Proficiency Program facilitated by the Indoor Environments Association (IEA) formerly known as the AARST.

"NRSB" means the National Radon Safety Board.

"Online licensing portal" means the electronic system designated by the department through which applicants and certification holders shall submit applications, renewals, supporting documentation, and other required information for licensure, certification, credentialing, or registration.

"Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, department, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or department of the foregoing, but cannot include federal government agencies.

"Picocuries per liter" means a quantity of radioactive material per liter of air that will produce 2.2 disintegrations per minute of radiation. It may be used as a measure of the concentration of radon gas in air. One curie is equivalent to one trillion picocuries.

"pCi/L" means a measurement of radon in picocuries per liter.

"Radon" means the radioactive noble gas radon-222.

"Radon progeny" means the short-lived radionuclides formed as a result of the decay of radon-222, including polonium-218, lead-214, bismuth-214, and polonium-214.

641—43.3(136B) General regulatory requirements.

43.3(1) Except as provided in this chapter, no person may test for the presence of radon or radon progeny in the state of Iowa unless the person has been certified by the department. This requirement also applies to persons whose place of business is located in Iowa, or in a state other than Iowa, and who offer radon testing to residents of Iowa either directly, through the mail, or by other means.

43.3(2) Individual qualifications for radon measurement specialist. No individual may be certified as a radon measurement specialist unless all of the following conditions are met:

a. Be at least 18 years of age at the time of application;

b. Successfully complete a department-approved training course on radon/radon progeny measurements within the two years prior to application. An approved training course is a course that meets and maintains approval by the NRPP or the NRSB. This includes the NRPP Radon Measurement Professional or NRSB Radon Measurement Specialist course;

c. Achieve or exceed the minimum passing score on the national measurement professional or specialist examination provided by the NRPP or the NRSB within the two years prior to application;

d. If the requirement to meet the conditions in this chapter within the two years prior to application above cannot be met, the person may demonstrate current radon licensure, certification, or credentialing through another jurisdiction or licensing body deemed acceptable by the department;

e. Use detection devices approved by the NRPP, the NRSB, or another department-approved national radon proficiency program to measure radon. Passive detection devices must be obtained from an Iowa-certified radon measurement laboratory.

43.3(3) Requirements for continued certification. Requirements for continued certification include the following:

a. A certified person shall allow the department, its agents, employees, and contractors, upon presentation of appropriate credentials, to access the person's facilities, offices, records, and equipment without undue delay for purposes of inspection and examination. The certified person shall also allow the department, its agents, employees, and contractors to accompany the person during the performance of any radon measurement activities, for the purpose of inspecting such activities, subject to the consent of the property owner or resident on whose property the activities are being performed.

b. The certified person shall remain in compliance with the Act and this chapter.

c. The certified person shall comply with all EPA, ANSI/AARST and department-approved radon measurement and quality assurance/quality control (QA/QC) guidelines, protocols, and standards and shall conduct measurements following the standard applicable to the building being tested. The standards include the following:

(1) ANSI/AARST MS-QA-2023, *Radon Measurement Systems Quality Assurance*, as amended to August 1, 2025.

(2) ANSI/AARST MAH-2023, *Protocol for Conducting Measurements of Radon and Radon Decay Products in Homes*, as amended to August 1, 2025.

(3) ANSI/AARST MA-MFLB-2023, *Protocol for Conducting Measurements of Radon and Radon Decay Products in Multifamily, School, Commercial and Mixed-Use Buildings*, as amended to August 1, 2025.

NOTE: MA-MFLB consolidates ANSI/AARST MAMF (rev. 1/21) and ANSI/AARST MALB (rev. 1/21) into a single publication.

641—43.4(136B) Application for certification. An application for certification or renewal of certification as a radon measurement specialist or a radon measurement laboratory shall be completed through the online licensing portal and shall contain complete and accurate information. The applicant must report any changes to the initial or renewal certification application within 14 days.

43.4(1) *Radon measurement specialist.* A person applying for a radon measurement specialist certification shall include:

a. A certificate of completion of the initial training course. If the course was completed more than two years prior to the date of the application, the person shall provide documentation that the person has completed an average of at least four hours of approved continuing education (CE) training per year since completing the course.

b. Official documentation of the test score obtained on the NRPP, NRSB, or other department-approved radon measurement examination taken within two years prior to application, showing a minimum passing score.

c. As an alternative to paragraphs 43.4(1)*"a"* and *"b,"* applicants may provide documentation of current licensure, certification, or credentialing through another jurisdiction or licensing body acceptable to the department.

d. A QA/QC plan, or QAP, for all measurement devices and equipment to be used to perform radon measurements.

(1) The plan shall include the requirements as outlined in the ANSI/AARST standard, *Radon Measurement Systems Quality Assurance* (MS-QA), as amended to August 1, 2025, and be acceptable to the department.

(2) If passive devices are used, the name(s), address(es), and Iowa laboratory certification number of the Iowa-certified radon measurement laboratory must be included.

e. A list of any disciplinary actions taken against the applicant's license, credential, certification, registration in any profession in Iowa, another state or jurisdiction and a copy of the disciplinary action(s), including charges and disposition.

f. An example of the confidentiality waiver that the applicant would provide to the customer when requested to release test results to persons other than the owner of the building being tested, as outlined in this chapter.

g. The fee specified in this chapter.

43.4(2) *Radon measurement laboratory.* A person applying for a radon measurement laboratory certification must include:

a. Proof of approval or accreditation as a radon measurement laboratory through the NRPP or NRSB.

b. A quality assurance plan and quality control procedures for all measurements and equipment. The content of the QAP plan will follow the requirements of the ANSI/AARST MS-QA and any requirements of NRPP or NRSB.

c. The fee specified in this chapter.

43.4(3) *Supplementary statements.* The department may require the applicant to submit supplementary statements containing additional information to enable the department to determine whether an application should be approved or denied, or whether a previously issued certification should be amended, suspended, or revoked. Each application or supplementary statement shall be submitted by either the applicant personally, or a person authorized in writing by the applicant to do so on the applicant's behalf.

43.4(4) *Expiration of notice of certification.* Certifications will expire annually.

a. Radon measurement activities subject to this chapter cannot be conducted after the expiration of the certification unless a renewal application has been submitted to the department, is determined to be complete, and is approved by the department.

b. If the application is rejected, the applicant cannot conduct radon testing or measurements in the state of Iowa for compensation or under any financial arrangement.

43.4(5) *Renewal application of annual certification.* A person applying for a renewal of an annual certification shall:

a. Submit the appropriate application through the online licensing portal.

b. Have all radon testing activity and data reporting, as required by the department, up to date to within three months of the date of expiration.

c. Submit copies of CE completion certificates to the department biennially, based on the date of initial certification.

d. Pay the fee specified in this chapter.

(1) Any fees not paid through the online licensing portal must be in the form of a check or money order, made payable to the Iowa Department of Health and Human Services.

(2) The applicant must include an indication of the purpose of the fee (i.e., radon measurement certification) and certification number that the fee is to be applied to on the check or money order.

43.4(6) *Radon measurement laboratory renewal.* Any person wishing to renew a radon measurement laboratory certification must:

a. Submit the appropriate application through the online licensing portal.

b. Have all radon testing activity and data reporting, as required by the department, up to date to within three months of the date of expiration.

c. Submit proof of current approval or accreditation as a radon measurement laboratory through the NRPP or NRSB.

d. Pay the fee specified in this chapter.

43.4(7) *Reinstatement of an expired certification.* Reinstatement applications shall be submitted through the online licensing portal when a registration has not been renewed within 30 days following the expiration date. Any person wishing to reinstate an expired radon measurement certification must:

a. Submit the required application and CE documentation that was due at time of expiration. If it has been more than two years since expiration, eight hours of CE must be completed with four of those hours being an approved measurement standards review course; and

b. Pay the applicable certification and reinstatement fees.

641—43.5(136B) Radon measurement certification fees. Any person wishing to become certified as a radon measurement specialist or as a radon measurement laboratory shall be required to pay nonrefundable fees in amounts sufficient to defray the cost of administering this chapter as outlined in the fee schedule below.

43.5(1) *Initial application fee.* Each person applying for certification under the provisions of this chapter shall pay a nonrefundable $25 application fee.

43.5(2) *Annual certification fee.*

a. Each person applying for initial certification or applying for renewal of an annual certification as a radon measurement specialist must pay a nonrefundable annual fee of $250.

b. Each person applying for initial certification or applying for renewal of an annual certification as a radon measurement laboratory must pay a nonrefundable annual fee of $500.

43.5(3) *Returned check and reinstatement fee.* Persons who fail to pay required fees to the department are subject to the following penalty(ies):

a. $40 for each payment received by the department in accordance with these rules, for which insufficient funds are available to fulfill the obligation of such payment to the department.

b. $100 reinstatement fee when a certification has not been renewed within 30 days following the expiration date. This fee is added to the unpaid annual certification fee.

641—43.6(136B) Enforcement actions. The department may deny, suspend, revoke, or modify the certification of a person; place a person on probation; impose a civil penalty; or refer the case to the office of the county attorney for possible criminal penalties pursuant to Iowa Code chapter 136B, or any combination thereof, when it finds that a certified person or a person who is not certified has committed any of the following actions:

43.6(1) Failure to comply with applicable state, federal or local statutes and regulations. This includes any action that might place a person with certification under this chapter in noncompliance with Iowa statutes and the requirements of this chapter;

43.6(2) Failure to submit required information or notifications in a timely manner;

43.6(3) Failure to maintain the required records;

43.6(4) Falsifying approval records, qualifications, or other information or documentation related to certification approval;

43.6(5) Failure to comply with the training standards and requirements in this chapter;

43.6(6) Submitting in the application for certification or renewal of certification false or misleading statements that the department relied upon in approving the application;

43.6(7) Knowingly making misleading, deceptive, untrue, or fraudulent representations involving radon, or engaging in unethical conduct or practices that are harmful or detrimental to the public. Proof of actual injury need not be established;

43.6(8) Using untruthful or improbable statements in advertisements. Use of these statements includes but is not limited to the presentation of information to the public by training programs that is false, deceptive, or misleading, or that is promoted through fraud or misrepresentation;

43.6(9) Falsifying reports and records required by this chapter;

43.6(10) Accepting any fee by fraud or misrepresentation;

43.6(11) Revocation, suspension, or other disciplinary action taken by a certification or licensing authority of this state, another state, territory, or country; or failure by the firm or individual to report such action in writing within 30 days of the final action by such certification or licensing authority. A stay by an appellate court cannot negate this requirement; however, if such disciplinary action is overturned or reversed by a court of last resort, the report shall be expunged from the records of the board;

43.6(12) Failure to comply with the terms of a department order or the terms of a settlement agreement or consent order;

43.6(13) Representation by a firm or individual that the firm or individual is certified when the certification has been suspended or revoked or has not been renewed;

43.6(14) Failure to respond within 30 days of receipt of communication from the department that was sent by registered or certified mail;

43.6(15) Engaging in any conduct that subverts or attempts to subvert a department investigation;

43.6(16) Failure to comply with a subpoena issued by the department or failing to cooperate with a department investigation;

43.6(17) Failure to pay costs assessed in any disciplinary action;

43.6(18) Any condition revealed by the application, supplementary statement, report, record, inspection, or other evidence that would warrant the department's refusal to grant a certification on an original application;

43.6(19) Failure to maintain approval or accreditation as a radon measurement laboratory with the NRPP or NRSB;

43.6(20) Failure to submit radon test data as required in this chapter;

43.6(21) Violating a statute of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, including but not limited to a crime involving dishonesty, fraud, theft, embezzlement, controlled substances, substance abuse, assault, sexual abuse, sexual misconduct, or homicide. A copy of the record of conviction or plea of guilty is conclusive evidence of the violation.

641—43.7(136B) Records and reporting requirements.

43.7(1) A certified person must submit to the department within 30 days after any radon or radon progeny testing, or at the request of the department prior to testing, all of the following:

a. The address or location of the building;

b. The name and telephone number of the owner(s) of the building where the radon testing will be conducted;

c. The results of any tests performed.

43.7(2) The results for each test conducted shall include, at a minimum:

a. The method used for radon or radon decay product testing, media tested, and conditions under which the testing was or will be performed.

b. The level or floor of building where the test(s) was or will be conducted.

c. The results of the test(s) in picocuries/liter (pCi/l) of radon gas or WL of radon decay products.

d. The date on which the test(s) was or will be conducted.

e. The purpose of the test(s).

43.7(3) Requirements of certification. A certified person shall:

a. Cooperate with the department when conducting field evaluations.

b. Notify the department within 14 days of any changes in testing results or procedures.

c. Not disclose to any other person, other than the department, the results of a test, the address, or the name of the owner of a nonpublic building that the person tested for the presence of radon gas or radon progeny, unless any of the following conditions are met:

(1) The owner of the building waives, in writing, this right of confidentiality.

(2) The person certified or credentialed pursuant to Iowa Code section 136B.1 may disclose the results of a test performed by the person for the presence of radon or radon progeny to a potential buyer of a nonpublic building when an offer to purchase has been presented by the buyer and if the potential buyer paid for the testing. Any test results disclosed shall be results of a test performed within the five years prior to the date of the disclosure.

43.7(4) Record retention. Records of radon or radon progeny testing must be maintained for a minimum of five years after the radon test is completed.

641—43.8(136B) Continuing education.

43.8(1) All certified measurement specialists must complete at least eight hours of department-approved CE biennially on either radon measurement, mitigation or a combination of the two.

43.8(2) Persons possessing both an Iowa Measurement Specialist certification and Mitigation Specialist credential must complete 12 hours of CE biennially on either radon measurement, mitigation, or a combination of the two.

43.8(3) Department-approved CE course is a course approved by either the NRPP, NRSB for CE or other courses approved by the department.

641—43.9(136B,280) School district employee measurement training. This section outlines the department's responsibilities for department-approved training program requirements for school district employees who intend to perform radon testing within their employing district. In accordance with Iowa Code chapter 280, which governs radon testing and mitigation in schools and is enforced by the Iowa department of education, such employees must successfully complete a radon measurement training course approved by both the department and the Iowa department of education.

43.9(1) *Approved training programs.* Training programs cannot state that they have been approved by the state of Iowa unless they have done all of the following:

a. Met the requirements of this chapter;

b. Have been approved by the department;

c. Have been approved by the Iowa department of education;

d. Have been listed on the department's website.

43.9(2) *Training course requirements.* An approved training course shall be based on the measurement requirements as found in the ANSI/AARST MA-MFLB-2023, *Protocol for Conducting Measurements of Radon and Radon Decay Products in Multifamily, School, Commercial and Mixed-Use Buildings,* as amended to August 1, 2025.

NOTE: MA-MFLB consolidates ANSI/AARST MAMF (rev. 1/21) and ANSI/AARST MALB (rev. 1/21) into a single publication).

Approved training courses must:

a. Consist, at a minimum, of five to eight instructional hours.

b. Cover, at a minimum, the following subjects that are directly applicable to the testing of school buildings:

(1) Introduction to radon and its health effects.

(2) Guidance for building managers.

(3) Review of measurement standards including:

1. Purpose and scope of testing;
2. Preparing a testing plan;
3. Test locations;
4. Testing procedures and options;
5. Quality control;
6. Conditions required before and during testing;
7. Documentation, test reports and recordkeeping;
8. Actions based on test results.

c. Conclude with a quiz to review the learned materials. The course attendee must pass the quiz with a score of 70 percent or better to receive the attendee's completion certificate.

43.9(3) *Certificate of completion.* The training provider shall provide a certificate of completion that contains, at minimum:

a. The name of the student;

b. The name of the course;

c. The course ID;

d. The name of the course provider;

e. The course date(s);

f. The number of hours for the course;

g. The signature and typed name of the training provider.

43.9(4) *Application for approval of a training course for school district employees.* A person or organization that plans to conduct or sponsor a training course shall apply to the department for approval of the course on an application furnished by the department. The application shall include:

a. The sponsoring organization's contact information;

b. The sponsoring organization's name;

c. The website URL (if any);

d. The contact person;

e. The mailing address;

f. The contact person's email address;

g. The contact person's telephone number;

h. The name of the course;

i. Whether the course was offered as a webinar online or in person;

j. The course agenda or course outline, including the approximate time allotted to each training segment;

k. A copy of the training materials provided to the student, such as manuals, notes, templates, or other materials provided to attendees;

l. A list of reference materials, texts and audiovisual materials used in the course;

m. A copy of the quiz for the course, containing at least 20 questions.

641—43.10(136B) Exemptions. The following are exempt from the certification requirements of this chapter:

43.10(1) Persons who test for radon or radon decay products in buildings that they own.

43.10(2) Persons who perform radon tests for no compensation.

43.10(3) State officials who are conducting radon testing as part of the state's radon testing program and are approved by the department.

43.10(4) Local officials who are acting on behalf of the state or administering a local program.

43.10(5) Officials who are conducting radon testing as part of government programs in the United States or contractors working for the United States government.

43.10(6) Persons providing radon or radon progeny measurement devices to the public, but not conducting physical tests for the presence of radon or radon progeny with the measurement devices, may do so under the following conditions:

a. They must provide measurement devices obtained from a laboratory certified in Iowa.

b. A valid visible expiration date must be permanently affixed to each measurement device.

c. In addition to the required laboratory instructions regarding measurement procedures, each measurement device must be accompanied by clear directions on where to obtain additional information and interpretation for test results. The certified laboratory or a certified specialist must be included as one of the sources of information and interpretation.

641—43.11(136B) Penalties. It is unlawful for an individual to function as a radon measurement specialist or radon measurement laboratory in violation of the provisions of the Iowa Radon Testing and Abatement Act or of any rule adopted pursuant to the Act. In addition to other sanctions provided in this chapter, persons convicted of violating the provisions of the Act or the rules adopted pursuant to the Act shall be guilty of a serious misdemeanor.

These rules are intended to implement Iowa Code section 136B.5.

ARC 0080D

PUBLIC HEALTH DEPARTMENT[641]

Amended Notice of Intended Action

Proposing rulemaking related to radon mitigation requirements and providing an opportunity for public comment

The Department of Health and Human Services proposes to rescind Chapter 44, "Minimum Requirements for Radon Mitigation," and to adopt a new Chapter 44, "Radon Mitigation Requirements," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 136B.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 136B.

Purpose and Summary

This proposed rulemaking pertains to one of eight chapters pertaining to radiologic health matters regulated by the Department. This proposed rulemaking and the seven others were reviewed pursuant to Executive Order 10. As a result of this review, restrictive terms were removed, areas that were duplicative were combined or eliminated, and editorial updates were made to reflect current policies and procedures. This proposed chapter establishes standards for protection against ionizing radiation resulting from activities conducted pursuant to licenses or registrations issued by the Department.

Reason for Amendment of Notice of Intended Action

Notice of Intended Action was published in the Iowa Administrative Bulletin on November 26, 2025, as **ARC 9751C**. The original Notice is being amended to update the returned check fee for licensing applications. Through an agreement with the Department of Inspections, Appeals, and Licensing, the Department has agreed to standardize these fees so that they are in line with other departments across the State. The returned check fee is being updated from $25 to $40. The Department assessed one returned check fee in SFY 2025 and SFY 2026.

In addition, the Department is proposing to correct an accidental transposition of words in subrule 44.2. The Notice of Intended Action and Regulatory Analysis provided a definition of "radon modification system." The correct term is "radon system modification." The definition remains unchanged.

Finally, the Department made some stylistic updates to the language of subrule 44.4(3) at the suggestion of the Legislative Services Agency.

Fiscal Impact

In this chapter, the Department is reducing the fee for out-of-state radon mitigation and measurement specialist fees. During State fiscal year (SFY) 2025, mitigation and measurement specialist fees for out-of-state applicants generated $1,000. With the reduction in fees for out-of-state applicants decreasing from $100 to $25 (the same as in-state providers), the Department estimates that there will be a reduction of approximately $750 in collected application fees. However, this reduction in regulatory burdens for out-of-state applicants may give way to an increase of out-of-state providers applying to be approved as radon mitigation or measurement specialists in Iowa. Application fees are used to offset administrative costs and do not contribute to the State's General Fund. In addition, the State of Iowa is moving to a new licensing system for all agencies. The new licensing system does not support late fees. This change was expected to have a fairly significant fiscal impact on the total fees collected under 641—Chapters 37, 38, 43, and 44. As a result, the Department is removing the recurring late fees from these chapters and adding a one-time reinstatement fee for late registrations. In total, this switch is expected to decrease fee revenue by approximately $20,000 for the Department's Bureau of Radiologic Health. Fees collected under these chapters offset administrative costs and do not impact the State's General Fund.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on March 24, 2026. Comments should be directed to:

Victoria L. Daniels
Department of Health and Human Services
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 24, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 264 358 640 097 83 Passcode: V95vw7re

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

ITEM 1. Rescind 641—Chapter 44 and adopt the following **new** chapter in lieu thereof:

CHAPTER 44
RADON MITIGATION REQUIREMENTS

641—44.1(136B) General provisions. This chapter establishes requirements for the credentialing of radon mitigation specialists. All persons performing abatement for radon or radon progeny in buildings, other than buildings that the persons occupy or are constructing for their own occupancy, must be credentialed in accordance with the provisions of this chapter.

44.1(1) The conversion of a passive mitigation system to an active mitigation system, or radon system modifications to an existing active system, must be performed by persons credentialed under this chapter.

44.1(2) Credentialed mitigation specialists are responsible for ensuring that all radon mitigation systems for which they are responsible are installed following guidelines provided in this chapter.

641—44.2(136B) Definitions. The definitions provided in 641—Chapter 43 may also apply to the provisions of this chapter. Additionally, the following definitions set forth below are specific to this chapter:

"AARST" means the American Association of Radon Scientists and Technologists, also known as the IEA.

"Active mitigation system" means any system or materials installed as an active part of a ventilation system used for the purpose of reducing radon or radon progeny concentrations by means of an in-line fan.

"ANSI" means the American National Standards Institute.

"Building" means a structure enclosed with exterior walls or fire walls, built, erected and framed with component structural parts, and designed for the housing, shelter, enclosure and support of individuals.

"Compensation" means any form of monetary gain that in any way directly or indirectly results from a radon or radon progeny measurement being conducted.

"Credentialed radon mitigation specialist" or *"mitigation specialist"* means an individual who evaluates diagnostic tests to determine appropriate radon or radon progeny mitigation strategies for a building, designs mitigation systems, installs or supervises the installation of radon or radon progeny mitigation techniques on buildings, and meets the requirements for credentialing provided by this chapter.

"Diagnostic tests" means tests performed or procedures used to determine appropriate mitigation methods for a building.

"EPA" means the United States Environmental Protection Agency.

"IEA" means the Indoor Environments Association formerly known as the American Association of Radon Scientists and Technologists (AARST).

"Mitigator" means a person who installs mitigation systems for the purpose of abating radon levels within buildings.

"NRPP" means the National Radon Proficiency Program facilitated by the IEA, formerly known as the AARST.

"NRSB" means the National Radon Safety Board.

"Online licensing portal" means the electronic system designated by the department through which applicants and credential holders shall submit applications, renewals, supporting documentation, and other required information for licensure, certification, credentialing, or registration.

"Passive mitigation system" means any system or materials installed for the purpose of reducing radon or radon progeny concentrations without the use of an in-line fan and relying solely on the convective air flow upward in the vent pipe for sub-slab depressurization and consists of a vertical vent pipe routed through conditioned space from the suction pit to 12 inches above the roof.

"Picocurie per liter" means a quantity of radioactive material per liter of air that will produce 2.2 disintegrations per minute of radiation. It may be used as a measure of the concentration of radon gas in air. One curie is equivalent to one trillion picocuries.

"pCi/L" means a measurement of radon in picocuries per liter.

"Radon" means the radioactive noble gas radon-222.

"Radon system modification" means any change to an existing active radon mitigation system that alters its design, configuration, or operation, such as adding or relocating piping, fans, or suction points. This does not include routine replacement of parts with equivalent components that do not affect system function or layout.

"Radon progeny" means the short-lived radionuclides formed as a result of the decay of radon-222, including polonium-218, lead-214, bismuth-214, and polonium-214.

"Working level" or *"WL"* means the concentration of radon progeny that will result in 130,000 million electron volts of alpha particle energy released per liter of air. Working level is a measure of radon decay product concentration in air.

"Working level month" or *"WLM"* means a cumulative exposure to radon decay products calculated by multiplying the radon daughter concentration in units of working levels by the number of hours exposed and dividing by 170.

641—44.3(136B) General regulatory requirements.

44.3(1) Except as provided in this chapter, no person may mitigate for radon or radon progeny in Iowa for a fee or other remuneration unless such person has been credentialed by the department. This requirement also applies to persons whose place of business is located in Iowa or in a state other than Iowa, and who offer radon mitigation services to residents of Iowa.

44.3(2) Individual qualifications for radon mitigation specialist. No individual may be credentialed as a radon mitigation specialist unless all of the following conditions are met:

a. Be at least 18 years of age at the time of application.

b. Possess three years of relevant professional work experience. Professional work experiences may include:

(1) Relevant postsecondary education, which may be substituted on a year-for-year basis for two of the three years of relevant professional work experience.

(2) Relevant professional work experience, which includes the design or construction of buildings, or associated heating, ventilation, and air-conditioning systems, or closely-related activities approved by the department.

(3) Relevant postsecondary education, which includes a college curriculum in architecture, engineering, building construction, or the physical sciences.

c. Successful completion of department-approved training courses on both radon and radon progeny measurements and on radon mitigation within the two years prior to application. An approved training course is a course that meets and maintains approval by the NRPP or the NRSB. For measurement, this includes the NRPP Radon Measurement Professional or NRSB Radon Measurement Specialist course and for mitigation this includes the NRPP or NRSB Radon Mitigation Specialist courses.

d. Achieve or exceed the minimum passing score on the national mitigation professional or specialist examination provided by the NRPP or the NRSB within the two years prior to application.

44.3(3) Requirements for continued credentialing. Requirements for continued credentialing include the following:

a. An Iowa credentialed person shall allow the department, its agents, employees, and contractors, upon presentation of appropriate credentials, to access to their facilities, offices, records, and equipment without undue delay for purposes of inspection and examination. The credentialed person shall also allow the department, its agents, employees, and contractors to accompany the person during the performance of any radon abatement activities, for the purpose of inspecting such activities, subject to the consent of the property owner or resident on whose property the activities are being performed.

b. The credentialed person shall remain in compliance with Iowa Code chapter 136B and this chapter.

c. The credentialed person shall comply with all requirements as stated in the ANSI/AARST mitigation standards as amended to August 1, 2025, applicable to the building being mitigated. The standards include the following:

(1) ANSI/AARST SGM-SF-2023, Soil Gas Mitigation Standards for Existing Homes

(2) ANSI/AARST SGM-MFLB-2023, Soil Gas Mitigation Standards for Existing Multifamily, School, Commercial and Mixed-Use Buildings

44.3(4) A credentialed person shall:

a. Fully cooperate with the department or its agents when field evaluations are conducted.

b. Be present during scheduled visits by the department.

c. Not disclose to any other person, except to the department or its agents, the addressee or owner of a nonpublic building, the radon levels present in the building or abatement measures needed or performed, unless the building owner waives, in writing, this right of confidentiality.

d. Ensure that each building is tested for radon levels before (premitigation) and after (postmitigation) mitigation work is performed. This requirement is not binding if the building owner waives these testing requirements prior to the start of the mitigation activities on a form furnished by the department. The credentialed person shall maintain record of such waivers.

(1) Such tests shall be of sufficient type, duration and consistency and shall be performed at such times and under such ventilation conditions as to allow for comparison of premitigation and postmitigation radon levels.

(2) Premitigation and postmitigation radon tests shall be performed using a department-approved test device by one of the following:

1. An independent measurement specialist who is not employed by the same firm as the mitigation specialist performing the mitigation.

2. The homeowner, occupant, or other person responsible for the building.

(3) Postmitigation radon tests shall be started no sooner than one day after mitigation is completed and within 30 days after installation.

e. Install a mitigation system that reduces the radon level to below 4 pCi/L in the area or the level of the building where the mitigation system is installed.

641—44.4(136B) Application for credentialing.

44.4(1) An application for credentialing or renewal of credentials as a radon mitigation specialist shall be completed through the online licensing portal and shall contain complete and accurate information.

44.4(2) The applicant must report any changes to the initial or renewal certification application within 14 days.

44.4(3) Application as a radon mitigation specialist. A person applying for a radon mitigation specialist shall include:

a. A certificate of completion of initial radon measurement and mitigation courses as outlined in subrule 44.3(2).

b. If either course was completed more than two years prior to the date of the application, documentation that the person has completed an average of at least four hours of approved continuing education (CE) training per year since completing the course. The certificate of completion must indicate all of the following:

(1) The name of the individual receiving the training;

(2) The name of the course and course ID assigned by either the NRPP or NRSB;

(3) The dates of the course;

(4) The signature of primary instructor;

(5) Official documentation of the test scores obtained on the NRPP, NRSB, or other department-approved radon mitigation examination taken within two years prior to application, showing a minimum passing score;

(6) Proof of three years of relevant work experience. One or more of the following is required:

1. A detailed resume providing proof of three years of relevant work experience.

2. A combination of a detailed resume and college transcript providing proof of at least one year of relevant work experience and up to two years of relevant postsecondary education as outlined in paragraph 44.3(2)*"b."*

3. Disclosure of any past disciplinary actions, if applicable, and include a list of any disciplinary actions taken against the applicant's license, credential, certification, registration in any profession in Iowa or another state or jurisdiction, and a copy of the disciplinary action(s), including any charges and disposition.

4. An acceptable mitigation worker protection plan. The plan shall include the elements outlined in Section 11 of the applicable standard for the building type being mitigated, as referenced in paragraph 44.3(3)*"c."* The worker protection plan shall apply to all mitigation installation activities.

5. An acceptable quality assurance plan (QAP). The plan shall apply to all mitigation installation activities and includes but is not limited to:

- A description of all diagnostic tests performed to determine the mitigation strategy, names of the individuals performing each diagnostic test, and any other related services offered.
- Ensuring all instruments are properly calibrated according to the manufacturer's recommendations.
- A description of all mitigation materials and systems offered.

(7) An example of the operation, maintenance and monitoring (OM&M) information package that will be provided to the building owner for the mitigation system installed.

1. The contents of the OM&M information package shall include the elements outlined in section 10.1 of the applicable standard for the building type being mitigated, as referenced in paragraph 44.3(3)*"c."*
2. The OM&M information package must include the phone number for the Iowa radon program.

(8) A copy of the mitigation waiver as outlined in paragraph 44.3(4)*"d."*

(9) The fee specified in rule 641—44.6(136B).

44.4(4) Supplementary statements. The department may require the applicant to submit supplementary statements containing additional information to enable the department to determine whether an application should be approved, denied, or whether a previously issued credential should be amended, suspended, or revoked. Each application or supplementary statement shall be submitted by either the applicant personally, or a person authorized in writing by the applicant to do so on the applicant's behalf.

44.4(5) Expiration of notice of credential. Credentials will expire annually.

a. Radon mitigation activities subject to this chapter cannot be initiated after the expiration of the credential unless a renewal application has been submitted to the department, is determined to be complete, and is approved by the department.

b. All radon mitigation activities initiated prior to the expiration of the credential must be completed within 30 days of the expiration date if renewal is not completed and approved by the department.

c. If the application is rejected, the applicant cannot conduct radon mitigation activities in the state of Iowa for compensation or under any financial arrangement.

641—44.5(136B) Renewal application of annual credentialing.

44.5(1) *Credential renewal.* A person applying for a renewal of an annual credential shall:

a. Submit the appropriate application through the online licensing portal.

b. Include the number of mitigation systems installed for the renewal period by providing all of the following at or before time of renewal through the online licensing portal:

(1) Building owner name;
(2) Building owner phone number;
(3) Physical address of installation location, including street address, city, state and zip code;
(4) Installation date;
(5) Employer at time of installation.

c. Submit copies of CE completion certificates to the department biennially, based on the date of initial credentialing.

d. Pay the fee specified in rule 641—44.6(136B).

44.5(2) *Reinstatement of an expired credential.* Reinstatement applications shall be submitted through the online licensing portal when a registration has not been renewed within 30 days following the expiration date. Any person wishing to reinstate an expired radon measurement certification must complete the following:

a. Submit the required application and CE documentation that was due at time of expiration. If it has been more than two years since expiration, eight hours of CE must be completed with four of those hours being an approved mitigation standards review course; and

b. Pay the applicable credentialing and reinstatement fees.

641—44.6(136B) Radon mitigation credentialing fees. Any person wishing to become credentialed as a radon mitigation specialist shall pay nonrefundable fees in amounts sufficient to defray the cost of administering the rules of this chapter, as outlined in the fee schedule below.

44.6(1) *Initial application fee.* Each person applying for initial credentialing under the provisions of this chapter shall pay a nonrefundable $25 application fee.

44.6(2) *Annual credentialing fee.*

a. Each person applying for credentialing must pay a nonrefundable initial fee of $150.

b. Each person applying for annual renewal must pay an annual fee of $150 or a surcharge fee of $40 per mitigation system installed for systems costing more than $200, whichever amount is greater.

c. For fee calculation purposes, one mitigation system installation is considered to be the installation of an interconnected system that contains one or more fans installed on a single riser, one or more suction points, and one or more exhausts. For systems with single or multiple fans installed on separate risers and installed in separate locations, each riser constitutes a separate installation.

d. If a person elects not to renew a credential the subsequent year, all outstanding surcharge fees shall be paid in full within 30 days following the credential's expiration date.

44.6(3) *Returned check and reinstatement fees.* Persons who fail to pay required fees to the department are subject to the following penalties:

a. $40 fee for each payment received by the department in accordance with these rules, for which insufficient funds are available to fulfill the obligation of such payment to the department.

b. $100 reinstatement fee when a certification has not been renewed within 30 days following the expiration date. This fee is added to the unpaid annual credentialing fee.

641—44.7(136B) Enforcement actions. The department may deny, suspend, revoke, or modify the credentials of a person, place on probation, impose a civil penalty, or refer the case to the office of the county attorney for possible criminal penalties pursuant to Iowa Code chapter 136B, or any combination thereof, when it finds that a credentialed person or a person who is not credentialed has committed any of the following actions:

44.7(1) Failure to comply with applicable state, federal, or local statutes and regulations. This includes any action that might place a person with certification under this chapter in noncompliance with Iowa statutes and the requirements of this chapter.

44.7(2) Failure to submit required information or notifications in a timely manner.

44.7(3) Failure to maintain the required records in rule 641—44.8(136B) and in the applicable ANSI/AART mitigation standard listed in paragraph 44.3(4)*"c."*

44.7(4) Falsifying approval records, qualifications, or other information or documentation related to licensing approval.

44.7(5) Failure to comply with the training standards and requirements in paragraph 44.3(4)*"c."*

44.7(6) Submitting in the application for credentialing, renewal of credentialing, or supplementary statement false or misleading statements that the department relied upon in approving the application.

44.7(7) Knowingly making misleading, deceptive, untrue, or fraudulent representations involving radon, or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

44.7(8) Using untruthful or improbable statements in advertisements. Use of these statements includes but is not limited to the presentation of information to the public by training programs that is false, deceptive, or misleading, or that is promoted through fraud or misrepresentation.

44.7(9) Falsifying reports and records required by this chapter.

44.7(10) Accepting any fee by fraud or misrepresentation.

44.7(11) Revocation, suspension, or other disciplinary action taken by a certification or licensing authority of this state, another state, territory, or country; or failure by the firm or individual to report such action in writing within 30 days of the final action by such certification or licensing authority. A stay by an appellate court cannot negate this requirement; however, if such disciplinary action is overturned or reversed by a court of last resort, the report shall be expunged from the records of the board.

44.7(12) Failure to comply with the terms of a department order or the terms of a settlement agreement or consent order.

44.7(13) Representation by a firm or individual that the firm or individual is certified when the certification has been suspended or revoked or has not been renewed.

44.7(14) Failure to respond within 30 days of receipt of communication from the department that was sent by registered or certified mail.

44.7(15) Engaging in any conduct that subverts or attempts to subvert a department investigation.

44.7(16) Failure to comply with a subpoena issued by the department or failing to cooperate with a department investigation.

44.7(17) Failure to pay costs assessed in any disciplinary action.

44.7(18) Any condition revealed by the application, supplementary statement, report, record, inspection, or other evidence, that would warrant the department's refusal to grant credentialing on an original application.

44.7(19) Failure to complete the installation of a radon mitigation system within 30 days of the start date or date contracted to start.

44.7(20) Failure to correct any violation of department-approved standards or rules found during a previous inspection, or any violation found on an inspection that, as determined by the department, jeopardizes the safety of the building or other occupants.

44.7(21) Accepting compensation for installing ineffective radon remedies or for not dropping radon levels below 4 pCi/L in the area or level of the building where a radon mitigation system was installed.

44.7(22) Accepting compensation for installing active radon mitigation systems that are not acceptable to the department or that do not comply with the requirements of this chapter.

44.7(23) Failure to fully cooperate with the department or its agents when field evaluations are conducted.

44.7(24) Failure to attend a scheduled meeting or inspection set up by the department or its agents, when the person holding the credentials was previously notified and agreed to the time and location of the inspection.

641—44.8(136B) Records and reporting requirements. A credentialed radon mitigation specialist shall maintain records to include a report of each mitigation activity for a minimum of five years. Each report shall include at a minimum all of the following:

44.8(1) The address or location of the building.

44.8(2) The name and phone number of the owner(s) of the building where the radon mitigation is conducted.

44.8(3) A written description of each mitigation system, the materials installed, the diagnostic test results, and the cost of each system.

44.8(4) The name of the certified radon measurement specialist or technician used to perform radon or radon progeny testing before and after radon mitigation of a building. This requirement does not apply if the building owner has waived the testing requirement set forth in paragraph 44.3(4)*"d"* and the mitigation specialist maintains a copy of the signed waiver.

44.8(5) The results of any premitigation or postmitigation radon or radon progeny measurements performed and the measurement methods utilized. This requirement does not apply if the building owner has waived the testing requirement set forth in paragraph 44.3(4)*"d"* and the mitigation specialist maintains a copy of the signed waiver.

44.8(6) The results of the postmitigation radon measurements performed, including measurement methods utilized, and all pertinent dates. This requirement does not apply if the building owner has waived the testing requirement set forth in paragraph 44.3(4)*"d"* and the mitigation specialist maintains a copy of the signed waiver.

641—44.9(136B) Continuing education.

44.9(1) All credentialed individuals must complete at least eight hours of department-approved CE biennially on either radon mitigation, measurement, or a combination of the two.

44.9(2) Persons possessing both an Iowa Measurement Specialist certification and Mitigation Specialist credential must complete 12 hours of CE biennially on either radon measurement, mitigation, or both.

44.9(3) A department-approved CE course is a course approved by either NRPP, NRSB or other courses approved by the department.

641—44.10(136B) Exemptions. The following are exempt from the credentialing requirements of this chapter:

44.10(1) Persons who mitigate radon or radon decay products in buildings that they occupy.

44.10(2) Persons mitigating radon or radon decay products as part of scientific research approved by the department.

44.10(3) Persons who install passive radon mitigation systems either as a standalone system or as part of radon-resistant new construction building techniques.

641—44.11(136B) Penalties. It is unlawful for an individual to function as a radon mitigation specialist in violation of the provisions of Iowa Code chapter 136B. Persons convicted of violating the provisions of Iowa Code chapter 136B or this chapter shall be guilty of a serious misdemeanor.

These rules are intended to implement Iowa Code chapter 136B.

ARC 0090D

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Notice of Intended Action

Proposing rulemaking related to employer's contribution and charges and providing an opportunity for public comment

The Director of the Workforce Development Department hereby proposes to amend Chapter 23, "Employer's Contribution and Charges," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 17A and 96.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A and 96.

Purpose and Summary

This proposed rulemaking removes the requirement that the Department include a full Social Security number when mailing statements to reimbursable employers.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on March 24, 2026. Comments should be directed to:

Jeffrey Koncsol
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319
Phone: 515.725.5400
Email: jeffrey.koncsol@iwd.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

March 24, 2026 9 to 9:30 a.m.	Microsoft Teams Meeting ID: 223 798 713 249 08 Passcode: qP3Wv7FT Dial in by phone: +1 469.998.6043 Phone conference ID: 737 658 023#
March 24, 2026 1 to 1:30 p.m.	Microsoft Teams Meeting ID: 228 347 381 614 78 Passcode: ET9tg6eJ Dial in by phone: +1 469.998.6043 Phone conference ID: 773 592 938#

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs by calling 515.725.5400 or via email at jeffrey.koncsol@iwd.iowa.gov at least 48 hours prior to the hearing date.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Emergency Rulemaking Adopted by Reference

This proposed rulemaking is also published herein as an Adopted and Filed Emergency rulemaking (see **ARC 0091D**, IAB 3/4/26). The purpose of this Notice of Intended Action is to solicit public comment on that emergency rulemaking, whose subject matter is hereby adopted by reference.

ARC 0088D

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed Emergency

Rulemaking related to bingo location

The Department of Inspections, Appeals, and Licensing hereby amends Chapter 103, "Bingo," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 99B.2.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 99B.21 and Executive Order 10.

Purpose and Summary

This rulemaking rescinds numbered paragraph "3" of rule 481—103.9(99B), which excessively limits the location where bingo occasions can be held, and renumbers numbered paragraph "4" accordingly.

Reason for Adoption of Rulemaking Without Prior Notice and Opportunity for Public Participation

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are unnecessary or impractical because emergency adoption was approved by Administrative Rules Review Committee.

In compliance with Iowa Code section 17A.4(3)"a," the Administrative Rules Review Committee at its February 9, 2026, meeting reviewed the Department's determination and this rulemaking and approved the emergency adoption.

Reason for Waiver of Normal Effective Date

Pursuant to Iowa Code section 17A.5(2)"b"(1)(b), the Department also finds that the normal effective date of this rulemaking, 35 days after publication, should be waived and the rulemaking made effective on February 12, 2026, because the rulemaking removes an overly restrictive requirement for bingo locations.

Adoption of Rulemaking

This rulemaking was adopted by the Department on February 10, 2026.

Concurrent Publication of Notice of Intended Action

In addition to its adoption on an emergency basis, this rulemaking has been initiated through the normal rulemaking process and is published herein under Notice of Intended Action as **ARC 0087D** to allow for public comment.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking became effective on February 12, 2026.

The following rulemaking action is adopted:

ITEM 1. Amend rule 481—103.9(99B) as follows:

481—103.9(99B) Location. Bingo occasions may be conducted on premises as provided in Iowa Code section 99B.13 and shall meet the following criteria:

1. All buildings in which bingo occasions are conducted will meet state or local standards for occupancy and safety.

2. The name of the licensee will be posted on the sign of each building or location where bingo occasions are held. A name that is closely associated with the licensee and clearly identifies the lawful uses of the proceeds may also be used. Generic names, such as "Nelson Street Bingo" or "Uncle Bob's Bingo," will not be used.

~~3. During a bingo occasion, the lessor will not sell any beverage, food, or other merchandise in the room in which bingo is played.~~

~~4. Only one licensed qualified organization may conduct bingo occasions within the same structure or building.~~

3. Only one licensed qualified organization may conduct bingo occasions within the same structure or building.

[Filed Emergency 2/10/26, effective 2/12/26]
[Published 3/4/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/4/26.

ARC 0091D

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Adopted and Filed Emergency

Rulemaking related to employer's contribution and charges

The Director of the Workforce Development Department hereby amends Chapter 23, "Employer's Contribution and Charges," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A and 96.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A and 96.

Purpose and Summary

This rulemaking removes the requirement that the Department include a full Social Security number when mailing statements to reimbursable employers.

Reason for Adoption of Rulemaking Without Prior Notice and Opportunity for Public Participation

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are unnecessary or impractical because emergency adoption was approved by the Administrative Rules Review Committee.

In compliance with Iowa Code section 17A.4(3)"a," the Administrative Rules Review Committee at its February 9, 2026, meeting reviewed the Department's determination and this rulemaking and approved the emergency adoption.

Reason for Waiver of Normal Effective Date

Pursuant to Iowa Code section 17A.5(2)"b"(1)(b), the Department also finds that the normal effective date of this rulemaking, 35 days after publication, should be waived and the rulemaking made effective on February 10, 2026, because the rulemaking will confer a benefit on the public in that removal of the full Social Security numbers from these statements should decrease the potential for identity theft should these statements be lost or stolen when sent through the mail.

Adoption of Rulemaking

This rulemaking was adopted by the Director of the Department on February 10, 2026.

Concurrent Publication of Notice of Intended Action

In addition to its adoption on an emergency basis, this rulemaking has been initiated through the normal rulemaking process and is published herein under Notice of Intended Action as **ARC 0090D** to allow for public comment.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking became effective on February 10, 2026.

The following rulemaking action is adopted:

ITEM 1. Amend subrule 23.10(2) as follows:

23.10(2) At the end of each calendar quarter, the department shall bill each reimbursable employer via a statement sent within 30 days of the quarter for which the benefits are charged. The statement will include the last four digits of the social security number, name of claimant and amount of benefits charged to the employer for each claimant as well as the amount of any previous amounts due. Payment for each quarter's charges is due within 30 days of the issuance of the statement. If the employer fails to reimburse the department within the period prescribed by these rules, the department may attempt collection of the amount due, including any of the following methods:

a. to *c.* No change.

[Filed Emergency 2/10/26, effective 2/10/26]
[Published 3/4/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/4/26.

ARC 0104D

HIGHER EDUCATION LOAN AUTHORITY[284]

Adopted and Filed

Rulemaking related to organization and operation

The Higher Education Loan Authority hereby rescinds Chapter 1, "Organization and Operation," and adopts a new Chapter 1, "Organization and Operations," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 261A.7.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 261A.7.

Purpose and Summary

The Authority serves Iowa's independent nonprofit colleges and universities by providing affordable financing of facilities and working capital through the issuance of tax-exempt debt on colleges' and universities' behalf. This rulemaking repromulgates Chapter 1, which contains rules related to organization and operations of the Authority.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 24, 2025, as **ARC 9866C**. Public hearings were held on the following date:

- January 13, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Authority on February 2, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Authority for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on April 8, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 284—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1
ORGANIZATION AND OPERATIONS

284—1.1(261A) Organization and operations.

1.1(1) *Location.* The mailing address of the authority is located at 1105 High Road, Box 214, Norwalk, Iowa 50211.

1.1(2) *The authority.* The powers of the authority are vested in and exercised by the members of the authority pursuant to Iowa Code chapter 261A.

1.1(3) *Meetings.*

a. The chairperson of the authority presides at each meeting. Members of the public may be recognized at the discretion of the chairperson. All meetings are open to the public in accordance with the open meetings law, Iowa Code chapter 21.

b. Public notice. The authority will give advance public notice of the specific date, time and place of each authority meeting.

1.1(4) *Minutes.* The minutes of all authority meetings are recorded by the secretary and kept in the authority's possession.

1.1(5) *Submission and requests.* Inquiries, submissions, petitions, and other requests directed to the authority may be made in writing addressed to the authority's mailing address listed in subrule 1.1(1). Any person may petition for a written or oral hearing before the authority. All requests for a hearing are in writing and state the specific subject to be discussed and the reasons why a personal appearance is necessary if one is requested.

1.1(6) *Administration of programs.* The authority may adopt manuals, instructions or other statements as necessary to assist its employees in administering its programs and to permit individuals and organizations to participate in programs administered by the authority. Copies of all manuals, instructions and other statements are kept in the authority's possession and are available for public inspection, except for those portions that are excluded from the definition of "rule" by Iowa Code section 17A.2(11)*"f"* or that must be kept confidential under applicable statutes or these rules. Members of the public may inspect the materials adopted pursuant to this rule, subject to the exceptions set out above, during regular business hours and may obtain a reasonable number of copies of the materials upon payment of a fee not to exceed the cost of providing copies.

This rule is intended to implement Iowa Code chapter 261A.

[Filed 2/3/26, effective 4/8/26]
[Published 3/4/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/4/26.

ARC 0105D

HIGHER EDUCATION LOAN AUTHORITY[284]

Adopted and Filed

Rulemaking related to petitions for rulemaking

The Higher Education Loan Authority hereby rescinds Chapter 2, "Petitions for Rule Making," and adopts a new Chapter 2, "Petitions for Rulemaking," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 261A.7.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 261A.7.

Purpose and Summary

The Authority serves Iowa's independent colleges and universities by providing affordable financing of facilities and working capital through the issuance of tax-exempt debt on the colleges' and universities' behalf. This rulemaking repromulgates Chapter 2, which contains rules related to petitions for rulemaking.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 24, 2025, as **ARC 9867C**. Public hearings were held on the following date:

- January 13, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Authority on February 2, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Authority for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on April 8, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 284—Chapter 2 and adopt the following **new** chapter in lieu thereof:

CHAPTER 2
PETITIONS FOR RULEMAKING

The higher education loan authority hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to petitions for rulemaking, which are published at www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf on the general assembly's website.

284—2.1(261A) Petition for rulemaking. In lieu of the words "(AGENCY NAME)", the heading on the petition form should read:

IOWA HIGHER EDUCATION LOAN AUTHORITY

284—2.3(261A) Inquiries. Inquiries concerning the status of a petition for rulemaking may be made to the Executive Director, 1105 High Road, Box 214, Norwalk, Iowa 50211.

These rules are intended to implement Iowa Code section 17A.24 and chapter 261A.

[Filed 2/3/26, effective 4/8/26]
[Published 3/4/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/4/26.

ARC 0106D

HIGHER EDUCATION LOAN AUTHORITY[284]

Adopted and Filed

Rulemaking related to declaratory orders

The Higher Education Loan Authority hereby rescinds Chapter 3, "Declaratory Rulings," and adopts a new Chapter 3, "Declaratory Orders," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 261A.7.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 261A.7.

Purpose and Summary

The Authority serves Iowa's independent colleges and universities by providing affordable financing of facilities and working capital through the issuance of tax-exempt debt on the colleges' and universities' behalf. This rulemaking repromulgates Chapter 3, which contains rules related to declaratory orders.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 24, 2025, as **ARC 9868C**. Public hearings were held on the following date:

- January 13, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Authority on February 2, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Authority for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on April 8, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 284—Chapter 3 and adopt the following **new** chapter in lieu thereof:

CHAPTER 3
DECLARATORY ORDERS

The higher education loan authority hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to declaratory orders, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website.

284—3.1(261A) Petition for declaratory orders. In lieu of the words "(AGENCY NAME)", the heading on the petition form should read:

IOWA HIGHER EDUCATION LOAN AUTHORITY

284—3.5(261A) Inquiries. Inquiries concerning the status of a petition for a declaratory order may be made to the Executive Director, 1105 High Road, Box 214, Norwalk, Iowa 50211.

These rules are intended to implement Iowa Code section 17A.24 and chapter 261A.

[Filed 2/3/26, effective 4/8/26]
[Published 3/4/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/4/26.

ARC 0107D

HIGHER EDUCATION LOAN AUTHORITY[284]

Adopted and Filed

Rulemaking related to agency procedure for rulemaking

The Higher Education Loan Authority hereby rescinds Chapter 4, "Agency Procedure for Rule Making," and adopts a new Chapter 4, "Agency Procedure for Rulemaking," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 261A.7.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 261A.7.

Purpose and Summary

The Authority serves Iowa's independent nonprofit colleges and universities by providing affordable financing of facilities and working capital through the issuance of tax-exempt debt on the colleges' and universities' behalf. This rulemaking repromulgates Chapter 4, which contains rules related to agency procedure for rulemaking.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 24, 2025, as **ARC 9869C**. Public hearings were held on the following date:

- January 13, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Authority on February 2, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Authority for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on April 8, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 284—Chapter 4 and adopt the following **new** chapter in lieu thereof:

CHAPTER 4
AGENCY PROCEDURE FOR RULEMAKING

The higher education loan authority hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to agency procedure for rulemaking, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website.

284—4.3(261A) Public rulemaking docket.

4.3(2) *Anticipated rulemaking.* In lieu of the words "(commission, board, council, director)", insert "authority".

284—4.4(261A) Notice of proposed rulemaking.

4.4(3) *Copies of notices.* In lieu of the words "(specify time period)", insert "three years".

284—4.5(261A) Public participation.

4.5(1) *Written comments.* In lieu of the words "(identify office and address)", insert "Iowa Higher Education Loan Authority, 1105 High Road, Box 214, Norwalk, Iowa 50211".

284—4.6(261A) Regulatory analysis.

4.6(2) *Mailing list.* In lieu of the words "(designate office)", insert "Iowa Higher Education Loan Authority, 1105 High Road, Box 214, Norwalk, Iowa 50211".

284—4.10(261A) Exemptions from public rulemaking procedures.

4.10(2) Reserved.

284—4.11(261A) Concise statement of reasons.

4.11(1) *General.* In lieu of the words "(specify the office and address)", insert "Iowa Higher Education Loan Authority, 1105 High Road, Box 214, Norwalk, Iowa 50211".

284—4.13(261A) Agency rulemaking record.

4.13(2) *Contents.*

c. In lieu of the words "(agency head)", insert "executive director".

These rules are intended to implement Iowa Code section 17A.24 and chapter 261A.

[Filed 2/3/26, effective 4/8/26]
[Published 3/4/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/4/26.

ARC 0108D

HIGHER EDUCATION LOAN AUTHORITY[284]

Adopted and Filed

Rulemaking related to fair information practices

The Higher Education Loan Authority hereby rescinds Chapter 5, "Public Records and Fair Information Practices," and adopts a new Chapter 5, "Fair Information Practices," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 261A.7.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 261A.7.

Purpose and Summary

The Authority serves Iowa's independent nonprofit colleges and universities by providing affordable financing of facilities and working capital through the issuance of tax-exempt debt on the colleges' and universities' behalf. This rulemaking repromulgates Chapter 5, which contains rules related to fair information practices.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 24, 2025, as **ARC 9870C**. Public hearings were held on the following date:

- January 13, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Authority on February 2, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Authority for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on April 8, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 284—Chapter 5 and adopt the following **new** chapter in lieu thereof:

CHAPTER 5
FAIR INFORMATION PRACTICES

The higher education loan authority hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to fair information practices, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website.

284—5.1(261A) Definition. As used in this chapter:

"Agency" or *"authority"* means the Iowa higher education loan authority.

284—5.3(261A) Requests for access to records.

5.3(1) *Location of record.* In lieu of the words "(insert agency head)", insert "executive director", and in lieu of the words "(insert agency name and address)", insert "Iowa Higher Education Loan Authority at 1105 High Road, Box 214, Norwalk, Iowa 50211".

5.3(2) *Office hours.* Records are made available from 9 a.m. to 12 noon and from 1 p.m. to 4 p.m. daily, excluding Saturdays, Sundays and legal holidays.

5.3(3) *Request for access.* In lieu of the first sentence, insert "Requests for access to open records may be made in writing or by telephone."

5.3(7) *Fees.*

c. *Supervisory fee.* Reserved.

d. *Advance deposits.* Reserved.

284—5.6(261A) Procedure by which additions, dissents, or objections may be entered into certain records. In lieu of the words "(designate office)", insert "Iowa Higher Education Loan Authority, 1105 High Road, Box 214, Norwalk, Iowa 50211".

These rules are intended to implement Iowa Code section 17A.24 and chapter 261A.

[Filed 2/3/26, effective 4/8/26]
[Published 3/4/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/4/26.

ARC 0109D

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to protective locked environment for certain children

The Department of Health and Human Services hereby amends Chapter 105, "Juvenile Detention and Shelter Care Homes," Chapter 106, "Certification Standards for Children's Residential Facilities," Chapter 114, "Licensing and Regulation of All Group Living Foster Care Facilities for Children," and Chapter 115, "Licensing and Regulation of Comprehensive Residential Facilities for Children," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 237C and 2025 Iowa Acts, Senate File 474.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 237C and 2025 Iowa Acts, Senate File 474.

Purpose and Summary

This rulemaking adds clarification to existing rules and implements 2025 Iowa Acts, Senate File 474, sections 33 through 37, regarding a protective locked environment for certain children.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 24, 2025, as **ARC 9845C**. Public hearings were held on the following date:

- January 13, 2026

One public comment was received in support of adding more facilities with protective locked environments within Iowa. No other public comments were received. A change from the Notice has been made to update the Iowa Code reference in Items 1, 3, 4, and 5.

Adoption of Rulemaking

This rulemaking was adopted by the Department on February 3, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on May 1, 2026.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** definition of "Protective locked environment" in rule **441—105.1(232)**:

"Protective locked environment" means the same as defined in Iowa Code section 237.1(17).

ITEM 2. Adopt the following **new** paragraph **105.8(10)"g"**:

g. Defining protective locked environment and how it is utilized to provide safety and security for children.

ITEM 3. Adopt the following **new** definition of "Protective locked environment," in rule **441—106.1(237C)**:

"Protective locked environment" means the same as defined in Iowa Code section 237.1(17).

ITEM 4. Adopt the following **new** definition of "Protective locked environment," in rule **441—114.2(237)**:

"Protective locked environment" means the same as defined in Iowa Code section 237.1(17).

ITEM 5. Adopt the following **new** definition of "Protective locked environment," in rule **441—115.2(237)**:

"Protective locked environment" means the same as defined in Iowa Code section 237.1(17).

ITEM 6. Rescind the definition of "Nonsecure facility" in rule **441—115.2(237)**.

ITEM 7. Amend subrule 115.6(1) as follows:

115.6(1) ~~*Nonsecure*~~ *Protective locked environment facilities.* Physical restraints and a control room are permitted in ~~nonsecure~~ protective locked environment facilities.

ITEM 8. Amend subrule 115.6(3) as follows:

115.6(3) *Written policies.* A facility ~~which~~ that uses restraints shall have a written policy on their use. This policy shall include:

a. and *b.* No change.

c. Identification of staff or licensed professionals authorized to approve and use each form of restraint.

d. to *f.* No change.

ITEM 9. Amend paragraph **115.6(4)"b"** as follows:

b. A facility shall not use restraint as a disciplinary or punitive measure, for staff convenience, as a preventive measure, or as a substitute for programming.

ITEM 10. Amend paragraph **115.6(4)"d"** as follows:

d. A secure facility shall continually review any use of a restraint on a child, other than physical restraint. ~~The facility shall release the child from restraint immediately when the situation precipitating restraint no longer exists.~~

ITEM 11. Adopt the following **new** paragraph **115.6(4)"e"**:

e. A facility shall release the child from restraint immediately when the situation precipitating restraint no longer exists.

ITEM 12. Amend paragraph **115.7(4)"g"** as follows:

g. The child shall remain in the control room longer than one hour only with consultation and approval from the ~~supervisor~~ authorized staff or licensed professional. Documentation in the child's case record shall include the time in the control room, the reasons for the control, and the reasons for the extension of time. Use of the control room for a total of more than 12 hours in any 24-hour period shall occur only after authorization of the psychiatrist or upon court order. In no case shall a child be in a control room for a period longer than 24 hours.

[Filed 2/3/26, effective 5/1/26]
[Published 3/4/26]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/4/26.

ARC 0110D

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to kinship foster care approval standards

The Department of Health and Human Services hereby adopts new Chapter 125, "Kinship Foster Care Approval Standards," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 237 and 2025 Iowa Acts, Senate File 641.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 237 and 2025 Iowa Acts, Senate File 641.

Purpose and Summary

This rulemaking implements 2025 Iowa Acts, Senate File 641, by establishing approval standards for individuals seeking to be approved for kinship foster care.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 24, 2025, as **ARC 9846C**. Public hearings were held on the following date:

- January 13, 2026

No one attended the public hearings. No public comments were received.

Changes from the Notice have been made to subrule 125.7(3). The Child Abuse Prevention and Treatment Act (CAPTA) requirements included in the CAPTA State assurance plan signed by Iowa in 2011 include provisions and procedures for requiring criminal background record checks, including FBI fingerprints, that meet the requirements of Section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) for prospective foster and adoptive parents and other adult relatives and non-relatives residing in the household. Due to this requirement, the Department will need to ensure fingerprints are completed on all adult household members aged 18 years of age or older for kinship foster care approval, rather than only obtaining fingerprinting for the kinship foster caregiver applicants. All other criminal and child abuse record check requirements are currently completed for all adult members of the household for kinship foster care approval.

Adoption of Rulemaking

This rulemaking was adopted by the Department on February 3, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on May 1, 2026.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 441—Chapter 125:

CHAPTER 125
KINSHIP FOSTER CARE APPROVAL STANDARDS

441—125.1(237) Definitions.

"Approval" means the authorization granted to a kinship caregiver by the department through an expedited process to provide child foster care and allows the kinship caregiver to receive maximum financial support and to obtain the information and resources necessary to meet the needs of a child under a court-ordered placement with the kinship caregiver.

"Approved kinship caregiver" means a kinship caregiver granted approval for kinship foster care.

"Child," for the purpose of this chapter, only means the child or children who are in foster care.

"Consanguinity" means relatives who share a common biological ancestor with the child.

"Corporal punishment" means the intentional physical punishment of children.

"Fictive kin" means an adult person who is not a relative of a child but who has an emotionally significant and positive relationship with a child or the child's family.

"Kinship care" means the care of a child by a relative or fictive kin providing full-time nurturing and protection.

"Kinship foster care" means an expedited process to approve a kinship caregiver for foster care through providing the necessary information, resources, and maximum financial support to the caregiver to meet the needs of the child court ordered to placement in the caregiver's care.

"Kinship foster caregiver" means a relative or fictive kin providing care for a child who is approved for kinship foster care.

"Reasonable and prudent parent standard" means the same as defined in Iowa Code section 237.1.

"Recruitment and retention contractor" means the entity that contracts with the department statewide to recruit foster and adoptive parents, complete home studies, and perform activities to support and encourage retention of foster and adoptive parents or any of its subcontractors.

"Relative" means an individual related to the child within the fourth degree of consanguinity or affinity, by marriage, or through adoption. This includes the parent of a sibling of the child if the sibling's parent's parental rights were not previously terminated in relation to the child.

"Service area manager" means the department employee responsible for managing department offices and personnel within the service area and for implementing policies and procedures of the department.

441—125.2(237) Application for approval.

125.2(1) *Right to apply.* A relative or fictive kin of a child who has been court-ordered to placement in the relative or fictive kin's care can apply for kinship foster care approval. All applicants must be at least 18 years of age.

125.2(2) *Referrals.* A relative or fictive kin caregiver wishing to apply for kinship foster care approval shall be referred by the department or the department's contractor for kinship navigator services. The department's recruitment and retention contractor in the applicable service area shall provide the application packet and assist in completing the approval process with the applicant.

125.2(3) *Decision to operate a kinship foster home.* When an applicant decides to operate a kinship foster family home, the applicant shall complete the Kinship Foster Care Approval Application.

125.2(4) *Withdrawal of an application.* The applicant shall report the withdrawal of an application promptly to the department.

125.2(5) *Evaluation of the application.* Each application will be evaluated by the department to ensure that all standards are met.

a. Before it results in adverse action, a founded child abuse report of a kinship foster parent applicant will be evaluated by the department to determine if the founded abuse merits prohibition of approval.

b. The department will evaluate founded child abuse reports on a case-by-case basis. Considerations the department will take include but are not limited to whether the abuse was an isolated incident or is symptomatic of a broader, systemic problem.

125.2(6) *Reports and information.* The applicant shall furnish all requested reports and information relevant to the approval determination to the department.

125.2(7) *Applications for reapproval.* The department or its agent will send an application for reapproval 90 days before the approval expires. Applications for reapproval shall be made on the form specified in subrule 125.2(3).

a. Applications for reapproval shall be made no less than 30 days but no more than 90 days before the approval expires.

b. Applications for reapproval of a kinship foster family approval shall be submitted to the recruitment and retention contractor.

c. The department will approve or deny an application for reapproval as described in rules 441—125.3(237) and 441—125.4(237).

125.2(8) *Notification.* The department will notify an applicant of the approval or denial of an initial application within 60 days of the date that the applicant is referred to the recruitment and retention contractor. The department will notify an applicant regarding reapproval within 30 days of the expiration of the initial approval.

125.2(9) *Approval.* Approved kinship foster caregiver applicants will be approved for a term of two years.

a. Thereafter, the caregiver shall apply for reapproval every two years based on the requirements of subrule 125.2(7).

b. A new notice of approval is required any time the caregiver moves to a new home.

441—125.3(237) Denial.

125.3(1) The department will deny the Kinship Foster Care Approval Application when:

a. The applicant, or any person residing in the home other than a foster child, has been convicted of a crime unless the department has evaluated the crime and concluded that the crime does not merit prohibition of approval.

b. The applicant, or any person residing in the home other than a foster child, has a record of founded child abuse unless the department has evaluated the founded abuse and concluded that the abuse does not merit prohibition of approval.

c. There is just cause due to a condition or combination of conditions that cannot be improved and prevents the kinship caregiver from caring for the child's physical, emotional, medical, or educational needs.

125.3(2) Reapplications shall be denied based on the same criteria as initial applications.

441—125.4(237) Approval procedure.

125.4(1) *Application.* Applicants for an initial approval to become a kinship foster home shall submit the Kinship Foster Care Approval Application forms directed in rule 441—125.2(237).

125.4(2) *Record checks.* Prior to approval of an application for kinship foster care, applicants shall pass the record check procedures identified in rule 441—125.7(237).

125.4(3) *Home study.* The recruitment and retention contractor shall complete a kinship foster care home study.

a. Process. Information for the home study is gathered primarily through a face-to-face interview with the identified kinship caregiver(s) in the home. Tribal agencies may also be involved in conducting home studies for American Indian and Alaska Native children. 42 U.S.C. §671(a)(26)(B) as amended to August 1, 2025, provides that any receiving state must treat any tribal home study report as meeting the requirements imposed by the state for the completion of a home study.

(1) The contractor shall hold at least one face-to-face interview with the applicant(s) with one of the interviews taking place in the applicant's home.

(2) A physical assessment of the home is required. The contractor shall use a Kinship Foster Care Home Study form to assess the physical structure of the home to verify it is safe for the child.

b. Caregiver assessment. The kinship caregiver shall be assessed to evaluate the caregiver's ability to meet the needs of the court-ordered placed child. The assessment will include the following criteria:

(1) The applicant's ability to provide for the child's physical, medical, and emotional needs; to respect the child's ethnic and religious identity; and to support the child's overall well-being.

(2) The safety of the child in relation to any animals that live on the applicant's property.

(3) Knowledge of the child's situation, the caregiver's relationship with the child, the child's family and knowledge of the child's situation and department involvement.

(4) Agreement to abstain from using physical forms of discipline.

(5) Understanding of the reasonable and prudent parenting standard and how to successfully apply the standard.

(6) The caregiver's willingness to access resources and additional supports needed for placement stability to meet the needs of their family and the child placed in their care.

(7) The caregiver's and other household members' current health status, including current prescription medications.

(8) The caregiver's previous or current challenges with mental health, substance use or both and the potential impact it may have on the caregiver's ability to care for the child.

(9) Assessment of whether previous violence was experienced in the caregiver's home and how it has been addressed.

(10) The caregiver's willingness and ability to ensure the child's attendance at school; appointments for medical, dental, and vision; activities; and to ensure family interactions with parents and siblings.

(11) Assessment of the caregiver's ability and willingness to commit to the child, to work with the department, and to be considered as a long-term permanency option.

(12) Understanding of household composition, who has access to the child, other adults and children in the household, relationship status of household members and family dynamics.

(13) Description of the caregiver's available formal and informal supports to ensure child safety and well-being.

c. Physical home assessment. The physical home assessment shall assess the following areas of the applicant's home and address necessary steps to mitigate concerns when identified:

(1) General description of the dwelling, including the number of bedrooms, bathrooms, and shared areas of the home.

(2) Determination of any signs of home infestation by rodents, insects, or other pests.

(3) Existence of external hazards, such as accessibility of pools/hot tubs, nearby bodies of water, railroad tracks, waste materials, or contaminated water.

(4) Existence of internal hazards that pose a risk of harm created by the physical structure of the home, such as broken or missing stairs, exposed wires, large holes in the floor, broken windows, or other physical hazards.

(5) Accessibility of hazardous materials or items in the home or on the property and the means to make them inaccessible to the child in an age-appropriate way or used with appropriate supervision.

(6) Evaluation of a child's access to the following:

1. Firearms and projectile weapons.
2. Medications.
3. Strong or toxic chemicals, such as detergents, bleach, and gasoline.
4. Tools, machinery, farm equipment, lawn mowers, and trampolines.
5. Potable water.

(7) Evaluation of the sleeping arrangements for children placed in the home, including:

1. Planned sharing of sleeping spaces.
2. Where children will have privacy to change clothes.
3. If supports are needed to provide beds, bedding, or establish opportunities for privacy.
4. Discussion of safe sleeping practices for children aged one and younger.

(8) Ability to ensure the child's access to age-appropriate personal hygiene (bathing, brushing teeth, wearing clean clothing).

(9) Ability to protect the child in an age-appropriate manner from pets or animals.

(10) Age-appropriate safe seat restraints (car seat, seatbelt, etc.) in personal vehicles used to transport the child.

(11) Ability to provide the child ongoing access to adequate, nutritious, age-appropriate food, including the ability to keep perishable items cold.

(12) Understanding of the child's dietary needs related to cultural/religious traditions, medical needs, and allergies.

(13) A plan for fire safety, including an escape plan and smoke detectors.

(14) Ability to create a safety plan that includes the ability to contact emergency services for assistance within a reasonable distance (neighbor's home, local business, etc.)

(15) Description of support mechanisms needed for the caregiver to address any barriers to meeting the physical needs of the home to ensure the safety and well-being of the child and steps taken to address the needs during the approval process.

d. Written report. The recruitment and retention contractor shall prepare a written report of the caregiver assessment. This assessment shall include a recommendation for approval or denial of the application and any other pertinent information in making the recommendation. The home study shall be maintained in the kinship caregiver's record maintained by the department.

125.4(4) *Decision and notice of action.* The department will use the home study and the recommendation of the recruitment and retention contractor to approve or deny a caregiver for kinship foster care.

a. The department will notify the family of the decision in writing.

b. If the department does not approve the home study, a notice will be issued according to the provisions of 441—Chapter 16 and state the reasons for that decision as listed in rule 441—125.3(237).

c. A denial may be appealed pursuant to the provisions set forth in 441—Chapter 7.

441—125.5(237) Involvement of kin.

125.5(1) *Support by kinship foster caregiver.* Kinship foster caregivers shall support the involvement of biological or adoptive parents and other relatives of the child unless this involvement is evaluated and documented by the department to be detrimental to the child's well-being.

125.5(2) *Nature of involvement.* The extent and nature of the involvement of the biological or adoptive parents and other relatives shall be determined by the caseworker in consultation with the kinship foster caregivers, biological or adoptive parents, and other members involved with the child and family.

125.5(3) *Cultural connections.* Throughout the provision of care, the kinship foster caregiver shall actively ensure that the child stays connected to the child's kin, culture, and community as required in the child's case permanency plan.

441—125.6(237) Information on the child placed in the home.

125.6(1) *Information about the child.* Kinship foster caregivers shall maintain a separate file of information on the child placed in the home to include contact information for all medical, dental, vision, hearing and mental health professionals for the child; current medications for the child; school reports and school pictures received; and the date, name, address and phone number of the person to whom the child was discharged at the end of placement. This file shall be provided to the department or the child's parent or guardian when the child leaves the placement.

125.6(2) *Confidentiality.* Kinship foster caregivers shall maintain confidentiality regarding the child in their placement, except as required to comply with rules on mandatory reporting of child abuse and with the child's case permanency plan. Kinship foster caregivers shall not without parent, guardian and department consent post pictures or information concerning the child on any internet website.

441—125.7(237) Record checks. Record checks are required for each foster parent applicant and for anyone who is 18 years of age or older living in the home of the applicant. The purpose of the record checks is to determine whether any of these persons has any founded child abuse or dependent adult abuse reports or criminal convictions or has been placed on the sex offender registry.

125.7(1) *Procedure.* The department's contractor for recruitment and retention shall assist applicants in completing required record checks, including fingerprinting.

125.7(2) *Iowa records.* Each applicant and anyone who is 18 years of age or older living in the home of the applicant shall be checked for records with:

a. The Iowa central abuse registry;

b. The Iowa division of criminal investigation;

c. The Iowa sex offender registry; and

d. Iowa Courts Online.

125.7(3) *Other records.* Each applicant and any other adult living in the household shall also be checked for records on the child abuse registry of any state where the person has lived during the past five years. Each adult age 18 years of age or older shall also be fingerprinted for a national criminal history check.

125.7(4) *Evaluation of record.* If the applicant or anyone living in the home has a record of founded child or dependent adult abuse, a criminal conviction, or placement on the sex offender registry, the department will not approve the applicant for kinship foster care unless an evaluation determines that the abuse or criminal conviction does not warrant prohibition of approval.

125.7(5) *Exclusion.* An evaluation will not be performed if the person has been convicted of:

a. A felony offense as set forth in Iowa Code section 237.8(2)*"a"*(3); or

b. A crime in another state that would be a felony as set forth in Iowa Code section 237.8(2)*"a"*(3).

125.7(6) *Scope.* The evaluation will consider the nature and seriousness of the founded child or dependent adult abuse or crime in relation to:

a. The position sought or held;

b. The time elapsed since the abuse or crime was committed;

c. The circumstances under which the crime or founded abuse was committed;

d. The degree of rehabilitation;

e. The likelihood that the person will commit the abuse or crime again; and

f. The number of abuses or crimes committed by the person.

125.7(7) *Evaluation form.* The person with the founded child or dependent adult abuse or criminal conviction report shall complete and return to the department the Record Check Evaluation Form, within ten calendar days of the date of receipt, to be used to assist in the evaluation. Failure of the person to complete and return the Record Check Evaluation Form to the department within the specified time frame shall result in denial of approval.

125.7(8) *Evaluation decision.* Centralized service area staff or designees will conduct the evaluation and make the decision. The department will inform the subject of the decision and describe the basis of the decision using the criteria specified in subrule 125.7(6). The department will send the form to the person on whom the evaluation was completed:

a. Within 30 days of receipt of the completed form, or

b. When the person whose record is being evaluated fails to complete the evaluation form within the time frame specified.

125.7(9) *Reapproval.* Applicants approved for kinship foster care who apply for reapproval shall be subject to the same checks as new applicants, except for fingerprinting. The department will evaluate only abuses and convictions of crimes that occurred since the last record check. The evaluation will be conducted using the same process as described in rule 441—125.7(237).

441—125.8(237) Medical examinations and health care of the child.

125.8(1) *Medical and dental care.* Kinship foster caregivers shall keep the child's department case manager informed of any medical and dental appointments as well as any treatments prescribed for the child.

a. The department may delegate its authority, as custodian, to consent to routine and emergency medical care to a licensed foster parent or approved kinship foster caregiver.

b. Routine medical care includes but is not limited to the following areas:

(1) Preventive care, also known as wellness care, not including the administration of a vaccination. Parents or guardians of the child must provide consent for administration of a vaccination.

(2) Non-emergency medical care, including but not limited to a physical examination, a diagnostic laboratory test, or a medical visit for a minor illness.

(3) Routine dental and vision care, including cleanings and annual examinations.

(4) Use of necessary medication, including but not limited to antibiotics. This does not include psychotropic/mental health medications. Parents or guardians of the child must provide consent for the administration of new psychotropic/mental health medications.

c. When routine and emergency medical consent has not been delegated by the department to the approved kinship foster caregiver:

(1) Kinship foster caregivers shall contact the child's parents to engage them in the process of accessing routine medical and dental care for their child unless parental rights have been terminated.

(2) In case of an emergency or urgent situation requiring medical care and treatment of an acute illness, disease or condition of the child, when a delay or inability to access parental or department consent for medical care or treatment would endanger the health or physical well-being of the child, kinship foster caregivers can provide consent for medical care and treatment.

125.8(2) *Exemption from medical care.* Nothing in this rule shall be construed to require medical treatment or immunization for a minor child of any person who is a member of a church or religious organization that is against medical treatment for disease.

a. In such instance, an official statement from the organization and a notarized statement from the parents shall be incorporated in the record.

b. In potentially life-threatening situations, the child's care shall be referred to appropriate medical and legal authorities.

441—125.9(237) Training and discipline of child.

125.9(1) *Methods of training and discipline.* The home study evaluation of each applicant shall include a discussion and a written assessment of the kinship foster caregivers' methods of training and discipline. Discipline shall be designed to help the child develop self-control, self-esteem, and respect for the rights of others.

125.9(2) *Reports of mistreatment.* Reports of mistreatment coming to the attention of the department and the caseworker for the child will be investigated by the department promptly and referred to the proper authorities when necessary.

441—125.10(237) Emergency care and release of child.

125.10(1) *Supervision and arrangements for emergency care.* Kinship foster caregivers shall provide supervision of the child in preadoptive placement as dictated by the individual child's specific needs.

a. In case of emergency requiring the kinship foster caregiver's temporary absence from the home, arrangements shall be made with designated, responsible persons for the care of the child during the period of absence.

b. The department shall be notified of all emergency absences of the kinship foster caregivers.

125.10(2) *Release of child.* The kinship foster caregivers shall release the child only to the agency, a parent or guardian from whom the child was received for care, or the person specifically designated by the agency, parent or guardian.

441—125.11(237) Changes in kinship foster care home. Kinship foster caregivers shall notify the department and the recruitment and retention contractor within 30 working days of:

1. Any change in the persons living in the home (except for the child placed in the home);
2. A move to a new home; or
3. Any circumstances in the home that could negatively affect the health, safety or welfare of the child in the family's care.

441—125.12(237) Liability. Kinship foster caregivers who apply the reasonable and prudent parent standard reasonably and in good faith in regard to the child(ren) placed in their home shall have immunity from civil or criminal liability that might otherwise be incurred or imposed. This rule shall not remove or limit any existing liability protection afforded under any other law.

These rules are intended to implement Iowa Code chapter 237 and section 234.40.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/4/26.

ARC 0111D

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to opioid settlement fund disbursement

The Department of Health and Human Services hereby adopts new Chapter 306, "Opioid Settlement Fund Disbursement," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 12.51 and 2025 Iowa Acts, House File 1038.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 12.51 and 2025 Iowa Acts, House File 1038.

Purpose and Summary

This chapter is intended to implement division I of 2025 Iowa Acts, House File 1038, by adopting rules to outline the Department's responsibilities in the distribution of funds from the State of Iowa's Opioid Settlement Fund.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 24, 2025, as **ARC 9844C**. Public hearings were held on the following date:

- January 13, 2026

No one attended the public hearing. No public comments were received. One change from the Notice has been made. A reference to 2025 Iowa Acts, House File 1038, has been removed from the implementation sentence of Chapter 306 since the amendments in the House File have been codified in the 2026 Iowa Code.

Adoption of Rulemaking

This rulemaking was adopted by the Department on February 3, 2026.

Fiscal Impact

Division II of the Act provided a supplement appropriation of $29 million. Following that, it is estimated that the Department will receive the following amounts of funds for disbursement: FY 2026, $28,611,794; FY 2027, $7,433,269; FY 2028, $5,590,470; FY 2029, $8,011,520; and FY 2030, $8,212,828.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on May 1, 2026.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 441—Chapter 306:

CHAPTER 306
OPIOID SETTLEMENT FUND DISBURSEMENT

441—306.1(12) Definition.
"Fund" means the opioid settlement fund created in Iowa Code section 12.51.

441—306.2(12) Methodology. To facilitate the fund disbursement required by Iowa Code section 12.51, the department may solicit requests for proposals pursuant to rules of the department of administrative services each fiscal year, starting with the fiscal year beginning July 1, 2025. The department may pursue additional funding mechanisms as fund availability and opportunities allow.

441—306.3(12) Outcome measurement. Subsequent to the awarding of disbursements, the department will formulate indicators to be used to help identify if the outcomes intended for each disbursement are being met. Intended outcomes can include but are not to be limited to prevention of opioid-related deaths, reduction of opioid misuse, and increased access to appropriate medication and services.

441—306.4(12) Annual report. Starting with the fiscal year beginning on July 1, 2025, on or before November 1, the department will annually submit to the general assembly and to the governor a report that includes the elements required by Iowa Code section 12.51(2)*"b"*(3)(d).

These rules are intended to implement Iowa Code section 12.51.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/4/26.

ARC 0112D

IOWA FINANCE AUTHORITY[265]

Adopted and Filed

Rulemaking related to home and community-based services revolving loan program

The Iowa Finance Authority hereby rescinds Chapter 21, "Home and Community-Based Services Revolving Loan Program," Iowa Administrative Code, and adopts a new Chapter 21 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 16.5.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 16.5 and 16.47.

Purpose and Summary

Pursuant to Executive Order 10, the Authority is rescinding Chapter 21 and adopting a new chapter in lieu thereof. The chapter describes the policies and procedures applicable to the Home and Community-Based Services Revolving Loan Program. The program provides loans to sponsor organizations that seek to assist in the development and expansion of specific community-based services; respite services; congregate meals; and health and wellness, health screening, and nutritional assessments that will allow persons of low income to remain in their homes pursuant to Iowa Code section 16.47.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 10, 2025, as **ARC 9798C**. A public hearing was held on the following date(s):

- January 6, 2026
- January 8, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Authority Board on February 4, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Authority for a waiver of the discretionary provisions, if any, pursuant to 265—Chapter 18.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on April 8, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 265—Chapter 21 and adopt the following **new** chapter in lieu thereof:

CHAPTER 21
HOME AND COMMUNITY-BASED SERVICES REVOLVING LOAN PROGRAM

265—21.1(16) Available funds. Any unallocated or recovered funds, payments of interest and principal, or any combination thereof, may be awarded or may be carried over to the next year's cycle of loans at the discretion of the authority.

265—21.2(16) Application procedure. Applications for assistance under this program are to be made on forms and in the manner provided by the authority. Inquiries with respect to this program should be made to those persons identified on the authority's website as contacts for this program. Once contacted with an inquiry, the authority will send an application package to the potential applicant. In the event it becomes necessary to amend the application, the authority will post the amended version of the application on its website. The authority will take such applications from time to time and will analyze and award loans to applicants on an ongoing basis.

265—21.3(16) Program guidelines. For-profit and nonprofit sponsors are eligible to apply for assistance under this program based on the following program guidelines:

21.3(1) Projects meeting the following criteria are eligible for assistance:

a. In the case of adult day services:

(1) Set aside 40 percent of the admissions for those with incomes at or below 40 percent of area median income (AMI) for the county in which the property is located;

(2) Establish a service fee that is affordable to those with incomes at or below 40 percent of AMI for the county in which the property is located, or agree to adjust fees based on a person's ability to pay;

(3) Accept third-party reimbursement, including Medicaid 1915(c) waiver(s), and meet the standards set forth in 441—Chapter 77; and

(4) Become and remain certified as an adult day services provider as set forth in 481—Chapters 67 and 70.

b. In the case of respite services:

(1) Provide services to underserved people in the community;

(2) Establish a service fee that is affordable to those with incomes at or below 40 percent of AMI for the county in which the property is located, or agree to adjust fees based on a person's ability to pay;

(3) Accept third-party reimbursement, including Medicaid 1915(c) waiver(s), and meet the standards set forth in 441—Chapter 77; and

(4) Meet all local, state and federal requirements subject to health care limits of the proposed setting.

c. In the case of congregate meals, establish and maintain a contract with the area agency on aging to provide congregate meals under the standards established for such a program under the federal Older Americans Act.

d. In the case of programming space for health and wellness:

(1) Adopt research-based practices to prevent disease and improve overall wellness, resulting in measurable outcomes for participants;

(2) Provide educational opportunities on disease prevention, physical activity, and nutritional choices; and

(3) Establish a service fee that is affordable to those with incomes at or below 40 percent of AMI for the county in which the property is located, or agree to adjust fees based on a person's ability to pay.

e. In the case of programming space for health screening:

(1) Use a licensed health care professional to provide screening and assessment services within the limits of the professional's license;

(2) Provide services to underserved people in the community; and

(3) Establish a service fee that is affordable to those with incomes at or below 40 percent of AMI for the county in which the property is located, or agree to adjust fees based on a person's ability to pay.

f. In the case of programming space for nutritional assessments:

(1) Use a registered dietitian to provide assessment and counseling services;

(2) Establish a service fee that is affordable to those with incomes at or below 40 percent of AMI for the county in which the property is located, or agree to adjust fees based on a person's ability to pay; and

(3) Accept third-party reimbursement for nutritional counseling, including one or both of the following:

1. Medicaid 1915(c) waiver(s) and meet the standards set forth in 441—Chapters 77 and 78;

2. The Older Americans Act, 42 U.S.C. §3001 et seq., and meet the standards set forth in 441—Chapter 228.

g. A demonstrated market need for the project and a good location, both as determined by the authority in its sole discretion.

h. Assistance provided under this program enables the project to maintain financial feasibility and affordability for at least the term of the loan.

i. Maintenance and debt service reserve funds are adequately funded, as determined by the authority in its sole discretion.

j. Comply with all applicable federal, state and local laws and rules related to the specified service or services offered by the sponsor.

21.3(2) The following types of activities are eligible for assistance:

a. Acquisition and rehabilitation.

b. New construction.

c. Rehabilitation to expand a current program.

d. Such other similar activities as may be determined by the authority to fall within the guidelines and purposes established for this program.

21.3(3) Assistance will be provided upon the following terms and conditions:

a. The minimum loan amount is $50,000, and the maximum loan amount is $1 million. The maximum loan term and amortization period are each 20 years.

b. The acceptable debt service ratio and loan-to-value ratio will be calculated and determined by the authority.

c. Interest rates will be set by the authority, in its sole discretion.

d. Loans shall be secured by a first mortgage; provided, however, that in limited cases the authority may consider a subordinate mortgage when the first mortgage is held by another entity.

e. Recipients of assistance must agree to observe several covenants and restrictions, including but not limited to recorded affordability and transfer restrictions, all in accordance with such loan and mortgage documents as may be required by the authority under this program.

f. Recipients shall execute such documents and instruments and must provide such information, certificates and other items as determined necessary by the authority, in its sole discretion, in connection with any assistance.

21.3(4) Loan fees.

a. Loan fees are as follows:

(1) Commitment fee (construction period) – 1.0 percent of the loan amount.

(2) Commitment fee (permanent loan) – 2.0 percent of the loan amount.

(3) Inspection fee – 0.5 percent of construction loan amount.

(4) Application fee – 0.3 percent of total loan amount requested, payable with the submission of loan application.

b. The authority may, in limited cases, reduce such fees if necessary in connection with assistance provided under this program. Such decision will be made in the sole discretion of the authority.

c. The authority will refund to the borrower one-half of the permanent loan commitment fee if the borrower's loan is paid off within five years of the closing of the loan.

265—21.4(16) Authority analysis of applications. Authority staff, in cooperation with the department of inspections, appeals, and licensing or the division of aging and disability services within the Iowa department of health and human services (or both, as necessary), will analyze and underwrite each potential project and will make recommendations for funding assistance to the board of the authority. Authority staff will use such procedures and processes in its underwriting and analysis as it deems necessary and appropriate in connection with furthering the purposes of this program. In addition, the authority anticipates that, because of the complex nature of each transaction, and the particular set of circumstances attributable to each particular application/transaction, the terms and conditions of loans may vary from project to project. The authority will make available its general operating procedures and guidelines for this program.

265—21.5(16) Discretion of authority board. The authority board of directors has the sole and final discretion to award or not award assistance and to approve final loan terms.

265—21.6(16) Closing/advance of funds. If all requirements of the authority are not met in accordance with any time frames set by the authority and to the complete satisfaction of the authority, all in the sole discretion of the authority, the authority may determine to cease work on an approved project and, accordingly, not advance any funds for such project.

These rules are intended to implement Iowa Code section 16.47.

[Filed 2/12/26, effective 4/8/26]
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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/4/26.

ARC 0113D

IOWA FINANCE AUTHORITY[265]

Adopted and Filed

Rulemaking related to military service member home ownership assistance program

The Iowa Finance Authority hereby rescinds Chapter 27, "Military Service Member Home Ownership Assistance Program," Iowa Administrative Code, and adopts a new Chapter 27 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 16.5.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 16.54.

Purpose and Summary

Pursuant to Executive Order 10, the Authority is rescinding Chapter 27 and adopting a new chapter in lieu thereof. The chapter eliminates language that is duplicative of statutory language, eliminates unnecessary and inconsistent language, removes unnecessarily restrictive terms, and updates outdated language. The chapter also specifies the amount of the annual application fee for facilitating lenders and updates an Authority website reference.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 24, 2025, as **ARC 9826C**. A public hearing was held on the following date(s):

- January 13, 2026
- January 15, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Authority Board on February 4, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Authority for a waiver of the discretionary provisions, if any, pursuant to 265—Chapter 18.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on April 8, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 265—Chapter 27 and adopt the following **new** chapter in lieu thereof:

CHAPTER 27
MILITARY SERVICE MEMBER HOME OWNERSHIP ASSISTANCE PROGRAM

265—27.1(16) Purpose. The purpose of the military service member home ownership assistance program is to help eligible members of the armed forces of the United States to purchase qualified homes in Iowa.

265—27.2(16) Definitions. As used in this chapter, unless the context otherwise requires:

"Closing agent" means the attorney, real estate firm, or closing company that is closing the qualifying purchase transaction and that prepares the cash sale settlement statement.

"Eligible service member" means the same as defined in Iowa Code section 16.54.

"Facilitating lender" means a lender that is not a participating lender but that is approved by the authority to make loans under the military home ownership assistance program pursuant to Iowa Code section 16.54(5) and subrule 27.3(7).

"Home ownership assistance" means the one-time assistance of up to $5,000 per eligible service member that may be used toward down payment or closing costs, or both, in the purchase of a qualified home.

"Manufactured home" means the same as defined in Iowa Code section 435.1.

"Participating lender" means a lender approved for participation in one or more of the authority's first mortgage financing home buyer programs. The authority maintains a list of participating lenders on its website: www.welcomehomeia.com/find-lender-realtor.

"Program," "military home ownership assistance program" or *"MHOA"* means the military service member home ownership assistance program authorized by Iowa Code section 16.54.

"Qualified home" means a home located in the state of Iowa that an eligible service member purchases, occupies, and uses as the service member's primary residence that is one of the following:

1. Single-family residence, including "stick-built" homes, modular homes, or manufactured homes;
2. Condominium;
3. Townhome;
4. A property containing two to four residential units, where one unit is to be occupied by the eligible service member as the service member's primary residence.

"Qualified mortgage" means a permanent mortgage loan made pursuant to one of the authority's home buyer mortgage programs unless the lender offers financing that is more financially advantageous for the service member.

"Status documentation" means written documentation verifying that the applicant is an eligible service member. This documentation may include but is not limited to a copy of a valid DD Form 214, showing character of service other than dishonorable, or the applicant's most recent leave and earnings statements representing 90 days of active duty.

"Title guaranty certificate" means the certificate issued by the Iowa title guaranty division of the authority pursuant to Iowa Code section 16.91 to ensure marketable title to the lender or the homeowner, or both.

265—27.3(16) Application procedure and determination of eligibility.

27.3(1) *Prior approval.* Whether the purchase of a qualified home is by mortgage financing or cash, prior approval of the assistance by the authority is required. Approval of the request will include supporting document review by the authority and a determination of the service member's eligibility by the Iowa department of veterans affairs.

27.3(2) *Financed home purchases.*

a. Where a qualified home purchase is financed, the eligible service member is to apply for assistance under the program through a participating or facilitating lender. If the service member qualifies for one of the authority's home buyer mortgage programs, the mortgage financing provided is to be a qualified mortgage. Service members who are not eligible for one of the authority's home buyer mortgage programs and are not purchasing on a cash basis may use any permanent financing available to them.

b. To apply for assistance, eligible service members provide the participating or facilitating lender with status documentation and all necessary program documents.

c. Once the lender receives all necessary information under this subrule, the lender is to transmit copies of the necessary documentation to the authority.

27.3(3) *Cash home purchases.* For a cash purchase of a qualified home, the eligible service member provides the authority with:

a. Status documentation;

b. The purchase agreement; and

c. A title guaranty commitment.

27.3(4) *Referral of status documentation to Iowa department of veterans affairs.* The authority submits status documentation to the Iowa department of veterans affairs for verification that an applicant is an eligible service member. The Iowa department of veterans affairs is the final authority on whether an applicant is an eligible service member.

27.3(5) *Notice of MHOA approval.* Once the Iowa department of veterans affairs confirms an applicant's eligibility, the authority notifies the lender, or eligible service member in the case of a cash purchase, that the MHOA application is approved.

27.3(6) *Gaps in funding.* Where military assistance funds are unavailable during the home purchase process, MHOA requests may be placed on a waiting list. When funds become available after the home purchase closed without military assistance funds being applied toward closing costs or down payment, MHOA proceeds will be paid (1) directly to the participating lender or servicing lender to be applied toward the qualified mortgage loan's principal balance, or (2) if the qualified home was purchased pursuant to a cash purchase transaction, directly to the eligible service member. The authority will notify the applicant that MHOA proceeds will be applied to the principal balance.

27.3(7) *Approval process for facilitating lender status.* Pursuant to Iowa Code section 16.54(5), an Iowa-regulated or federally regulated lender with a physical location in the state of Iowa may submit an application to the authority for approval, even if such lender does not participate in the authority's home ownership programs for home buyers. The approval to be a facilitating lender is valid for one year. Lenders are to submit an application and application fee of $1,500 annually. Application fees are not charged in part or in full to a service member or to a property seller.

265—27.4(16) MHOA award. Assistance awarded hereunder is up to $5,000 and is applied toward a qualified home purchase.

27.4(1) *MHOA reimbursement.* The lender advances funds at closing in an amount equal to the assistance on behalf of the eligible service member.

a. After closing, the lender submits copies of the following documents to the authority:

(1) An executed settlement statement;
(2) The deed conveying title;
(3) A title guaranty commitment;
(4) The promissory note; and
(5) The mortgage.

b. After closing, for cash home purchasers, the eligible service member shall submit copies of the following documents to the authority:

(1) The executed settlement statement;
(2) The deed conveying title; and
(3) The executed title guaranty certificate.

27.4(2) *MHOA assistance conditions.* All assistance under the program is subject to funding availability. Assistance will be awarded in the order in which all required documentation is received and approved by the authority. Assistance awarded pursuant to the program is personal to its recipient and nonassignable. A maximum of one assistance award is awarded per home purchase. If both homeowners are eligible service members, only one may use the MHOA per home purchase. If another home is subsequently purchased, the other eligible service member may use the MHOA on the second home if the program exists and funds are available. An eligible service member is to receive only one award under the program. While program funds are available, the award is valid for 60 days in the case of purchases of existing or completed property and 120 days in the case of purchases of property being constructed or renovated. A reasonable extension may be granted with evidence of a purchase loan in progress that has been delayed due to circumstances beyond the service member's control.

These rules are intended to implement Iowa Code sections 16.5(1)*"r"* and 16.54.

[Filed 2/12/26, effective 4/8/26]
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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/4/26.

ARC 0114D

IOWA FINANCE AUTHORITY[265]

Adopted and Filed

Rulemaking related to the HOME investment partnerships program

The Iowa Finance Authority hereby rescinds Chapter 39, "HOME Investment Partnerships Program," Iowa Administrative Code, and adopts a new Chapter 39 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 16.5.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 16.5 and the Cranston-Gonzalez National Affordable Housing Act of 1990.

Purpose and Summary

Pursuant to Executive Order 10, the Authority is rescinding Chapter 39 and adopting a new chapter in lieu thereof. The chapter describes the policies and procedures applicable to the HOME Investment Partnerships Program. The program provides loans to strengthen public-private partnerships and to expand the supply of decent, safe, sanitary, and affordable housing, with primary attention to rental housing, for very low-income and low-income families; to strengthen public-private partnerships; or to provide direct rental assistance to low-income people.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 10, 2025, as **ARC 9797C**. A public hearing was held on the following date(s):

- January 6, 2026
- January 8, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Authority Board on February 4, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Authority for a waiver of the discretionary provisions, if any, pursuant to 265—Chapter 18.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on April 8, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 265—Chapter 39 and adopt the following **new** chapter in lieu thereof:

CHAPTER 39
HOME INVESTMENT PARTNERSHIPS PROGRAM

265—39.1(16) Purpose. The primary purpose of HOME is to strengthen public-private partnerships and to expand the supply of decent, safe, sanitary, and affordable housing, with primary attention to rental housing, for very low-income and low-income families or to strengthen public-private partnerships or to provide direct rental assistance to low-income people.

265—39.2(16) Definitions. When used in this chapter unless the context otherwise requires:

"Activity" means one or more specific housing activities, projects or programs assisted through HOME.

"Administrative plan" means a document that a HOME recipient establishes that describes the operation of a funded activity in compliance with all state and federal requirements.

"Authority" means the Iowa finance authority established pursuant to Iowa Code section 16.1A.

"CHDO" means a community housing development organization certified as such by the authority pursuant to 24 CFR §92.2.

"Consolidated plan" means the state's housing and community development planning document and the annual action plan update approved by HUD pursuant to 24 CFR 91.

"Contract" means a binding written agreement executed by the authority and the recipient or subrecipient for the purpose of utilizing HOME funds to build, buy or rehabilitate (or both buy and rehabilitate) affordable housing for rent or homeownership or to provide direct rental assistance to low-income people.

"HOME" means the HOME Investment Partnerships Program authorized by the Cranston-Gonzalez National Affordable Housing Act of 1990.

"HUD" means the U.S. Department of Housing and Urban Development.

"Low-income" means families whose annual incomes do not exceed 80 percent of the median income for the area as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of HUD findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes. An individual does not qualify as a low-income family if the individual is enrolled as a student at an institution of higher education; is under 24 years of age; is not a veteran of the United States military; is unmarried; does not have a dependent child; is not a person with disabilities as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) and was not receiving assistance under section 8 of the 1937 Act as of November 30, 2005; and is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income to receive assistance under section 8 of the 1937 Act, or does not have parents who qualify as low-income.

"Period of affordability" means the period of time as specified in 24 CFR §92.252 and 24 CFR §92.254 that requirements under HOME must be followed.

"Program income" means gross income received by the participating jurisdiction, state recipient, or a subrecipient at any time, generated from the use of HOME funds or matching contributions.

"Project" means a site or sites together with any building (including a manufactured housing unit) or buildings located on the site(s) that are under common ownership, management, and financing and are to be assisted with HOME funds as a single undertaking. The project includes all the activities associated with the site and building. For tenant-based rental assistance, project means assistance to one or more families.

"Recaptured funds" means HOME funds that are recouped by the recipient when the housing unit assisted by the HOME program homebuyer funds does not continue to be the principal residence of the assisted homebuyer for the full period of affordability.

"Recipient" means the entity under contract with the authority to receive HOME funds and undertake the funded housing activity.

"Repayment" means HOME funds that the recipient repays to the authority because the funds were invested in a project or activity that is terminated before completion or were invested in a project or activity that failed to comply with federal program requirements.

"Subrecipient" means a governmental entity or nonprofit organization selected by the authority to administer all or a portion of the authority's HOME programs to produce affordable housing, provide homeownership assistance, or provide tenant-based rental assistance under the HOME program. A public agency or nonprofit organization that receives HOME funds solely as a developer or owner of housing is not a subrecipient. The selection of a subrecipient by the authority is not subject to the procurement procedures and requirements under federal or state law.

"Very low-income" means low-income families whose annual incomes do not exceed 50 percent of the median family income for the area as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 50 percent of the median for the area on the basis of HUD findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes. An individual does not qualify as a very low-income family if the individual is a student who is not eligible to receive Section 8 assistance under 24 CFR §5.612.

265—39.3(16) Eligible applicants. Eligible applicants for HOME assistance include nonprofit 501(c) organizations, CHDOs, and for-profit corporations or partnerships.

265—39.4(16) Eligible activities and forms of assistance.

39.4(1) Eligible activities may include tenant-based rental assistance, rental housing rehabilitation, rental housing new construction and adaptive reuse, homebuyer assistance that includes some form of direct subsidy to the homebuyer, and other housing-related activities as may be deemed appropriate by the authority.

39.4(2) Eligible forms of assistance include grants, interest-bearing loans, non-interest-bearing loans, interest subsidies, deferred payment loans, forgivable loans or other forms of assistance as may be approved by the authority.

39.4(3) Program income may be retained by the recipient upon written agreement prepared by the authority and executed by the recipient or subrecipient and the authority.

39.4(4) A site including any building located thereon or project acquired or used for rental activities must be held in fee simple title by the recipient upon the disbursement of HOME funds and throughout the contract term with the authority. An installment contract or leasehold interest is not an acceptable recipient interest.

39.4(5) A site including any building located thereon or project acquired or used for homebuyer activities must be held in fee simple title by the recipient or homebuyer upon the disbursement of HOME funds and throughout the contract term with the authority. An installment contract or leasehold interest is not an acceptable recipient or homebuyer interest.

265—39.5(16) Application procedure. HOME applications will be received from eligible applicants in the online system prescribed by the authority as often as the state expects funding from HUD. At a minimum, applications will include the amount of funds requested, a description of the need for the funds, documentation of other available committed funding sources, the source of required local match, and the estimated number of persons to be served by the applicant. Maximum and minimum grant awards will be established by the authority for each application round.

265—39.6(16) Application requirements. An application that meets the following threshold criteria will be considered for HOME assistance:

39.6(1) The application proposes a housing activity consistent with the HOME fund purpose and eligibility requirements and the state consolidated plan approved by HUD.

39.6(2) The application documents the applicant's capacity to administer the proposed activity. Such documentation may include evidence of successful administration of prior housing activities. The authority reserves sole discretion to deny funding to an applicant that has failed to comply with federal or state requirements in the administration of a previous project funded by the state of Iowa or that failed to comply with federal requirements in the administration of a previous project funded in any other state. Documentation of the ability of the applicant to provide technical services and the availability of certified lead professionals and contractors either trained in safe work practices or certified as abatement contractors may also be required as applicable to the HOME fund activity.

39.6(3) Recipients of funds for homeownership as defined by 24 CFR §92.254 may allow the beneficiaries of the funds to use a principal mortgage loan product from a third party that meets the following criteria:

a. With the exception of Habitat for Humanity principal mortgage loan products, the principal mortgage loan is the only repayable loan in all individual homebuyer assistance projects.

b. The HOME assistance must be recorded in second lien position to the principal mortgage loan, if one exists. Recipients of HOME homebuyer assistance must maintain their assistance security agreements in the above-stated recording position throughout the applicable period of affordability and will not be allowed to subordinate the required recording position to any other form of assistance, such as home equity loans. A homebuyer search is required, and any collection/unpaid obligation that would become a judgment or any judgments must be paid in full prior to closing.

c. Any mortgage lending entity's principal mortgage loan products may be used provided the entity's principal mortgage includes the following terms:

(1) Fully amortized, fixed-rate loan with rate not to exceed Fannie Mae 90-day yield + 0.125 percent;

(2) No less than a 15-year, fully amortized, fixed-rate mortgage will be allowed; and

(3) No adjustable rate mortgages or balloon payment types of mortgages will be allowed.

265—39.7(16) Application review criteria.

39.7(1) The authority will evaluate applications and make funding decisions based on general activity criteria, need, impact, feasibility, and activity administration based upon the specific type of activity to be undertaken. The general activity criteria will be included in the application. Training will be offered prior to the application deadline to provide information and technical assistance to potential applicants.

39.7(2) Notice of the availability of funding and the funding round requirements will be placed on the authority's website at opportunityiowa.gov.

265—39.8(16) Allocation of funds.

39.8(1) The authority may retain up to 10 percent of the state's annual HOME allocation from HUD for administrative costs associated with program implementation and operation.

39.8(2) Not less than 15 percent of the state's annual HOME allocation is reserved for eligible housing activities developed, sponsored or owned by CHDOs unless HUD allows a lower percentage.

39.8(3) The authority reserves the right to negotiate the amount of funds provided for general administration, but the maximum amount of the total HOME award that may be used for general administrative costs is 10 percent of the HOME award. Only local government and nonprofit recipients are eligible for general administrative funds.

39.8(4) The authority reserves the right to negotiate the amount and terms of a HOME award.

39.8(5) The authority reserves the right to make award decisions such that the state maintains the required level of local match to HOME funds.

265—39.9(16) Administration of awards. Applicants selected to receive HOME awards will be notified by letter from the authority's director or designee. The authority and the recipient or subrecipient will execute a contract prepared by the authority.

265—39.10(16) Requests for funds. Recipients shall submit requests for funds in the manner and on forms prescribed by the authority. Adequate and itemized documentation supporting the amount of funds requested must be provided to and approved by the authority prior to release of funds. For rental projects, the authority may retain up to 10 percent of the total HOME award for up to 30 days after the recipient satisfactorily completes the work, all HOME-assisted units have been initially occupied, and a final draw and completion form has been submitted to and approved by the authority.

265—39.11(16) References. All references to the Code of Federal Regulations, United States Code, and federal acts, including the Cranston-Gonzalez National Affordable Housing Act of 1990 and the United States Housing Act of 1937, in this chapter are as in effect April 8, 2026.

These rules are intended to implement Iowa Code section 16.5(1)*"f"* and *"m"* and the Cranston-Gonzalez National Affordable Housing Act of 1990.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/4/26.

ARC 0115D

IOWA FINANCE AUTHORITY[265]

Adopted and Filed

Rulemaking related to community housing and services for persons with disabilities revolving loan program

The Iowa Finance Authority hereby rescinds Chapter 43, "Community Housing and Services for Persons with Disabilities Revolving Loan Program," Iowa Administrative Code, and adopts a new Chapter 43 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 16.5.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 16.5 and 16.49.

Purpose and Summary

Pursuant to Executive Order 10, the Authority is rescinding Chapter 43 and adopting a new chapter in lieu thereof. The chapter describes the policies and procedures applicable to the Community Housing and Services for Persons with Disabilities Revolving Loan Program. The program provides loans to sponsor organizations to construct affordable permanent supportive housing or develop infrastructure in which to provide supportive services, including through new construction, acquisition and rehabilitation of existing housing or infrastructure, or conversion or adaptive reuse pursuant to Iowa Code section 16.49.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 10, 2025, as **ARC 9799C**. A public hearing was held on the following date(s):

- January 6, 2026
- January 8, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Authority Board on February 4, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Authority for a waiver of the discretionary provisions, if any, pursuant to 265—Chapter 18.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on April 8, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 265—Chapter 43 and adopt the following **new** chapter in lieu thereof:

CHAPTER 43
COMMUNITY HOUSING AND SERVICES FOR PERSONS WITH DISABILITIES REVOLVING LOAN PROGRAM

265—43.1(16) Definitions. When used in this chapter, unless the context otherwise requires:

"Authority" means the Iowa finance authority.

"Department" means the Iowa department of health and human services.

"Infrastructure" means the building and permanent improvements necessary for the support of Medicaid waiver-eligible individuals.

"Medicaid waiver-eligible" means eligible to receive 19 U.S.C. Section 1915(c) home and community-based services waivers under 441—Chapter 83.

"Permanent supportive housing" means a community-based dwelling that has supportive services for persons with disabilities. This type of supportive housing enables special needs populations to live as independently as possible in a permanent setting.

"PMIC" means psychiatric medical institutions for children.

"Program" means the community housing and services for persons with disabilities revolving loan program.

265—43.2(16) Award of loan funds. It is the authority's intent to award loans under the program to those applicants that meet all of the requirements of this chapter and the published underwriting standards of the loan program. The authority intends to award the available funds under this program each year if applicants meet all applicable requirements.

265—43.3(16) Application process. Any unallocated or recovered funds, payments of interest and principal, or any combination thereof, may be awarded or may be carried over to the next year's cycle of loans at the discretion of the authority. The authority occasionally will take such applications and will analyze and award loans to applicants on an ongoing basis.

265—43.4(16) Program guidelines. For-profit and nonprofit sponsors are eligible to apply for assistance under this program based on the following program guidelines after receiving approval of a service plan to benefit the Medicaid waiver-eligible individuals who reside in the project. The service provider may apply for the loan fund; however, the service provider does not have to be the applicant for the loan fund. If the service provider is not the loan applicant, a memorandum of understanding must exist between the loan applicant and the service provider that shows an obligation on behalf of the service provider to deliver services to the Medicaid waiver-eligible individuals residing in the project and that shows that the loan applicant is obligated to offer housing to the Medicaid waiver-eligible individuals who need the services provided by the service provider.

43.4(1) Projects meeting the following criteria are eligible for assistance:

a. Written approval from the department for the proposed project is obtained prior to application for loan funds.

b. In order to be approved by the department, the project must demonstrate all of the following components:

(1) The project serves one of the following Medicaid waiver-eligible populations:

1. Individuals who are currently underserved in community settings, including individuals who are physically aggressive or have behaviors that are difficult to manage or individuals who meet the PMIC level of care; or

2. Individuals who are currently placed out of state by the department; or

3. Individuals who are currently receiving care in an Iowa-licensed health care facility.

(2) A plan to provide each Medicaid waiver-eligible individual with crisis stabilization services to ensure that the individual's behavioral issues are appropriately addressed by the provider.

(3) Policies and procedures that prohibit discharge of the Medicaid waiver-eligible individual from the waiver services provided by the project provider unless an alternative placement that is acceptable to the individual or the individual's guardian is identified.

c. In order to be approved by the department for application for funding for development of infrastructure in which to provide supportive services under this chapter, a project shall include all of the following components:

(1) Provision of services to Medicaid waiver-eligible individuals who meet the PMIC level of care.

(2) Policies and procedures that prohibit discharge of the Medicaid waiver-eligible individual from the waiver services provided by the project provider, unless an alternative placement that is acceptable to the individual or the individual's guardian is identified.

43.4(2) The following types of activities are eligible for assistance:

a. Acquisition and rehabilitation.

b. New construction.

c. Such other similar activities as may be determined by the authority to fall within the guidelines and purposes established for this program.

43.4(3) Assistance will be provided upon the following terms and conditions:

a. The minimum loan amount is $50,000, and the maximum loan amount is $500,000. The maximum loan term and the amortization period is each 30 years.

b. The acceptable debt service ratio and loan-to-value ratio will be calculated and determined by the authority.

c. Interest rates will be set by the authority, in its sole discretion.

d. Loans shall be secured by a first mortgage to the extent possible. Construction financing may be awarded to projects.

e. Recipients of assistance must agree to observe several covenants and restrictions all in accordance with such loan and mortgage documents as may be required by the authority under this program.

f. The recipient must show that its title in the real estate on which the project is to be located is a marketable title pursuant to Iowa Land Title Examination Standards or other applicable law through a title guaranty certificate issued by the title guaranty division of the Iowa finance authority that shows the recipient as the guaranteed and that includes any endorsements required by the authority.

g. Recipients must execute such documents and instruments and must provide such information, certificates and other items as determined necessary by the authority, in its sole discretion, in connection with any assistance.

43.4(4) Loan fees.

a. Loan fees are as follows:

(1) Application fee – 0.3 percent of loan amount.

(2) Commitment fee (construction period) – 1.0 percent of loan amount.

(3) Commitment fee (permanent loan) – 2.0 percent of loan amount.

(4) Inspection fee (construction loan) – 0.5 percent of loan amount.

b. The authority may, in limited cases, reduce such fees if necessary in connection with assistance provided under this program. Such decision will be made in the sole discretion of the authority.

265—43.5(16) Authority analysis of applications. Authority staff will analyze and underwrite each potential project and will make recommendations for funding assistance to the authority board of directors. Authority staff will use such procedures and processes in its underwriting and analysis as it deems necessary and appropriate in connection with furthering the purposes of this program. In addition, the authority anticipates that, because of the complex nature of each transaction and the particular set of circumstances attributable to each particular application/transaction, the terms and conditions of loans will vary from project to project. The authority will make available its general operating procedures and guidelines for this program.

265—43.6(16) Discretion of authority board. The authority board of directors has the sole and final discretion to award or not to award assistance and to approve final loan terms.

265—43.7(16) Closing/advance of funds. If all requirements of the authority are not met in accordance with any time frames set by the authority and to the complete satisfaction of the authority, all in the sole discretion of the authority, the authority may determine to cease work on an approved project and, accordingly, not advance any funds for such project.

These rules are intended to implement Iowa Code sections 16.5(1) and 16.49.

[Filed 2/12/26, effective 4/8/26]
[Published 3/4/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/4/26.

ARC 0116D

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rulemaking related to deer hunting

The Natural Resource Commission (Commission) hereby amends Chapter 106, "Deer Hunting," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 455A.5(6)"a", 481A.39 and 481A.48.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 481A.38 and 481A.48.

Purpose and Summary

Chapter 106 governs deer hunting by residents and nonresidents in the State of Iowa. This chapter sets forth season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements. Chapter 106 also addresses landowner/tenant deer license application procedure, timing, and general eligibility as well as the State's deer depredation program.

This rulemaking makes several amendments. The majority of these amendments establish a new resident hunting zone, along with new licensing procedures and means and methods of take specific for that zone. Other amendments implement 2025 Iowa Acts, Senate File 423 and House File 885, which collectively create a new disabled veterans deer privilege; clarify that youth deer licenses are available to purchase throughout all deer seasons; and make a minor change to the deer depredation program. A correction is also included to add sentences that were inadvertently removed during the prior rulemaking under Executive Order 10.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on October 15, 2025, as **ARC 9594C**. A public hearing was held on the following date(s):

- November 4, 2025

No one attended the public hearing. No public comments were received.

Two changes from the Notice have been made. The youth season license availability provision has been updated to fully align with the current language in Iowa Code section 483A.8(7). Youth licenses are, by law, available for purchase throughout all established deer seasons. Subrule 106.14(6) now matches this statutory requirement. Also, Item 12 has been updated to remove the reference to 2025 Iowa Acts, House File 885, since that legislation has been codified in Iowa Code section 483A.8D.

Adoption of Rulemaking

This rulemaking was adopted by the Commission on February 12, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 571—Chapter 11.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting.

The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on April 8, 2026.

The following rulemaking action is adopted:

ITEM 1. Amend rule 571—106.1(481A), introductory paragraph, as follows:

571—106.1(481A) Licenses. When hunting deer, all hunters must have in their possession a valid deer hunting license and a valid resident or nonresident hunting license and must have paid the habitat fee (if normally required to have a hunting license and to pay the habitat fee to hunt). No person while hunting deer shall carry or have in possession any license or transportation tag issued to another person. No person who is issued a deer hunting license and transportation tag shall allow another person to possess that license or transportation tag while that person is deer hunting or tagging a deer. An "any-deer" license shall mean the same as an "any sex" license as referenced in Iowa Code chapter 483A.

ITEM 2. Amend paragraph **106.1(1)"a"** as follows:

a. General deer licenses. General deer licenses shall be valid for taking deer in one resident hunting zone per season selected at the time the license is purchased. General deer licenses shall be valid for taking deer of one or either sex ~~except in counties designated by the natural resource commission (commission) during the first regular gun season when the general deer license will be valid for taking deer with at least one forked antler~~ depending on the resident hunting zone selected at the time of purchase. Paid general deer licenses shall be valid ~~statewide~~ zonewide except where prohibited in deer population management zones established under 571—Chapter 105. Free general deer licenses shall be valid for taking deer of either sex only on the farm unit of an eligible landowner or tenant in the season or seasons selected at the time the license is obtained.

ITEM 3. Reletter paragraphs **106.1(1)"b"** to **106.1(1)"e"** as **106.1(1)"c"** to **106.1(1)"f"**.

ITEM 4. Adopt the following **new** paragraph **106.1(1)"b"**:

b. Any-deer licenses. Any-deer licenses shall be valid for taking deer of either sex in the zone, county, and season selected by the hunter at the time of purchase.

ITEM 5. Renumber subrules **106.1(2)** and **106.1(3)** as **106.1(3)** and **106.1(4)**.

ITEM 6. Adopt the following **new** subrule 106.1(2):

106.1(2) *Resident hunting zones.*

a. Resident zone boundaries. Boundaries are as specified in the resident deer hunting zones map (dated October 2025) published on the department's website (www.iowadnr.gov/deerhunting, "Resident Deer Hunting Zones.")

b. Zone A. Paid general deer licenses shall be valid for taking deer of either sex zonewide.

c. Zone B. Paid general deer licenses shall be valid for taking deer with at least one forked antler zonewide. Paid any-deer licenses shall be valid for taking deer of either sex in only the county selected at the time of purchase. Hunters may obtain no more than one zone B any-deer license annually.

ITEM 7. Amend renumbered subrule 106.1(3) as follows:

106.1(3) *January antlerless-deer-only resident licenses.*

a. Population management season. Licenses for the population management January antlerless-deer-only season may be issued for counties designated by the commission following a 30-day public comment period. Population management January antlerless-deer-only licenses shall be issued for a county only when a minimum of 100 antlerless-deer-only licenses, as described in 106.10(5), remain unsold in that county as of the third Monday in December. If 100 or more antlerless-deer-only licenses remain unsold for a given county as of the third Monday in December, those remaining antlerless-deer-only licenses shall be made available for the population management January antlerless-deer-only season

in that county until the relevant antlerless-deer-only quota as described in 106.10(5) is met. Population management season licenses will be available for purchase starting at 9 a.m. Central Standard Time (CST) on the Tuesday morning following the third Monday in December.

b. Excess tag season. Licenses for the excess tag January antlerless-deer-only season may be issued in any county. Excess tag January antlerless-deer-only licenses shall be issued for a county only when a minimum of one antlerless-deer-only license, as described in 106.10(5), remains unsold for a given county through January 10. Remaining antlerless-deer-only licenses shall be made available starting at 9 a.m. CST on January 11 for the excess tag January antlerless-deer-only season in that county until the relevant antlerless-deer-only quota as described in 106.10(5) is met.

ITEM 8. Amend renumbered paragraph **106.1(4)"g"** as follows:

g. Excess tag January antlerless-deer-only license. Beginning at 9 a.m. CST on January 11, nonresident hunters may obtain antlerless-deer-only licenses for the excess tag January antlerless-deer-only season specified in 106.2(4). Licenses will be available only in those counties specified in 106.10(3) until the quota provided in 106.10(5) is filled. All regulations specified in ~~Chapter 106~~ this chapter for the January antlerless deer season for resident hunters including limits, shooting hours, method of take, tagging and reporting requirements will also apply to nonresident hunters during this season.

ITEM 9. Amend subrule 106.7(1) as follows:

106.7(1) *Zone license quotas.* Nonresident license quotas are as follows:

	~~Any-sex~~ Any-deer licenses		Mandatory	Optional
	All Methods	Bow	Antlerless-deer-only	Antlerless-deer-only
Zone 1	90	31	90	
Zone 2	90	31	90	
Zone 3	560	196	560	
Zone 4	1280	448	1280	
Zone 5	1600	560	1600	
Zone 6	800	280	800	
Zone 7	360	126	360	
Zone 8	240	84	240	
Zone 9	880	308	880	
Zone 10	100	35	100	
Total	6000	2099	6000	3500

ITEM 10. Amend subrule 106.10(3) as follows:

106.10(3) *Population management and excess tag January antlerless-deer-only seasons.* Only antlerless-deer-only licenses, paid or free, are available in counties pursuant to the conditions described in ~~106.1(2)~~ 106.1(3). A license must be used during the population management or excess tag January antlerless-deer-only season as described in 106.2(4) and in the county or deer population management area selected at the time the license is purchased. Free antlerless-deer-only licenses shall be available only in the portion of the farm unit located in a county where paid antlerless-deer-only licenses are available during the population management or excess tag January antlerless-deer-only season.

ITEM 11. Amend subrule 106.10(5) as follows:

106.10(5) *Antlerless-deer-only licenses and zone B any-deer licenses.* Paid antlerless-deer-only licenses and zone B any-deer licenses shall be available by county as designated annually by the commission. Prior to the commission designating the quotas, the department shall publish on its website (~~www.iowadnr.gov/Hunting/Deer-Hunting~~ www.iowadnr.gov/deerhunting) a proposed allocation and accept public comments for at least 30 days.

ITEM 12. Adopt the following **new** subrule 106.10(6):

106.10(6) *Disabled veteran any-deer licenses.* A paid any-deer license shall be available for a resident disabled veteran consistent with Iowa Code section 483A.8D. The fee for this license shall be

the same as the general deer license set forth in 571—subrule 15.10(1). Resident disabled veteran any-deer licenses shall be valid during any established firearm season using the method of take authorized for that season. A person may obtain only one disabled veteran any-deer license but may also obtain any other paid or free general deer and antlerless-deer-only licenses that are available to other hunters.

ITEM 13. Amend subrule 106.12(1) as follows:

106.12(1) *Licenses with quotas.* All paid deer hunting licenses for which a quota is established may be obtained from the ELSI system on a first-come, first-served basis beginning at 9 a.m. CST on August 15 until the quota fills, or through the last day of the hunting period for which the license is valid.

ITEM 14. Amend subrule 106.12(2) as follows:

106.12(2) *Licenses without quotas.* All deer hunting licenses that have no quota may be obtained from the ELSI system beginning at 9 a.m. CST on August 15 through the last day of the hunting period for which a license is valid.

ITEM 15. Amend paragraph **106.13(2)"a"** as follows:

a. Resident party hunting. During the first and second regular gun seasons and the January antlerless-deer-only seasons in resident zone A only, any resident hunter present in the hunting party may use their tag on a deer harvested by another resident. Party hunting is not allowed in resident zone B.

ITEM 16. Amend subrule 106.14(1) as follows:

106.14(1) *Licenses.*

a. Youth deer hunt. A youth deer license shall be valid for taking a deer of either sex zonewide. A youth deer license may be issued to any Iowa resident who is not over 15 years old on the day the youth obtains the license. The youth license may be paid or free to persons eligible for free licenses. If the youth obtains a free landowner/tenant license, it will count as the one free general deer license for which the youth's family is eligible.

Each participating youth must be accompanied by an adult who possesses a regular hunting license and has paid the habitat fee (if the adult is normally required to have a hunting license and to pay the habitat fee to hunt). Only one adult may participate for each youth hunter. The accompanying adult must not possess a long gun, bow, or crossbow and must be in the direct company of the youth at all times. Youth deer tags must be filled by the eligible youth hunter named on the youth license.

A person may obtain only one youth general deer license but may also obtain any other paid or free general deer and antlerless-deer-only licenses that are available to other hunters. Antlerless-deer-only or any-deer licenses must be obtained in the same manner with which other hunters obtain them, as described in 106.10(2).

b. Severely disabled hunt. Any severely disabled Iowa resident meeting the requirements of Iowa Code section 321L.1(8) may be issued one general deer license to hunt deer during the youth season. A person applying for this license must either possess a disability parking permit or provide a completed form from the department of natural resources. The form must be signed by a physician verifying that the person's disability meets the criteria defined in Iowa Code section 321L.1(8). The attending physician shall be currently practicing medicine and shall be a medical doctor, a doctor of osteopathy, a physician assistant, or a nurse practitioner. Forms are available online at www.iowadnr.gov, by visiting the Department of Natural Resources office at ~~the Wallace State Office Building~~ 6200 Park Avenue, Des Moines, Iowa, or any district office, or by calling 515.725.8200. A person between 16 and 65 years of age must also possess a regular hunting license and have paid the habitat fee to obtain a license (if normally required to have a hunting license and to pay the habitat fee to hunt). A severely disabled person obtaining this license may obtain any other paid and free general deer and antlerless-deer-only licenses that are available to other hunters. Antlerless-deer-only licenses must be obtained in the same manner by which other hunters obtain them, as described in 106.10(2).

ITEM 17. Amend subrule 106.14(6) as follows:

106.14(6) *Procedures for obtaining licenses.* ~~Paid and free youth season licenses and licenses for severely disabled hunters may be obtained through ELSI beginning August 15 through the last day of the youth season.~~

a. Licenses for severely disabled hunters may be obtained through ELSI beginning at 9 a.m. CST on August 15 through the last day of the severely disabled hunter season.

b. Paid and free youth licenses are available for purchase through ELSI beginning at 9 a.m. CST on August 15 through the last day of the last established deer season.

ITEM 18. Amend rule 571—106.16(481A), introductory paragraph, as follows:

571—106.16(481A) Deer depredation management. The deer depredation management program provides assistance to producers through technical advice and additional deer licenses and permits where the localized reduction of female deer is needed to reduce damage. Upon signing a depredation management agreement with the department, producers of agricultural or high-value horticultural crops ~~may~~ shall be issued, consistent with this rule, deer depredation licenses and deer shooting permits to shoot deer causing excessive crop damage. If immediate action is necessary to forestall serious damage, depredation licenses or shooting permits may be issued before an agreement is signed. Further licenses or permits will not be authorized until an agreement is signed.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/4/26.

ARC 0117D

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rulemaking related to wild furbearer trapping and hunting

The Natural Resource Commission (Commission) hereby amends Chapter 108, "Wild Furbearer Trapping and Hunting," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 481A.6, 481A.38, 481A.39, 481A.87, 481A.90 and 481A.92.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 481A.6, 481A.38, 481A.39, 481A.87, 481A.90 and 481A.92.

Purpose and Summary

Chapter 108 sets the season dates, bag limits, possession limits, and areas open to hunting or trapping furbearers. This rulemaking makes two amendments. One corrects an error that was the result of a multispecies consolidation of several chapters under a prior rulemaking. The other ensures consistent style and formatting throughout the chapter.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on October 15, 2025, as **ARC 9595C**. A public hearing was held on the following date(s):

- November 4, 2025

No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Commission on February 12, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 571—Chapter 11.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on April 8, 2026.

The following rulemaking action is adopted:

ITEM 1. Amend rule 571—108.1(481A), introductory paragraph, as follows:

571—108.1(481A) Badger, opossum, striped skunk, red fox, gray fox, mink, muskrat and weasel. Open season ~~for the taking of mink, muskrat and weasel~~ shall be from 8 a.m. on the first Saturday in November through February 28 of the succeeding year. Entire state open. No daily bag or possession limit.

ITEM 2. Amend rule 571—108.4(481A) as follows:

571—108.4(481A) Beaver. Open season ~~for the taking of beaver~~ shall be from 8 a.m. on the first Saturday in November through April 15 of the succeeding year. No daily bag or possession limit.

[Filed 2/12/26, effective 4/8/26]
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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/4/26.

ARC 0118D

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed

Rulemaking related to ignition interlock devices

The Department of Public Safety hereby rescinds Chapter 158, "Ignition Interlock Devices," Iowa Administrative Code, and adopts a new Chapter 158 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 321J.4(8)"b" and 2024 Iowa Acts, Senate File 2261.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 321J.

Purpose and Summary

Pursuant to Executive Order 10, the Department hereby rescinds Chapter 158 and adopts a new chapter in thereof. The purpose of this chapter is to establish standards and requirements that apply to ignition interlock devices (IIDs) installed on motor vehicles pursuant to court orders or administrative orders issued by the Department of Transportation (DOT) pursuant to Iowa Code chapter 321J. Various sections of Iowa Code chapter 321J require drivers who have been convicted of violating or administratively adjudged to have violated certain provisions of Iowa Code chapter 321J to have IIDs "of a type approved by the commissioner of public safety" installed on their vehicles in order to maintain their driving privileges. The rules in this chapter provide the standards for such approval.

This rulemaking also incorporated necessary changes as a result of 2024 Iowa Acts, Senate File 2261.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on November 12, 2025, as **ARC 9658C**. A public hearing was held on the following date(s):

- December 2, 2025
- December 3, 2025

No one attended the public hearings.

The Iowa Association for Justice (IAJ) submitted comments electronically. Comments submitted by IAJ cited concern with replacing "shall" with "will" in instances wherever obligations are intended to be requirements. The Department concurred and replaced "will" with "shall" where relevant in subrules 158.3(1), 158.3(3), 158.4(2), and 158.4(3) and rules 661—158.5(321J) and 661—158.6(321J).

Further, IAJ raised concern with an inconsistency between the proposed timing requirements and the retest window in rule 761—620.4(321J). After reviewing, the Department concurred and changed the requirements in subrule 158.6(4) from two minutes to six minutes for a confirmatory test to be completed. This aligns timing requirements for a random test as outlined in subrule 158.6(6).

Adoption of Rulemaking

This rulemaking was adopted by the Department on February 12, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 661—Chapter 10.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on April 8, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 661—Chapter 158 and adopt the following **new** chapter in lieu thereof:

CHAPTER 158
IGNITION INTERLOCK DEVICES

661—158.1(321J) Scope and authority.

158.1(1) The rules in this chapter establish standards and requirements that apply to ignition interlock devices installed in motor vehicles pursuant to court orders or administrative orders issued by the DOT pursuant to Iowa Code chapter 321J.

158.1(2) Various sections of Iowa Code chapter 321J require drivers who have been convicted of violating or administratively adjudged to have violated certain provisions of Iowa Code chapter 321J to have ignition interlock devices "of a type approved by the commissioner of public safety" installed on their vehicles in order to continue to drive legally. The rules in this chapter provide the standards for such approval.

661—158.2(321J) Definitions. The following definitions apply to rules in this chapter:

"Alcohol" means any member of the class of organic compounds known as alcohols and, specifically, ethyl alcohol.

"ASP" means an authorized service provider, which is a person or company meeting all qualifications outlined in this chapter and approved and trained by the manufacturer to service, install, monitor or calibrate IIDs approved pursuant to this chapter.

"BrAC" means breath alcohol concentration, which is the amount of alcohol determined by chemical analysis of the individual's breath measured in grams of alcohol per 210 liters of breath.

"Bypass," "bypassing" or *"tampering"* means the attempted or successful circumvention of the proper functioning of an IID, including but not limited to the push start of a vehicle equipped with an IID; disabling, disconnecting or altering an IID; or introduction of a breath sample into an IID other than a nonfiltered direct breath sample from the driver of the vehicle in order to defeat the intended purpose of the IID.

"Confirmatory test" means a breath alcohol test required in response to a bypass or a first failed test.

"DCI" means the Iowa division of criminal investigation.

"DOT" means Iowa department of transportation, office of driver services.

"Fail level" means a BrAC equal to or greater than 0.04 grams per 210 liters of breath, at which level the IID will prevent the vehicle from starting or will indicate a violation once the vehicle is running.

"First failed test" means providing a breath sample to an ignition interlock device with an alcohol concentration of 0.04 or more.

"IID" means ignition interlock device, which is an electronic device that is installed in a vehicle and that requires the completion of a breath sample test prior to starting the vehicle and at periodic intervals after the vehicle has been started. If the IID detects an alcohol concentration of 0.04 grams or greater per 210 liters of breath, the vehicle will be prevented from starting.

"Initial test" means a breath sample that is collected in an attempt to start a vehicle.

"Laboratory" means the division of criminal investigation criminalistics laboratory.

"Lessee" means a person who has entered into an agreement with a manufacturer or an ASP to lease an IID and whose driving privileges are contingent on the use of an IID.

"Lockout" means a condition in which the IID will not accept a breath test.

"Lockout override" means a method of unlocking a device to accept a breath sample.

"Manufacturer" means the person, company, or corporation that produced the IID.

"Random retest" means a breath sample that is collected in a nonscheduled, random manner after the vehicle has been started.

"Start or starting" means to manipulate a vehicle's inputs or systems or to activate a motor, thereby initiating the transition of a stationary vehicle into a motor-powered, driver-controlled motion.

"User" means a person operating a vehicle equipped with an IID.

"Violation" means a violation as described in Iowa Code section 321J.17A(4).

"Violation reset" means a required calibration check and recalibration in accordance with subrule 158.8(1) when the device has a recorded violation.

661—158.3(321J) Approval. To be approved, an IID will meet or exceed performance standards contained in the Model Specifications for Breath Alcohol Ignition Interlock Devices as published in the Federal Register, May 8, 2013, Volume 78, No. 89 pages 26849-26867. Only a notarized statement from a laboratory capable of performing the tests specified will be accepted as proof of meeting or exceeding the standards.

158.3(1) In addition to the federal standards, the laboratory shall apply scientific tests or methods to a particular IID to determine whether it meets an acceptable standard for accuracy.

158.3(2) At the discretion of the laboratory administrator, the laboratory may accept test results from other public laboratories or authorities.

158.3(3) A list of IIDs approved by the commissioner of public safety shall be maintained by the laboratory. The list is available without cost by writing to the Iowa Department of Public Safety, Division of Criminal Investigation, Criminalistics Laboratory, 2240 South Ankeny Boulevard, Ankeny, Iowa 50023; by telephoning 515.725.1500; or by accessing the list on the laboratory's website.

NOTE: As of May 1, 2024, the website of the laboratory is breathalcohol.iowa.gov.

661—158.4(321J) Revocation of approval.

158.4(1) The approval of an IID will remain valid until either voluntarily surrendered by the manufacturer or until the approval of the IID has been revoked by the commissioner of public safety for cause. Reasons for revocation include but are not limited to the following:

a. Evidence of repeated IID failures due to defects in design, materials, or workmanship during manufacture, installation, monitoring, or calibration of the IID such that the accuracy of the IID or the reliability of the IID as approved is not being met as determined by the laboratory.

b. A pattern of evidence that the mandatory operational features of the IID as described in rule 661—158.6(321J) are not functioning properly.

c. A pattern of evidence indicating that the IID may be easily tampered with or bypassed.

d. Any violation on the part of the manufacturer of the IID of any laws or regulations related to the installation, servicing, monitoring, and calibration of IIDs, or failure of a manufacturer to address repeated violations by an ASP.

e. Cancellation of the manufacturer's required liability insurance coverage.

f. Cessation of business operations by the manufacturer.

g. Failure to notify the laboratory in writing of any material modifications or alterations to the components or the design of the approved IID.

h. Failure of the manufacturer or an ASP to notify the DOT and the county attorney of the county of residence of the lessee within 30 days of the discovery of evidence of tampering with or attempting to bypass an IID.

i. Evidence that the manufacturer or ASP(s), or its owners, employees, or agents, has committed any act of theft or fraud, deception or material omission of fact related to the distribution, installation, or operation of any IID subject to this chapter.

j. Revocation of approval in another state for any of the reasons for revocation listed in paragraphs 158.4(1)*"a"* through *"i."*

158.4(2) A revocation shall be effective 30 days from the date of the letter sent to the manufacturer via certified mail, return receipt requested, unless otherwise specified by the commissioner. A copy of each notice of revocation shall be provided to the director of the DOT.

158.4(3) Upon voluntary surrender or revocation, all IIDs subject to surrender or revocation shall be removed and replaced by an approved IID within 60 days of the effective date of such surrender or revocation. The manufacturer or the ASP shall notify all affected lessees of the surrender or revocation and the requirement that a new IID shall be installed by an existing ASP within the time frame specified in this subrule.

158.4(4) A revocation of a previously approved IID may be appealed to the department of public safety by the filing of an appeal in accordance with the procedures specified in rule 661—10.101(17A) within ten days of the issuance of the notice of revocation.

661—158.5(321J) Modifications to an approved IID. The manufacturer shall inform the laboratory in writing of any modifications that will affect the accuracy, reliability, ease of use, or general function of the approved IID. The notification shall include but not be limited to a listing of those modifications that were made, those components that were redesigned or replaced, and any additional alterations. Each of these changes should also include a narrative explaining how the modifications or alterations will affect the accuracy, reliability, ease of use, or general function of the IID. The laboratory reserves the right to test the IID to determine if the IID meets or exceeds the requirements established in this chapter.

661—158.6(321J) Mandatory operational features. In addition to any requirements established elsewhere in this chapter, an approved IID shall comply with the following:

158.6(1) The IID will be designed and constructed to measure a person's BrAC by utilizing a sample of the person's breath delivered directly into the IID. A minimum volume of 1.5 liters of continuously delivered breath is required for acceptance but may be lowered to 1.2 liters of continuously delivered breath with a medical waiver provided to the department.

158.6(2) The IID will be designed and constructed so that the ignition system of the vehicle in which it is installed will not be started if the BrAC of the person submitting the initial test is 0.04 BrAC or more.

158.6(3) The IID will lock out if the IID has not been calibrated within 67 days subsequent to the last calibration. Calibration may be required more frequently at the discretion of the manufacturer or the ASP. The laboratory administrator may approve a device using fuel cell technology to be recalibrated within 187 days of the previous calibration provided that the device passes specific precision and functionality testing approved by the laboratory administrator and carried out by the laboratory or an independent laboratory acceptable to the laboratory administrator. A lockout override may be utilized to unlock a device for a period of three hours.

158.6(4) The IID will require a confirmatory test in response to a failed first test or bypass. Once the confirmatory test begins, the device will allow six minutes for the confirmatory test to be completed. Once a confirmatory test is in progress, either (1) failing to provide a detectable breath sample to the IID when prompted by the device or (2) providing a breath sample to the IID with an alcohol concentration or 0.04 or more will be recorded as a violation and, if in response to a bypass or random retest, cause the device to immediately notify peace officers as prescribed in this rule and disable the sample-free start.

158.6(5) The IID shall record every instance when the vehicle is started, the results of the breath sample test, how long the vehicle was operated, and any indications that the IID may have been tampered with or bypassed.

158.6(6) The IID shall require the operator to submit to a random retest within ten minutes of starting the vehicle. A minimum of two additional random retests will occur within 60 minutes of

starting the vehicle, and a minimum of two random retests will occur within every 60 minutes thereafter. Once a random test begins, the device will allow six minutes for the random retest to be completed. Random retests may be achieved during operation of the vehicle.

158.6(7) The IID will permit a sample-free restart for a maximum period of two minutes unless the IID has initiated a random retest, in which case the operator will successfully perform a breath sample test before the vehicle may be restarted.

158.6(8) The IID will automatically and completely purge residual alcohol before allowing subsequent tests.

158.6(9) The IID will be installed in such a manner that it will not interfere with the normal operation of the vehicle after the vehicle has been started.

158.6(10) The IID will be equipped with a method of immediately notifying peace officers if the retest required by subrule 158.6(6) is not performed or if the result of a random retest exceeds the alcohol concentration of 0.04 BrAC. Examples of acceptable forms of notification are repeated honking of the vehicle's horn and repeated flashing of the vehicle's headlights. Such notification may be disabled only by switching the engine off or by achievement of a retest at a level below 0.04 BrAC.

158.6(11) Each IID will be uniquely identified by a serial number. Along with any other information required by the DOT or by an originating court, all reports to the DOT or to an originating court concerning a particular IID will include the name, address, and driver's license number of the lessee and the unique serial number of the IID. The name, address, telephone number, and contact person of the manufacturer or the ASP furnishing the report will also be included as part of the report.

661—158.7(321J) IID security.

158.7(1) The manufacturer and its ASPs will take all reasonable steps necessary to prevent tampering with or physical circumvention of the IID. These steps shall include the following:

a. ASPs will use special locks, seals, installation procedures, or design characteristics that prevent or record evidence of tampering or circumvention attempts.

b. The manufacturer or the ASP will affix a label to the IID indicating that attempts to tamper with or circumvent the IID may subject a person to criminal prosecution or administrative sanctions.

158.7(2) No owner or employee of a manufacturer or an ASP may authorize or assist with the disconnection of an IID or enable the use of any emergency bypass mechanism or any other bypass procedure that allows a person restricted to the use of a vehicle equipped with a functioning IID to start or operate a vehicle without providing all required breath samples. Authorizing or assisting with the disconnection of an IID may subject the owner or employee of a manufacturer or an ASP to criminal prosecution or administrative sanctions.

661—158.8(321J) IID maintenance and reports.

158.8(1) An IID utilized in accordance with the provisions of this chapter will have the calibration checked and recalibrated at least once every 60 days or pursuant to a violation reset using either a wet bath simulator or dry gas standard. Calibration is to be completed by the manufacturer or the ASP. In lieu of calibration of an installed IID, an installed IID may be exchanged for another calibrated IID. The laboratory administrator may approve a device that employs fuel cell technology to be used for up to 180 days from the date of the previous calibration provided that the device passes specific precision and functionality testing approved by the laboratory administrator and carried out by the laboratory or an independent laboratory acceptable to the laboratory administrator. An IID will automatically enter a lockout condition if the IID has not been calibrated within seven days of a violation reset or after the deadlines established in this subrule.

158.8(2) The calibration record for the IID currently installed in a vehicle pursuant to Iowa Code section 321J.4 and this chapter and for any other IID installed in the same vehicle will be maintained by the manufacturer or the ASP. The record will include the following:

a. Name of the person performing the calibration;

b. Date;

c. Value and type of standard used;

d. Batch or lot number of standard;
e. Unit type and identification number of the IID; and
f. Description of the vehicle in which the IID is installed, including:
(1) Registration plate number and state;
(2) Make;
(3) Model;
(4) Vehicle identification number;
(5) Year; and
(6) Color.

158.8(3) The IID will be calibrated for accuracy according to the manufacturer's procedures. All data contained in the IID's memory will be downloaded, and the manufacturer or the ASP will make a hard copy or the electronic equivalent of a hard copy of client data and results of each examination.

158.8(4) All information obtained as a result of each inspection will be retained by the manufacturer or the ASP for five years from the date the IID is removed from the vehicle.

158.8(5) Any manufacturer or ASP who discovers evidence of tampering with or attempting to bypass an IID will, within 30 days of the discovery, notify the DOT and the county attorney of the county of residence of the lessee of that evidence.

158.8(6) The manufacturer or the ASP will provide, upon request, additional reports in a format acceptable to, and at no cost to, the DOT and the DCI.

158.8(7) The manufacturer or the ASP will notify the DOT within ten days if an IID is not calibrated within the time period specified in subrule 158.6(3).

661—158.9(321J) Other provisions. In addition to any other applicable provisions of this chapter, each manufacturer of an approved IID, either on its own or through its ASPs, will comply with the following provisions:

158.9(1) Each manufacturer and ASP of IIDs approved for use in Iowa pursuant to this chapter will maintain general liability insurance coverage that is effective in Iowa and that has been issued by an insurance carrier authorized to operate in Iowa by the Iowa division of insurance in an amount of not less than $1 million per occurrence and $3 million in the aggregate. Each manufacturer and ASP will furnish the DCI with proof of this insurance coverage in the form of a certificate of insurance from the insurance company issuing the policy. All insurance policies required by this subrule will carry an endorsement requiring that the DCI be provided with written notice of cancellation of insurance coverage required by this subrule at least ten days prior to the effective date of cancellation.

158.9(2) Each manufacturer of IIDs approved for use in Iowa will maintain an email address and a telephone number that are available 24 hours a day, 365 days a year, for lessees or users to contact the manufacturer or the ASP if lessees or users have problems with the IID leased from the manufacturer or the ASP.

158.9(3) Each manufacturer of IIDs approved for use in Iowa will provide the lessee with instructions on how to properly use the IID, including recommending a 15-minute waiting period between the last drink of an alcoholic beverage and the time of breath sample delivery into the IID.

158.9(4) An IID utilized under these rules will be installed and removed by the manufacturer or the ASP in conformance with the prescribed procedures of the manufacturer.

158.9(5) The department of public safety reserves the right to inspect any IID, manufacturer, or ASP at any time at the department's discretion. All records of IIDs installed, results of calibrations, violations, data logs, and results of known alcohol standards will be made available for inspection upon request to any representatives of the department of public safety or DOT or any peace officer.

These rules are intended to implement Iowa Code chapter 321J.

[Filed 2/12/26, effective 4/8/26]
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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/4/26.

ARC 0119D

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Adopted and Filed

Rulemaking related to employer's contribution and charges

The Director of the Workforce Development Department hereby amends Chapter 23, "Employer's Contribution and Charges," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A and 96.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A and 96.

Purpose and Summary

The purpose of this subrule is to provide guidance on submitting an employer liability appeal pursuant to Iowa Code chapter 96.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 7, 2026, as **ARC 9940C**. Public hearings were held on the following date:

- January 27, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Director of the Department on February 11, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on April 8, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind subrule 23.52(3) and adopt the following **new** subrule in lieu thereof:

23.52(3) The appeal shall be addressed or delivered to: Department of Workforce Development, Tax Bureau, 1000 East Grand Avenue, Des Moines, Iowa 50319. Appeals that are received by the tax bureau after 11:59 p.m. central time will be deemed filed as of the next regular business day.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/4/26.

ARC 0120D

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Adopted and Filed

Rulemaking related to contested case proceedings

The Director of the Workforce Development Department hereby rescinds Chapter 26, "Contested Case Proceedings," Iowa Administrative Code, and adopts a new Chapter 26 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 17A and 96.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A and 96.

Purpose and Summary

The purpose of this chapter is to provide procedures for contested case proceedings brought pursuant to Iowa Code chapter 96.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 7, 2026, as **ARC 9939C**. Public hearings were held on the following date:

- January 27, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Director of the Department on February 11, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on April 8, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 871—Chapter 26 and adopt the following **new** chapter in lieu thereof:

CHAPTER 26
CONTESTED CASE PROCEEDINGS

871—26.1(17A,96) Applicability. The rules in this chapter govern the procedures for contested case proceedings brought pursuant to Iowa Code chapter 96.

871—26.2(17A,96) Definitions. Terms defined in the Iowa employment security law and the Iowa administrative procedure Act and that are used in these rules shall have the same meaning as provided by such laws. In addition, the following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"Contested case" means a proceeding defined in Iowa Code section 17A.2(5) and includes any matter defined as a no factual dispute contested case in Iowa Code section 17A.10A. It specifically includes any appeal from a determination of a representative of the department or any appeal or request for a hearing by an employer or employing unit from an experience rating, charge determination or other decision affecting its liability. Except as provided in subrule 26.16(4), a final decision of the employment appeal board of the department of inspections, appeals, and licensing shall constitute final agency action. A presiding officer's decision shall be the final decision of the department if there is no appeal therefrom to the employment appeal board of the department of inspections, appeals, and licensing or if the appeal is made directly to the district court in lieu of filing an appeal with the employment appeal board of the department of inspections, appeals, and licensing.

"Presiding officer" means an administrative law judge employed by the department of inspections, appeals, and licensing.

871—26.3(17A,96) Appeal of unemployment benefits contested case.

26.3(1) An unemployment benefits contested case must be filed by a party within ten calendar days from the date noted on the initial determination. The appeal must be in writing and delivered by mail, by email, online, or in person to the department of inspections, appeals, and licensing's unemployment insurance appeals bureau at Department of Inspections, Appeals, and Licensing, Unemployment Insurance Appeals Bureau, 6200 Park Avenue, Suite 100, East Entrance, Des Moines, Iowa 50321-1270. An online appeal is filed by completing and submitting an online appeal form available in the IowaWorks digital portal.

26.3(2) The appeal should state the following:

a. The name, address and social security number of the claimant;

b. A reference to the decision from which the appeal is taken; and

c. The grounds upon which the appeal is based.

26.3(3) Notwithstanding the provisions of subrule 26.3(1), a contributory employer, which has not previously received a notice of the filing of a valid claim for benefits, may appeal an individual's eligibility to receive benefits within 30 calendar days from the mailing date of the quarterly statement of benefit charges.

26.3(4) Also notwithstanding the provisions of subrule 26.3(1), a reimbursable employer, which has not previously received a notice of the filing of a valid claim for benefits, may appeal an individual's eligibility to receive benefits within 15 calendar days from the mailing date of the quarterly billing of benefit charges.

871—26.4(17A,96) Appeal of employer liability contested case.

26.4(1) An appeal from a decision of the tax bureau of the department concerning employer status and liability, assessments, contribution (tax) rate, successorship, workers' status, and all questions regarding coverage of a worker or group of workers must be filed by a party no later than 30 calendar days from the mailing date printed on the notice. The appeal must be in writing and delivered by mail, by email, or in person to Tax Bureau, Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319.

26.4(2) The appeal should state the following:

a. The name, address, and Iowa employer account number of the employer;

b. The name and official position of the person filing the appeal;

c. The decision that is being appealed; and

d. The grounds upon which the appeal is based.

871—26.5(17A,96) Notice of hearing.

26.5(1) Notices of hearing shall be sent to all parties at their last-known address at least ten days in advance of the hearing date by first-class mail, email, or other electronic means. Notices of hearing shall contain the information required by Iowa Code section 17A.12(2) and any additional information required by statute or rule.

26.5(2) Unless otherwise precluded, the parties in a contested case may waive any provision of this chapter pursuant to Iowa Code section 17A.10.

26.5(3) A hearing will be promptly scheduled and conducted by telephone unless a party requests that it be held in person. In-person hearings will be located at a site designated by UIAB. The party requesting an in-person hearing will ordinarily be required to travel the greater distance if all parties are not located near the same hearing site. A request for an in-person hearing may be denied if factors such as the distance between the parties, the number of parties or the health of any party make it impractical or impossible to conduct a fair hearing in person. An in-person hearing may be scheduled at the discretion of the presiding officer to whom the contested case is assigned or by the manager or chief administrative law judge of the appeals bureau. At the discretion of the presiding officer, witnesses or representatives may be allowed to participate via telephone in an in-person hearing.

26.5(4) Whenever it appears that other parties should be joined to dispose of all issues in a contested case, the presiding officer may so order and may grant such continuance to hold such additional proceedings upon notice to all parties.

26.5(5) Any number of appeals involving similar issues of law or fact may be consolidated for hearing so long as no substantial rights of any party would be prejudiced by so doing.

871—26.6(17A,96) Recusal. A presiding officer shall withdraw from participation in the hearing or the making of any decision in a contested case in accordance with provisions outlined in rule 481—10.9(17A).

871—26.7(17A,96) Withdrawals, dismissals, and continuance.

26.7(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of a presiding officer. Requests for withdrawal may be

made in writing or orally, provided the oral request is recorded by a presiding officer. An appeal may be dismissed upon the request of a party or in the agency's discretion when the issue or issues on appeal have been resolved in the appellant's favor.

26.7(2) A hearing may be postponed by the presiding officer for reasons stated in 481—subrule 10.17(3), either upon the presiding officer's own motion or upon the request of any party in interest. A party's request for postponement should be made not less than three days prior to the scheduled hearing and may be in writing or oral, provided the oral request is recorded by the presiding officer. A party shall not be granted more than one postponement except in the case of extreme emergency.

26.7(3) For good cause shown, the presiding officer may reopen the record, and with notice to all parties, schedule another hearing.

"Good cause," for purposes of this rule, is defined as an emergency circumstance that is beyond the control of the party and that prevents the party from being able to participate in the hearing. Examples of good cause include but are not limited to death, sudden illness, or accident involving the party or the party's immediate family (spouse, partner, children, parents, siblings) or other circumstances evidencing an emergency situation that was beyond the party's control and was not reasonably foreseeable.

Examples of circumstances that do not constitute good cause include but are not limited to a lost or misplaced notice of hearing, confusion as to the date and time for the hearing, failure to follow the directions on the notice of hearing, oversleeping, or other acts demonstrating a lack of due care by the party.

26.7(4) If necessary, the presiding officer may hear, ex parte, additional information regarding the request for reopening. The granting or denial of such a request may be used as grounds for appeal to the employment appeal board of the department of inspections, appeals, and licensing upon the issuance of the presiding officer's final decision in the case.

26.7(5) If good cause for reopening has not been shown, the presiding officer may make a decision based upon whatever evidence is properly in the record or, in appropriate cases, may enter default as set forth in rule 871—26.13(17A,96).

871—26.8(17A,96) Discovery.

26.8(1) Discovery procedures applicable to civil actions are available to all parties in interest in contested cases.

26.8(2) Unless otherwise limited by a protective order, discovery is not limited. Upon application by any adversely affected party or upon the presiding officer's own motion, the presiding officer may limit discovery in the following situations:

a. The discovery sought is unduly repetitious, or the information sought can be obtained by another method that is more convenient, less burdensome, or less expensive; or

b. The party seeking discovery has had prior ample opportunity to obtain the information; or

c. The discovery is unduly burdensome or expensive when viewed in the context of the factual issues to be resolved, the limited resources of the parties, and the parties' interest in prompt resolution of the contested case.

26.8(3) A party may obtain discovery regarding any matter, not privileged, relevant to the subject matter involved in the contested case, including the existence, description, nature, custody, condition and location of any tangible items and the identity and location of persons having knowledge of discoverable matters. Information may be discovered, even if inadmissible itself, if it appears reasonably calculated to lead to the discovery of admissible evidence. The names of a party's witnesses, their expected testimony, and exhibits to be offered into evidence may be obtained by discovery.

26.8(4) A party who responded to a request for discovery with a response that was complete and accurate when made need not supplement the response to include information obtained later. However, a party must promptly supplement its response to requests for the identity and location of persons having knowledge of discoverable matters and the identity of each person expected to be called to testify at the hearing, and the party must produce copies of exhibits expected to be offered into evidence at the hearing as such decisions are made. A party must also promptly amend any response if it obtains information

showing that its prior response was incorrect when made or, though correct when made, is no longer correct.

26.8(5) No motion relating to discovery, including motions for imposition of sanctions, will be considered unless the moving party states that it made a good-faith but unsuccessful effort to resolve the issues raised in the motion with the opposing party without intervention by the presiding officer.

26.8(6) Upon motion by a party or the person from whom discovery is sought or by any person who may be adversely affected thereby, and for good cause shown, the presiding officer before whom the contested case is pending may make any order that justice requires to protect a party or person from oppression or undue burden or expense. Such order may deny the request for discovery or limit terms, conditions, manner, and scope thereof.

26.8(7) A party may, in accordance with subrule 26.8(5), ask the presiding officer for an order compelling discovery if the other party fails within a reasonable time to make a complete, good-faith response. After notice to both parties and hearing on the motion, the presiding officer shall enter an order that denies or compels discovery. This order may be combined with a protective order pursuant to subrule 26.8(6).

26.8(8) Upon written request by any party or upon the presiding officer's own motion, the presiding officer may impose sanctions for the failure to respond to discovery requests; however, sanctions shall not be imposed without prior specific notice from the presiding officer of the contemplated sanction, opportunity to be heard, and, if necessary, further opportunity to cure its failure. The sanctions may include the following:

a. Postponing and rescheduling the hearing if requested by the party demonstrably prejudiced by the failure.

b. Excluding testimony of witnesses not identified in response to a specific request for such information.

c. Excluding from the record those exhibits not identified in response to a specific request for such information.

d. Excluding the party from participating in the contested case proceedings.

e. Dismissing the party's appeal.

26.8(9) Requests for discovery shall be served on the opposing party by ordinary mail or email. Responses must be served on the party requesting the discovery within ten days after the discovery request is sent unless the presiding officer grants an extension of time to comply. Requests for discovery must be made at least ten days before a scheduled contested case hearing. A party's inattention to preparation is not good cause to postpone the hearing.

871—26.9(17A,96) Ex parte communications. Ex parte communication is subject to rule 481—10.23(17A).

871—26.10(17A,96) Motions. Motion practice is subject to rule 481—10.15(10A,17A) with the following exceptions:

1. Written responses to motions may be filed within five days after the motion is served.
2. Motions pertaining to the hearing must be filed and served at least five days prior to the hearing date.

871—26.11(17A,96) Prehearing conference. Prehearing conferences are subject to rule 481—10.16(10A,17A), with the exception that requests for a prehearing conference must be filed within three days prior to hearing.

871—26.12(17A,96) Subpoenas for witnesses and documents. Subpoenas are subject to rule 481—10.14(10A,17A) and Iowa Code section 17A.13, with the exception that subpoena requests must be filed within three days prior to hearing.

871—26.13(17A,96) Conduct of hearings. The conduct of hearings is governed by rule 481—10.20(17A), with the exception of the additional following subrules:

26.13(1) The presiding officer shall begin each hearing with a brief statement identifying the parties and issues, outlining the history of the case, advising the parties of their appeal rights and announcing what matters, if any, will be officially noticed. Any party may inspect and use any portion of the administrative file necessary for the presentation of its case. The administrative file may include information from the claimant's files maintained in the agency's computer system.

26.13(2) Each party shall be afforded an opportunity for an opening statement and final arguments.

26.13(3) The hearing shall be confined to evidence relevant to the issue or issues stated on the notice of hearing.

26.13(4) If, during the course of a hearing, it appears to the presiding officer that an issue not set forth in the notice of hearing may affect the presiding officer's decision, the presiding officer shall so notify the parties and announce willingness to continue taking testimony on the underlying factual matters if the parties agree to waive on record further notice and make no objection to continuing. If any party objects, the presiding officer shall postpone or continue the hearing and cause new notices of hearing, containing all relevant issues, to be sent to the parties. Notwithstanding, voluntary quits and discharges generally shall be construed to constitute the single issue of separation from employment so that evidence of either or both types of separation may be received in a single hearing.

26.13(5) If factual issues generally relevant to a party's eligibility or liability for benefits but unrelated to the underlying facts in controversy in the present contested case are exposed, the presiding officer may remand the issue to the appropriate section of the department for investigation and preliminary determination.

26.13(6) If a party fails to appear for the hearing, the presiding officer may proceed with the hearing or decide the appealing party is in default and dismiss the appeal as provided in Iowa Code section 17A.12(3). If no decision has been issued, the absent party may make a written request to reopen the record for good cause as defined in subrule 26.7(3). The presiding officer may reopen the record for additional material, relevant and nonrepetitious evidence not submitted at the case hearing.

a. If an absent party responds to the hearing notice while the hearing is in progress, the presiding officer shall admit the party, summarize the hearing to that point, administer the oath, and resume the hearing.

b. If an absent party responds to the notice of hearing after the record has been closed and any party that has participated is no longer on the telephone line or present, the presiding officer shall not take the evidence of the late party and the party may file a written request to reopen the record.

c. Once a decision has been entered, the absent party may file an appeal to the employment appeal board to request a new hearing.

26.13(7) Whenever necessary, the presiding officer may require the attendance at a hearing of department employees having knowledge of the facts in controversy or having technical knowledge concerning the issues raised in appeal.

a. If the primary issue is the claimant's ability to work, availability for work or work search, the department may be named as respondent. The presiding officer may call department personnel having knowledge of the facts in controversy as witnesses.

b. If the issue on appeal is an offer of or recall to work or a job referral by a local workforce development center, both the employer making the offer or recall and the workforce development center representative making the referral may be witnesses at the hearing.

c. If the issue on appeal is the claimant's refusal of employment because of wages, the presiding officer may take the testimony of the workforce development representative having knowledge of prevailing wages in the vicinity. The presiding officer may also obtain testimony and evidence of the hours and other conditions of work for similar jobs in the area.

26.13(8) At the discretion of the presiding officer, witnesses may be excluded from the hearing room or telephone hearing until called to testify. The presiding officer shall admonish such witnesses not to discuss the case among themselves until after the record has been closed. All witnesses shall be subject to examination by the presiding officer and by all parties.

26.13(9) The presiding officer may expel or refuse admittance to any party, witness or other person whose conduct at the hearing is disorderly.

26.13(10) If the parties agree that no dispute of material facts exists as to a matter that would be a contested case if such a dispute of fact existed, the parties may present all relevant material evidence either by stipulation or otherwise as agreed by the parties, without the necessity of a formal evidentiary hearing.

26.13(11) Any party may appear in any proceeding. Any partnership, cooperation, or association may be represented by any of its members or officers or a duly authorized representative of an interested party. Any party may appear by, or be represented by, an attorney-at-law or a duly authorized representative of an interested party.

26.13(12) If a party not attending the hearing will be represented by another person, such person must submit to the presiding officer written proof of the representation, signed by the party such person claims to represent, at least three days before the hearing.

871—26.14(17A,96) Evidence. Rules of evidence are followed in accordance with Iowa Code section 17A.14.

871—26.15(17A,96) Recording costs.

26.15(1) The presiding officer shall electronically record all evidentiary hearings, prehearing conferences and hearings on motions, all of which constitute a part of the record of the contested case. A party may, at its own expense, also record any hearing electronically or by certified shorthand reporter.

26.15(2) Upon request of a party, the department shall provide a copy of the whole or a part of the record at a cost, unless there is further appeal, in which event the record shall be provided to all parties at no cost.

871—26.16(17A,96) Decisions.

26.16(1) The presiding officer shall issue a written, signed decision as soon as practicable after the closing of the record in a contested case. Each decision shall:

a. Set forth the issues, the appeal rights, a concise history of the case, the findings of essential facts, the reasons for the decision and the actual disposition of the case;

b. Be based on the kind and quality of evidence upon which reasonably prudent persons customarily rely for the conduct of their serious affairs, even if none of such evidence would be admissible in a jury trial in the Iowa district court; and

c. Be sent by first-class mail, email, or other electronic transmission to each of the parties in interest and their representatives.

26.16(2) Copies of all presiding officer decisions shall be kept on file for public inspection at the administrative office of the department of workforce development, filed according to hearing (appeal) number and indexed by the social security number of the claimant.

26.16(3) A presiding officer's decision allowing benefits shall result in the prompt payment of all benefits due. An appeal shall not stay the payment of benefits. A presiding officer's decision reversing an allowance of benefits shall include a statement of overpayment of benefits erroneously paid.

26.16(4) A presiding officer's decision constitutes final agency action in an employer liability contested case.

a. Any party in interest may file with the presiding officer a written application for rehearing within 20 days after the issuance of the decision. A request for rehearing is deemed denied unless the presiding officer grants the rehearing request within 20 days after its filing.

b. Any party in interest may file a petition for judicial review in the Iowa district court within 30 days after the issuance of the decision or within 30 days after the denial of the request for rehearing.

26.16(5) In a claimant benefit contested case, final agency action shall be a presiding officer's decision, if no aggrieved party appealed the decision to the employment appeal board within 15 days, or the decision of the employment appeal board, if the aggrieved party appealed the decision to that tribunal.

a. Once final agency action has been established, any party who is aggrieved or adversely affected by the agency action has 30 days to file a petition for judicial review with the district court.

b. Any party in interest may file with the presiding officer a written application for rehearing within 20 days after the date that the decision becomes final as a result of the failure to appeal the decision to the employment board. Applications for rehearing filed before this date will be forwarded to the employment appeal board as appeals to that tribunal. A request for rehearing is deemed denied unless the presiding officer grants the rehearing request within 20 days after its filing.

c. Any party in interest may file a petition for judicial review within 30 days after the denial of the request for rehearing.

These rules are intended to implement Iowa Code chapters 17A and 96.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/4/26.

State of Iowa

Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

EXECUTIVE ORDER NUMBER SEVENTEEN

WHEREAS, the State of Iowa is committed to advancing reliable and sustainable energy solutions that contribute to energy independence and drive economic growth; and

WHEREAS, nuclear energy represents a critical component of Iowa's energy future, providing dependable baseload power while complementing our existing energy sources such as wind, solar, and natural gas; and

WHEREAS, Iowa has the opportunity to leverage its strengths in manufacturing and energy innovation to become a national leader in the development and deployment of nuclear technologies, thus ensuring long-term energy security; and

WHEREAS, the creation of Iowa Nuclear Energy Task Force will provide a platform to strategies and policies that ensure the safe, efficient, and responsible deployment of nuclear energy, positioning Iowa as a leader in this sector.

NOW, THEREFORE, I, KIMBERLY K. REYNOLDS, Governor of the State of Iowa, by virtue of the power and authority vested in me by the Constitution and statutes of the State of Iowa do hereby **ORDER** and **DIRECT** the following:

Purpose and Duties

I. Establishment of the Iowa Nuclear Energy Task Force ("Task Force") which shall advise the Governor, the General Assembly, and relevant state agencies on matters relating to the development and advancement of nuclear energy technologies and infrastructure in Iowa.

II. The duties of the Task Force shall include, but are not limited to, advising the Governor on:

a. Evaluating the state's role in deploying and using advanced nuclear reactors;
b. Exploring opportunities to engage with the federal government to support nuclear energy development and ensure Iowa's policies and initiatives align with national regulatory frameworks;
c. Assessing emerging technologies, such as small modular reactors (SMRs), fusion energy, and other next-generation nuclear innovations for their suitability in Iowa's energy sector;
d. Identifying any federal or state regulatory barriers to the deployment of nuclear reactors;
e. Engaging with industry leaders, academic institutions, and other key stakeholders to ensure that Iowa develops a highly skilled workforce capable of supporting the growing nuclear energy sector; and fostering partnerships between education

institutions and the nuclear energy sector to promote technical training, career development, and apprenticeships;

f. Engaging with manufacturers and other nuclear energy stakeholders to identify barriers to entry and the partnerships and investments needed to cultivate a nuclear supply chain in Iowa;
g. Recommending best practices for safe nuclear waste management, storage, and environmental stewardship to protect Iowa's natural resources; and
h. Evaluating opportunities to enhance economic growth in Iowa by utilizing nuclear energy.

III. The Task Force shall submit a report to the Governor and General Assembly within 180 days from issuance of this Executive Order, detailing its findings and making recommendations to advance nuclear energy in Iowa.

Organization and Operation Membership

I. **Members.** The Task Force shall consist of at least 11 members appointed by the Governor. Members will include representatives of utilities, power production companies, local government, academia, the Iowa Utilities Commission, and representatives of the General Assembly. Representatives of the General Assembly shall serve in an ex officio capacity. The Chair of the Task Force shall be designated by the Governor from among the appointed members.

II. **Subcommittees.** The Task Force may form subcommittees as necessary to focus on specific issues, such as regulatory barriers, workforce development, and environmental and safety considerations.

III. **Meetings.** The Task Force shall hold public meetings as scheduled by the chair of the Task Force.

IV. **Service as members.** Each appointed member of the Task Force shall serve at the pleasure of the Governor and without compensation.

V. **Staffing and Support.** Staffing and administrative assistance for the Task Force shall be provided by the Iowa Economic Development Authority, and by other agencies, persons, or organizations from time to time as deemed necessary or appropriate by the Task Force or the Office of the Governor.

Implementation and Interpretation

I. All departments, agencies, boards, commissions, or other political subdivisions of any state and local governments shall cooperate fully with the Task Force. The Task Force may seek the expertise and services of individuals and entities outside of its membership for research, advice, and other needs, as necessary or appropriate to accomplish its mission.

II. All work of the Task Force shall be done in a manner consistent with laws and regulations of the State of Iowa, and of the laws and regulations of the United States of America.

III. This Executive Order shall be interpreted in accordance with all applicable laws and regulations and shall not supersede any laws or regulations in place as of its effective

date. If any provision of this Executive Order is found to be invalid, unenforceable, or otherwise contrary to applicable law, then the remaining provisions of this Executive Order, as applied to any person or circumstance, shall continue in full force and effect and shall not be affected by any finding of invalidity or unenforceability.

IV. This Executive Order does not create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the State of Iowa, its departments, agencies, or political subdivisions, or its officers, employees, agents, or any other persons.

V. This Executive Order shall apply prospectively only as of its effective date.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND CAUSED THE GREAT SEAL OF THE STATE OF IOWA TO BE AFFIXED AT DES MOINES, IOWA THIS FIFTH DAY OF JANUARY IN THE YEAR OF OUR LORD TWO THOUSAND TWENTY-SIX.

KIMBERLY K. REYNOLDS
GOVERNOR

ATTEST:

PAUL D. PATE
SECRETARY OF STATE

State of Iowa

Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

EXECUTIVE ORDER NUMBER EIGHTEEN

WHEREAS, the U.S. Department of Commerce in 15 C.F.R. §791.4 has defined "foreign adversaries" to include the People's Republic of China ("China") because it has "engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or the security and safety of United States persons"; and

WHEREAS, in 2022 the Office of the Director of National Intelligence stated that China "represents the broadest, most active, and persistent cyber espionage threat to U.S. Government and private sector networks"; and

WHEREAS the technology products and services most vulnerable to malicious foreign exploitation are sold by companies that the Chinese government influences through whole or partial ownership, direct funding, or having members in high-ranking company positions; and

WHEREAS U.S. officials have confirmed that at least some of these technology products and services contain serious vulnerabilities, including malicious code, with the capability to store critical network credentials and other sensitive information, and preinstalled hidden hardware and software that could be used for disruptive and destructive cyber activity against critical infrastructure in the event of armed conflict; and

WHEREAS the Chinese government uses backdoor access to technology products, including communications devices, DNA sequencing devices, drones, internet connectivity devices, laser detection and ranging devices, along with software applications to surveil and track their own citizens; and

WHEREAS procurement for critical technologies and supplies is single sourced from China and could become unavailable in the event of armed Pacific conflict; and

WHEREAS Iowa Code Chapter 12K, the Restrictions on China-Related Investments Act, requires certain public funds, including Iowa Public Employee Retirement System ("IPERS"), to identify prohibited companies (owned or controlled by Chinese military or government services which has been designated by the United States as restricted or prohibited for certain transactions), not to acquire certain holdings from such prohibited companies and to divest therefrom; and

WHEREAS Iowa Code Chapter 8 and 8A provide that the Department of Administrative Services ("DAS") and the Department of Management ("DOM"), respectively, are responsible for procurement policies, procedures, and practices to be used by state agencies in acquiring commodities, including information technology, and contractual services; for prescribing the methods to award contacts, including, but not limited to, through securing competitive sealed bids, prescribing specific commodities and quantities to be purchased locally.

NOW, THEREFORE, I, KIMBERLY K. REYNOLDS, Governor of the State of Iowa, by virtue of the power and authority vested in me by the Constitution and statutes of the State of Iowa do hereby **ORDER** and **DIRECT** the following:

SECTION ONE. It is the policy of my administration that the State:

- Support the civilian and military command of the United States of America and its efforts to promote and maintain prosperity, peace and security for America and her allies; and
- Enhance the defensive posture of the State to protect Iowa citizens and assets and to contribute to the broader defensive posture of the United States of America by reducing security vulnerabilities within the State; and
- Protect Chinese dissidents within Iowa, and other Iowans, particularly those who are targeted by China's communist regime.

SECTION TWO. I direct the Director of the Department of Homeland Security and Emergency Management ("DHSEM") to administer an annual state risk assessment ("Risk Assessment"). This assessment shall include all substantial risks to state or national security, including, but not limited to, vulnerability to cybersecurity attacks, state or national economic security, and state or national public health, including, but not limited to, the power grid and water infrastructure security, or any combination thereof, occurring within and threatening the State. I further direct DHSEM to identify the parameters for all critical procurements purchased or supplied to the State through a state supply chain or state vendor supply chain.

SECTION THREE. I direct DHSEM to administer a study identifying and assessing areas of state vulnerability ("Vulnerability Study") related to the security, economic stability, and public health and safety of this State which would come under threat in the event of a potential armed conflict. This shall include an assessment of vulnerabilities in state critical infrastructure, telecommunications infrastructure, supply chains, cybersecurity, public safety and security, and public health, and any other areas of concern identified by the Director of DHSEM.

SECTION FOUR. On or before July 1, 2026, and on or before each July 1st annually thereafter, that two reports—(1) the Risk Assessment administered by DHSEM, and (2) the Vulnerability Study conducted by DHSEM—to be submitted to the Governor, the Speaker of the House of Representatives, and the President of the Senate. These reports shall be deemed confidential under law pursuant to Iowa Code §22.7(50) and shall not be released to the public.

SECTION FIVE. I direct DAS and DOM, in cooperation with DHSEM, to prepare any inventory of all critical procurements purchased or supplied to the State through a state supply chain or state vendor supply chain.

SECTION SIX. I direct DAS to promulgate rules requiring that no equipment, supplies or services be purchased from a Prohibited Company as defined in Iowa Code §12K.1(4) (Prohibited Company") and requiring all vendors seeking to do business with the state to disclose any relationship with a Prohibited Company, including the nature and extent of such relationship, if any.

SECTION SEVEN. I direct DOM, pursuant to Iowa Code §8.85, to develop policies that would prevent the procurement of information technology through any means, including, but not limited to, a cooperative procurement agreement, negotiated contract, or competitive bidding, from a Prohibited Company and to promulgate rules to prevent procurement from any Prohibited Company.

SECTION EIGHT. I direct DAS and DOM to take any additional agency action necessary, consistent with the Constitution and laws of the United States and the State of Iowa, to ensure commodities, including, but not limited to, information technology, and services used by the State are not susceptible to exploitation by any Prohibited Company and such action shall include, but not be limited to:

A. Preventing the State from procuring or utilizing any information or communications technologies or services, components, networks, or systems that DAS or DOM has determined, after review of relevant materials, including, but not limited to, documentation prepared by any governmental agency cybersecurity firm, or expert, that pose an undue or unacceptable risk to the safety and security of Iowa, including the connections with or use by any Prohibited Company; and

B. Preventing the State from procuring or utilizing any information or communications technologies or services, components, networks, or systems in similar use cases where any federal agency has prohibited, restricted the transactions or licensing of, or otherwise limited such information or communications technologies or services, components, networks or systems because of national security concerns; and

C. Preventing the State from procuring or utilizing any information or communications technologies or services, components, networks, or systems that are designed, developed, manufactured, or supplied by companies or affiliates determined by any federal or state governmental agency to be owned or controlled by a Prohibited Company, to the extent feasible; and

D. Preventing the exposure of governmental information and communications technologies and services, equipment, components, networks, and systems in Iowa to any person or entity that is determined by any federal or state government agency to be owned, controlled or affiliated with a Prohibited Company, to the extent feasible.

E. Considering, if and to what extent, exceptions should exist to ensure the State does not incur losses in quality, design, workmanship, performance, or capabilities that are more detrimental to the interests of the State than the dangers outlined in this Order.

SECTION NINE. Each state agency whose agency head is appointed by and serves at the pleasure of the Governor, must, to the extent possible during rule promulgation and policy development as outlined herein, ensure its current practices conform with the requirements of Sections 6 through 9.

SECTION TEN. All other state and local governmental entities are strongly encouraged, to the extent possible during rule promulgation and policy development as outlined herein, to conform their current practices with the requirements in Sections 6 through 9.

SECTION ELEVEN. I direct the Executive Director of the Board of Regents to compile a report within 180 days after execution of this Executive Order which summarizes all gifts, contracts, agreements, arrangements, or other exchanges entered into within the five years prior to this order by any regent university with any Chinese educational institution or other Chinese entity with an explanation of the conditions of such gifts, contracts, agreements, arrangements, or other exchanges, along with a list identifying any current relationship between any student or faculty groups, clubs, associations, or other entities and any such Chinese institution or entity.

SECTION TWELVE. All Executive departments, officers, agencies, and employees of the State shall cooperate with the implementation of this Order, including providing any information, data, records, and reports as may be requested by the Department of Management pursuant to Iowa Code Chapter 8E.

SECTION THIRTEEN. If any provision of this Executive Order, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of the Order and the applicability of its other provisions to any other persons or circumstances shall not be affected thereby.

SECTION FOURTEEN. This Executive Order shall be distributed to the Directors of each cabinet department, the Treasurer of the State, the Board of Regents and the head of IPERS.



IN TESTIMONY WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND CAUSED THE GREAT SEAL OF THE STATE OF IOWA TO BE AFFIXED AT DES MOINES, IOWA THIS TENTH DAY OF FEBRUARY IN THE YEAR OF OUR LORD TWO THOUSAND TWENTY-SIX

KIMBERLY K. REYNOLDS
GOVERNOR

ATTEST:

PAUL D. PATE
SECRETARY OF STATE