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).

The Administrative Rules Review Committee will hold its regular, statutory meeting on Monday, November 10, 2025, 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:

ECONOMIC DEVELOPMENT AUTHORITY[261]

Debarment from participation in authority programs and transactions, ch 2 Filed **ARC 9651C** 10/29/25
Length of service awards program grant fund, ch 21 Notice **ARC 9611C** 10/15/25
Nuisance property and abandoned building remediation assistance, ch 22 Filed **ARC 9652C** 10/29/25
Red tape review, rescind chs 31, 43, 44, 75, 117, 165, 171, 212 to 214, 400, 401 Notice **ARC 9649C** 10/29/25
Business incentives for growth (BIG) program, ch 69 Notice **ARC 9608C** 10/15/25
Targeted jobs withholding tax credit program, ch 71 Notice **ARC 9645C** 10/29/25
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Site development program, ch 77 Notice **ARC 9648C** 10/29/25

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HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Organization, ch 1 Notice **ARC 9609C** 10/15/25
Uniform rules on agency procedure, adopt ch 2; rescind chs 3 to 6 Notice **ARC 9610C** 10/15/25
Comprehensive emergency plan—standards adopted by reference, 7.3(4)"d" Filed **ARC 9639C** 10/29/25
Iowa comprehensive plan, ch 9 Notice **ARC 9605C** 10/15/25
Homeland security and emergency response teams, ch 12 Filed **ARC 9612C** 10/15/25
Flood mitigation program, ch 14 Filed **ARC 9613C** 10/15/25
Natural hazard mitigation financing program, ch 16 Notice **ARC 9606C** 10/15/25
Emergency planning and reporting, adopt ch 102; rescind chs 103, 104 Filed **ARC 9614C** 10/15/25

HUMAN SERVICES DEPARTMENT[441]

State supplementary assistance—increase in personal needs allowance, 81.13(2), 81.18, 82.16, 85.20 Notice **ARC 9642C** 10/29/25
Sexual orientation and gender identity—psychiatric bed tracking system, physicians' services, prosthetic devices, 77.3(3), 78.1(4)"b," 78.10(3)"c" Filed **ARC 9615C** 10/15/25
Student abuse reports and investigations, ch 174 Notice **ARC 9641C** 10/29/25
Subsidized adoption maintenance rate increase, 201.5(6) Notice **ARC 9640C** 10/29/25

IOWA FINANCE AUTHORITY[265]

Debarment from participation in authority programs and transactions, ch 5 Filed **ARC 9654C** 10/29/25
Mortgage credit certificates, ch 10 Notice **ARC 9646C** 10/29/25
Water quality financial assistance program, rescind ch 33 Notice **ARC 9650C** 10/29/25

LAW ENFORCEMENT ACADEMY[501]

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Wild furbearer trapping and hunting, 108.1, 108.4 Notice **ARC 9595C** 10/15/25

PUBLIC HEALTH DEPARTMENT[641]

Early hearing detection and intervention (EHDI) program, ch 3 Filed **ARC 9616C** 10/15/25
Sexual orientation and gender identity—terminology, amendments to chs 7, 37, 95, 97, 99, 142, 154 Filed **ARC 9617C** 10/15/25
Concussion or other brain injury return-to-play protocol, ch 54 Filed **ARC 9618C** 10/15/25

PUBLIC SAFETY DEPARTMENT[661]

Law enforcement administrator's telecommunications advisory committee (LEATAC), rescind ch 15 Notice **ARC 9637C** 10/29/25
Reflective devices on slow-moving vehicles, ch 23 Notice **ARC 9635C** 10/29/25

Firefighter training and certification, ch 251 Notice **ARC 9636C** 10/29/25

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Public safety officer moving expense tax credit, 800.1 to 800.56 Filed **ARC 9619C** 10/15/25

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Statewide standard for permitting certain implements of husbandry, rescind ch 181 Notice **ARC 9607C** 10/15/25
Motor vehicle and towable recreational vehicle dealers, manufacturers, distributors and wholesalers, ch 425 Filed **ARC 9620C** 10/15/25
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Application for license, ch 601 Filed **ARC 9622C** 10/15/25
License issuance, ch 605 Filed **ARC 9623C** 10/15/25
Driver's licenses for undercover law enforcement officers, ch 625 Filed **ARC 9624C** 10/15/25
Nonoperator's identification, ch 630 Filed **ARC 9625C** 10/15/25

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Definitions, ch 48 Notice **ARC 9644C** 10/29/25
Employment and training services divisions, ch 49 Notice **ARC 9647C** 10/29/25
Mission and structure, rescind ch 50 Filed **ARC 9626C** 10/15/25
Coordinating service provider, rescind ch 51 Filed **ARC 9627C** 10/15/25
Regional advisory boards, rescind ch 52 Filed **ARC 9628C** 10/15/25
Iowa workforce investment Act program, rescind ch 53 Notice **ARC 9643C** 10/29/25
Labor-management cooperation program, rescind ch 55 Filed **ARC 9629C** 10/15/25
Iowa welfare-to-work program, rescind ch 60 Filed **ARC 9630C** 10/15/25
Apprenticeship training program, ch 65 Filed **ARC 9655C** 10/29/25
Future ready Iowa registered apprenticeship development fund, ch 66 Filed **ARC 9656C** 10/29/25
Future ready Iowa expanded registered apprenticeship opportunities program, ch 67 Filed **ARC 9657C** 10/29/25
Voter registration, rescind ch 70 Filed **ARC 9631C** 10/15/25
Public records and fair information practices, rescind ch 71 Filed **ARC 9632C** 10/15/25
Petitions, rescind ch 72 Filed **ARC 9633C** 10/15/25
Forms and informational materials, rescind ch 73 Filed **ARC 9634C** 10/15/25

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 Dave Rowley
Vice Chair
Senate District 5

Senator Mike Bousselot
Senate District 21

Senator Dan Dawson
Senate District 10

Senator Sarah Trone Garriot
Senate District 14

Senator Cindy Winckler
Senate District 49

Representative Chad Ingels
Chair
House District 68

Representative Amy Nielsen
House District 85

Representative Rick Olson
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Representative Ryan Weldon
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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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Dec. 18 '24	Jan. 8	Jan. 28	Jan. 31	Feb. 19	Mar. 11	Mar. 26	Mar. 28	Apr. 16	May 21	Aug. 18
Jan. 2	Jan. 22	Feb. 11	Feb. 14	Mar. 5	Mar. 25	Apr. 9	Apr. 11	Apr. 30	June 4	Sep. 1
Jan. 17	Feb. 5	Feb. 25	Feb. 28	Mar. 19	Apr. 8	Apr. 23	Apr. 25	May 14	June 18	Sep. 15
Jan. 31	Feb. 19	Mar. 11	Mar. 14	Apr. 2	Apr. 22	May 7	**May 7**	May 28	July 2	Sep. 29
Feb. 14	Mar. 5	Mar. 25	Mar. 28	Apr. 16	May 6	May 21	May 23	June 11	July 16	Oct. 13
Feb. 28	Mar. 19	Apr. 8	Apr. 11	Apr. 30	May 20	June 4	June 6	June 25	July 30	Oct. 27
Mar. 14	Apr. 2	Apr. 22	Apr. 25	May 14	June 3	June 18	**June 18**	July 9	Aug. 13	Nov. 10
Mar. 28	Apr. 16	May 6	**May 7**	May 28	June 17	July 2	**July 2**	July 23	Aug. 27	Nov. 24
Apr. 11	Apr. 30	May 20	May 23	June 11	July 1	July 16	July 18	Aug. 6	Sep. 10	Dec. 8
Apr. 25	May 14	June 3	June 6	June 25	July 15	July 30	July 31	Aug. 20	Sep. 24	Dec. 22
May 7	May 28	June 17	**June 18**	July 9	July 29	Aug. 13	**Aug. 13**	Sep. 3	Oct. 8	Jan. 5 '26
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June 18	July 9	July 29	July 31	Aug. 20	Sep. 9	Sep. 24	Sep. 25	Oct. 15	Nov. 19	Feb. 16 '26
July 2	July 23	Aug. 12	**Aug. 13**	Sep. 3	Sep. 23	Oct. 8	Oct. 9	Oct. 29	Dec. 3	Mar. 2 '26
July 18	Aug. 6	Aug. 26	Aug. 28	Sep. 17	Oct. 7	Oct. 22	**Oct. 22**	Nov. 12	Dec. 17	Mar. 16 '26
July 31	Aug. 20	Sep. 9	Sep. 11	Oct. 1	Oct. 21	Nov. 5	**Nov. 5**	Nov. 26	Dec. 31	Mar. 30 '26
Aug. 13	Sep. 3	Sep. 23	Sep. 25	Oct. 15	Nov. 4	Nov. 19	**Nov. 19**	Dec. 10	Jan. 14 '26	Apr. 13 '26
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Oct. 9	Oct. 29	Nov. 18	**Nov. 19**	Dec. 10	Dec. 30	Jan. 14 '26	Jan. 15 '26	Feb. 4 '26	Mar. 11 '26	June 8 '26
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Nov. 5	Nov. 26	Dec. 16	**Dec. 17**	Jan. 7 '26	Jan. 27 '26	Feb. 11 '26	Feb. 12 '26	Mar. 4 '26	Apr. 8 '26	July 6 '26
Nov. 19	Dec. 10	Dec. 30	**Dec. 31**	Jan. 21 '26	Feb. 10 '26	Feb. 25 '26	Feb. 26 '26	Mar. 18 '26	Apr. 22 '26	July 20 '26
Dec. 3	Dec. 24	Jan. 13 '26	Jan. 15 '26	Feb. 4 '26	Feb. 24 '26	Mar. 11 '26	Mar. 12 '26	Apr. 1 '26	May 6 '26	Aug. 3 '26
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PLEASE NOTE:

Filing deadlines for publication cycles unaffected by holidays have been changed from Friday to Thursday. Rules will not be accepted by the Publications Editing Office after **12 o'clock noon** on the filing deadline unless prior approval has been received from the Administrative Rules Coordinator and the Administrative Code Editor.

If the filing 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.**

****Note change of filing deadline****

ARCHITECTURAL EXAMINING BOARD[193B]

Regulatory Analysis

Notice of Intended Action to be published: 193B—Chapter 2
"Licensure"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 544A.29
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 544A

Public Hearing

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

November 18, 2025	6200 Park Avenue
8 a.m.	Des Moines, Iowa

Information on virtual participation will be available on the Department of Inspections, Appeals, and Licensing's website prior to the hearing.

Public Comment

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

Lori SchraderBachar
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.725.9030
Email: lori.schraderbachar@dia.iowa.gov

Purpose and Summary

This proposed rulemaking establishes the minimum standards for architecture licensure, including the process for initial licensure, renewal, and reinstatement. These requirements ensure public safety by ensuring that any individual who holds a license has minimum competency. The proposed amendments allow for an individual who does not have a National Architectural Accrediting Board (NAAB) accredited degree to be eligible for initial licensure in Iowa.

Analysis of Impact

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

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

There is no direct cost to the public for this rulemaking. There is a cost to the applicant to comply with the minimum requirements to enter the profession, such as schooling and the application fees.

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

Individuals in the architecture field will benefit from this rulemaking because it will allow for the initial licensure of individuals who meet all requirements for licensure, except for having a NAAB-accredited degree. Currently, the State of Iowa does not allow initial licensure in Iowa for an individual who does not have a NAAB-accredited degree. However, licensure by reciprocity is allowed for an individual licensed in another state, even if that person does not have a NAAB-accredited degree.

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:**

Estimation of the cost of education and other licensure requirements to become an Iowa licensed architect is as follows:

1. Education: According to the Association of Collegiate Schools of Architecture, the median tuition per year at a public institution for architecture is $10,125 for a bachelor's degree and $13,339 for a master's degree. At a private institution, the cost is $39,982 for a bachelor's degree and $40,273 for a master's degree.
2. Experience/training: There is not usually a cost for training since intern architects are paid for their work at a firm. Intern architects must pay $100 to the National Council of Architectural Registration Boards (NCARB) to participate in the training program.
3. Examination fee: $1,542 for initial licensure by examination only, paid to NCARB.
4. Licensure by examination application/license fee: $50 plus $5/month until renewal.

Nebraska's license fee is $100 for an initial license. Minnesota's application fee is $75, plus a $120 license fee.

- **Qualitative description of impact:**

In order to regulate and license professions as directed in statute, base standards for licensure are critical to protecting public safety. The cost of inaction would increase the potential for injury to the public by a licensee who is not qualified to perform the work in the field.

3. **Costs to the State:**

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

Costs to the agency are the staff time needed to manage Board activities, which includes managing applications for initial licenses, renewals, and reinstatements. Staff salaries to support the work of the Board are covered by the Licensing and Regulation Fund established in 2023 Iowa Acts, Senate File 557. Licensing fees go to the fund to cover the operations of the regulated professional licensing boards.

- **Anticipated effect on State revenues:**

Costs associated with implementing this rulemaking are paid by individual licensees, not the State. There is no anticipated impact on State revenues as a result of this rulemaking.

Staff salaries to support the work of the Board are covered by the fund. Licensing fees go to the fund to cover the operations of the regulated professional licensing boards.

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

The Board believes all current requirements ensure public safety and ensure a minimum competency of service is provided to Iowans. Licensure requirements could be reduced or eliminated for the purpose of lowering the bar of entry into the profession, but the Board would be concerned about the public safety of Iowans in that scenario. In addition, the chapter provides consistency related to the licensure of architects in other states, which makes obtaining licensure in multiple states simpler for applicants.

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

The Board has not identified a more cost-effective alternative to licensure. The Board believes all current requirements ensure public safety and ensure a minimum competency of care is provided to Iowans. Licensure requirements could be reduced or eliminated for the purpose of lowering the bar of entry into the profession, but the Board would be concerned about the public safety of Iowans in that scenario. In addition, the chapter provides consistency related to the licensure in other states, which makes obtaining licensure in multiple states simpler for applicants. The Board believes the benefits achieved to license this profession justify the costs because licensure ensures that Iowans are able to safely interact with the built environment.

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

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

The Board has not identified a more cost-effective alternative to licensure. While Iowa could deregulate the architecture profession, it would be the only state to do so. The Board believes all current requirements ensure public safety and ensure a minimum competency of care is provided to Iowans. Licensure requirements could be reduced or eliminated for the purpose of lowering the bar of entry into the profession, but the Board would be concerned about the public safety of Iowans in that scenario. Architects make sure that buildings are safe and meet state building codes. In addition, the chapter provides consistency related to the licensure in other states, which makes obtaining licensure in multiple states simpler for applicants.

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

The Board has not identified a more cost-effective alternative to the licensure. While Iowa could deregulate the architecture profession, it would be the only state to do so. The Board believes all current requirements ensure public safety and ensure a minimum competency of care is provided to Iowans. Licensure requirements could be reduced or eliminated for the purpose of lowering the bar of entry into the profession, but the Board would be concerned about the public safety of Iowans in that scenario. Architects make sure that buildings are safe and meet state building codes. In addition, the rule provides consistency related to the licensure in other states, which makes obtaining licensure in multiple states simpler for applicants.

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 amendments relate to public safety concerns that are present whether the business is a small business or a large organization. Chapter 2 is meant to ensure public safety in terms of licensing requirements. While some architects likely are running a small business of their own, some also work for large corporations and firms. To exempt a small business from adhering to the chapter would jeopardize any member of the public who sought services from that small business. The risk to the public is greater than the potential harm or cost to the small business.

Text of Proposed Rulemaking

ITEM 1. Amend rule 193B—2.1(544A,17A) as follows:

193B—2.1(544A,17A) Definitions. The following definitions apply as used in Iowa Code chapter 544A, and this chapter of the architectural examining board rules, unless the context otherwise requires.

"Applicant" means an individual who has submitted an application for licensure to the board.

"Approved education program" means a degree accredited by an organization that provides an accreditation system for architecture programs or education deemed equivalent by the board to the National Council of Architectural Registration Boards (NCARB) Education Standard that has been evaluated and found to be an equivalent standard based on the NCARB Alternatives to Education Requirement as identified in the NCARB Certification Guidelines demonstration of successful completion of an Education Evaluation Services for Architects.

"Architectural intern" or *"intern architect"* means an individual who ~~holds a professional degree from a NAAB-accredited program or the equivalent as deemed by the board~~ has completed or is completing an approved education program, has completed or is currently enrolled in the ~~National Council of Architectural Registration Boards (NCARB)~~ NCARB Architectural Experience Program (AXP), and intends to actively pursue licensure by completing the Architect Registration Examination.

"ARE" means the current Architect Registration Examination, as prepared and graded by the NCARB.

"AXP applicant" means an individual who has completed the AXP training requirements set forth in the NCARB Architectural Experience Program Guidelines and has submitted an application for licensure to the board.

"Examination" means the current Architect Registration Examination (ARE) accepted by the board.

"Inactive" means that an architect is not engaged in Iowa in any practice for which a certificate of licensure is required, including architects who have retired from active practice.

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

~~*"NAAB"* means the National Architectural Accrediting Board.~~

"NCARB" means the National Council of Architectural Registration Boards. The NCARB Architect Registration Examination Guidelines, NCARB Architectural Experience Program Guidelines, and NCARB Certification Guidelines are available through the National Council of Architectural Registration Boards, 1401 H Street NW, Suite 500, Washington, D.C. 20005; NCARB's website, www.ncarb.org; or the architectural examining board.

"NCARB Architect Registration Examination (ARE) Guidelines" means the edition of a document by the same title published by the National Council of Architectural Registration Boards in ~~February 2024~~ April 2025. The document outlines the requirements for examination.

"NCARB Architectural Experience Program Guidelines" means the edition of a document by the same title published by the National Council of Architectural Registration Boards in ~~May 2020~~ November 2025. The document outlines the requirements for training.

"NCARB Certification Guidelines" means the edition of a document by the same title published by the National Council of Architectural Registration Boards in July 2022. The document outlines the requirements for licensure as an architect.

"NCARB Education Guidelines" or *"NCARB Education Standards"* means the edition of a document by the same title published by the National Council of Architectural Registration Boards in December 2023. The document outlines the requirements for licensure as an architect.

ITEM 2. Amend subrule 2.2(1) as follows:

2.2(1) ~~*Examination*~~ *Initial licensure*. To be eligible for initial licensure by examination, all applicants will have ~~obtained an accredited professional architectural degree from the NAAB,~~ satisfied the architecture education requirements as detailed in paragraph 2.2(1)*"a,"* have passed all divisions of the ARE ~~prepared and~~ as provided by the NCARB, have completed the NCARB Architectural Experience Program~~,~~ as detailed in paragraph 2.2(1)*"a,"* and have ~~attained~~ established an NCARB council record. A completed NCARB council record shall be transmitted to and filed in the board office. Upon receipt of the council record from NCARB, the board will provide the applicant with an application for licensure form, which must be completed and returned to the board within three

months of receipt of the council record. The board shall issue a license number to the applicant upon receipt of the completed application form and appropriate fee.

a. The education and experience requirements are met when an applicant completes one of the following:

(1) A professional degree in architecture from a program the satisfies the NCARB Education Standard or education deemed equivalent by the board and completion of the NCARB AXP one time.

(2) A degree from a four-year bachelor degree program that includes at least 60 semester credit hours in architecture-related subjects as referenced in the NCARB Certification Guidelines in the Education Alternative section and completion of the NCARB AXP two times.

(3) A two-year associate degree program that includes at least 30 semester credit hours in architecture-related subjects as referenced in the NCARB Certification Guidelines in the Education Alternative section and completion of the NCARB AXP three times.

(4) A high school degree or its equivalent and completion of the NCARB AXP four times.

NOTE: To complete each multiple of the NCARB AXP, the candidate must meet the full program requirements for each multiple as defined in the AXP Guidelines. For example, if a candidate is completing the AXP four times, the candidate must document the required number of hours in each experience area four times. Minimum and maximum hours in each experience setting apply.

~~*a.*~~ *b.* Examinations for licensure as an architect shall be conducted by the board or its authorized representative.

(1) and (2) No change.

~~*b.*~~ *c.* Examination admittance requirements.

~~(1) Have completed the eligibility requirements of the education standards for NCARB certification, which include a professional degree from a program accredited by the NAAB or other NCARB-approved education program, or be a student actively participating in an NCARB-accepted Integrated Path to Architectural Licensure (IPAL) option within an NCARB-approved education program.~~

~~(2) Be enrolled in or have completed the NCARB AXP.~~

(1) An applicant will have established an NCARB record.

(2) NCARB shall notify the testing service of the applicant's eligibility prior to the applicant's scheduling of an examination.

~~*c.*~~ *d.* AXP eligibility requirements will be verified and satisfied in accordance with the NCARB Architectural Experience Program Guidelines. Documentation of AXP training units will be submitted on AXP report forms published by NCARB and will be verified by signatures of the licensed architects serving as the intern architect's supervisors in accordance with the requirements outlined in the NCARB Architectural Experience Program Guidelines. The completed AXP report form shall demonstrate attainment of an aggregate of the minimum number of value units in each training area and shall be submitted to NCARB for evaluation.

Regulatory Analysis

Notice of Intended Action to be published: 281—Chapter 12
"General Accreditation Standards"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 279.50 as amended by 2025 Iowa Acts, Senate File 175

State or federal law(s) implemented by the rulemaking: 2025 Iowa Acts, Senate File 175

Public Hearing

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

November 18, 2025 8 to 9 a.m.	Room B50 Grimes State Office Building Via videoconference: meet.google.com/nea-roez-asx

Public Comment

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

Thomas A. Mayes
Grimes State Office Building
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.281.8661
Email: thomas.mayes@iowa.gov

Purpose and Summary

This proposed rulemaking implements 2025 Iowa Acts, Senate File 175, which adds additional content to human growth and development instruction in grades 5 through 12 and defines the permissible source of the materials used in such instruction.

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 noted for this proposed rulemaking.

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

Schools will benefit from the clarity on grade ranges in which this instruction must be offered.

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 known quantitative impact.

- **Qualitative description of impact:**

There is no known qualitative impact.

3. **Costs to the State:**

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

There are no known costs.

- **Anticipated effect on State revenues:**

Any effect on State revenues will be negligible.

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

Rulemaking is required to conform to the terms of the statute.

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

There are no less costly alternatives. Rulemaking is required to conform to the terms of the statute.

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

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

There are no plausible alternatives to rulemaking.

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

Rulemaking is required to conform to the terms of the statute.

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?

There is no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Amend rule **281—12.2(256)**, definition of "Age-appropriate," as follows:

"Age-appropriate," with the exception of the human growth and development, means topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group. ~~"Age-appropriate" does not include any material with descriptions or visual depictions of a sex act. A reference or mention of a sex act in a way that does not describe or visually depict a sex act as defined in these rules is not included in the previous sentence. For purposes of human growth and development instruction required by Iowa Code section 279.50, "age-appropriate" means topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.~~

1. "Age-appropriate" does not include any material with descriptions or visual depictions of a sex act. A reference or mention of a sex act in a way that does not describe or visually depict a sex act as defined in these rules is not included in the previous sentence.

2. For purposes of human growth and development instruction required by Iowa Code section 279.50, "age-appropriate" means topics, messages, and teaching methods suitable to particular ages

or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.

3. For purposes of human growth and development instruction required by Iowa Code section 279.50, in grades 5 through 12, "age-appropriate" also includes the video required by Iowa Code section 279.50(2)*"b"*(1) and 279.50(3)*"b"*(1) as amended by 2025 Iowa Acts, Senate File 175.

4. For purposes of human growth and development instruction required by Iowa Code section 279.50, "age-appropriate" does not include any book, article, outline, handout, video, or other educational material described in Iowa Code section 279.50(2)*"b"*(2) and 279.50(3)*"b"*(2) as amended by 2025 Iowa Acts, Senate File 175.

ITEM 2. Amend paragraph **12.5(3)"e"** as follows:

e. Health. Health instruction is as referenced in Iowa Code sections 256.7(26)*"a"*(3) and 279.50. At least once during either fifth or sixth grade, health instruction will include the video described in Iowa Code section 279.50(2) as amended by 2025 Iowa Acts, Senate File 175.

ITEM 3. Amend paragraph **12.5(4)"e"** as follows:

e. Health. Health instruction is as referenced in Iowa Code sections 256.7(26)*"a"*(3) and 279.50. At least once during either seventh or eighth grade, health instruction will include the video described in Iowa Code section 279.50(3) as amended by 2025 Iowa Acts, Senate File 175.

Regulatory Analysis

Notice of Intended Action to be published: 281—Chapter 21
"Community Colleges"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 260C.48(1)
State or federal law(s) implemented by the rulemaking: 2025 Iowa Acts, House File 295

Public Hearing

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

November 18, 2025 8 to 9 a.m.	Room B50 Grimes State Office Building Via videoconference meet.google.com/nea-roez-asx

Public Comment

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

Thomas A. Mayes
Grimes State Office Building
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.281.8661
Email: thomas.mayes@iowa.gov

Purpose and Summary

This proposed rulemaking implements 2025 Iowa Acts, House File 295, which eliminates the requirement that community colleges be accredited by the Higher Learning Commission and broadens the accreditation requirement to "any federally recognized accreditor of postsecondary educational institutions selected" by the Iowa State Board of Education.

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 noted for this proposed rulemaking.

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

The State as a whole will benefit from increased flexibility in the accreditation process.

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 known quantitative impact.

- **Qualitative description of impact:**

There is no known qualitative impact.

3. **Costs to the State:**

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

There may be unanticipated costs associated with selecting a recognized accreditor.

- **Anticipated effect on State revenues:**

Any effect on State revenues will be negligible.

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

Rulemaking is required to conform to the terms of the statute.

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

There are no less costly alternatives. Rulemaking is required to conform to the terms of the statute.

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

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

There are no plausible alternatives to rulemaking.

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

Rulemaking is required to conform to the terms of the statute.

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?

There is no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** definition of "Federally recognized accreditor of postsecondary educational institutions," in rule **281—21.1(260C)**:

"Federally recognized accreditor of postsecondary educational institutions" or *"federally recognized accreditor"* means an accrediting agency recognized by the United States Department of Education to perform accreditation functions and selected by the state board of education to perform such functions in Iowa. The state board may select more than one federally recognized accreditor. Iowa Code sections 260C.47 and 260C.48 require that the state accreditation process be integrated with the processes established by a federally recognized accreditor.

ITEM 2. Rescind the definition of "Higher Learning Commission" in rule **281—21.1(260C)**.

ITEM 3. Rescind rule 281—21.61(260C) and adopt the following **new** rule in lieu thereof:

281—21.61(260C) Accreditation components and criteria—federally recognized accreditor. To be accredited by the state board of education and maintain accreditation status, a community college must meet the accreditation criteria of a federally recognized accreditor of postsecondary institutions and additional state standards. Documents and materials provided in accordance with the accreditation

requirements of the federally recognized accreditor will also be provided to the department for the state accreditation process.

HIGHER EDUCATION LOAN AUTHORITY[284]

Regulatory Analysis

Notice of Intended Action to be published: 284—Chapter 1
"Organization and Operation"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 261A.7
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 261A, subchapter I

Public Hearing

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

November 18, 2025 9:30 a.m.	Via Zoom: us06web.zoom.us/j/87133458123?pwd=y0LH6z71ov0s3YJ4Sd3KvzYsT7ctSz.1 Meeting ID: 871 3345 8123 Passcode: 735526 Or dial: +1 312.626.6799

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Iowa Higher Education Loan Authority no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Dr. Maribeth Wright, Executive Director
1105 High Road, Box 214
Norwalk, Iowa 50211
Phone: 515.282.3769
Email: maribeth.wright@ihela.org

Purpose and Summary

The Authority serves Iowa's independent not-for-profit 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 1, which contains rules related to organization and operations of the Authority.

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 to the general public; this chapter is mostly procedural and descriptive in nature.

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

Iowa's independent not-for-profit colleges and universities benefit from utilizing these financings for campus facilities and working capital.

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 costs associated with this proposed rulemaking.

- **Qualitative description of impact:**

The Authority plays a significant role in enabling Iowa's independent not-for-profit colleges and universities to remain competitive by providing low-cost capital and working capital financings.

3. **Costs to the State:**

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

The only cost to the Authority is the employment of the Executive Director who manages and administers these financings, the cost of which is paid through fees attributed to each individual financing.

- **Anticipated effect on State revenues:**

This 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:**

Only the entities that utilize the Authority's funding programs will bear the costs of the rulemaking through the payment of fees, which indirectly pay the staff salary. The groups benefiting include both Iowa's independent not-for-profit colleges and universities and the students who receive lower tuition due to the lower costs of financings through the Authority's programs.

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

The Authority has not identified any less costly methods or less intrusive methods for administering the program.

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 other methods.

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

The rulemaking is consistent with the provisions of Iowa Code chapter 261A.

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 rulemaking has no impact on small business.

Text of Proposed Rulemaking

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(7)*"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.

HIGHER EDUCATION LOAN AUTHORITY[284]

Regulatory Analysis

Notice of Intended Action to be published: 284—Chapter 2
"Petitions for Rulemaking"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 261A.7
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 261A, subchapter I

Public Hearing

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

November 18, 2025 9:30 a.m.	Via Zoom: us06web.zoom.us/j/87133458123?pwd=y0LH6z71ov0s3YJ4Sd3KvzYsT7ctSz.1 Meeting ID: 871 3345 8123 Passcode: 735526 Or dial: +1 312.626.6799

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Iowa Higher Education Loan Authority no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Dr. Maribeth Wright, Executive Director
1105 High Road, Box 214
Norwalk, Iowa 50211
Phone: 515.282.3769
Email: maribeth.wright@ihela.org

Purpose and Summary

The Authority serves Iowa's independent not-for-profit 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.

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 to the general public; this chapter is mostly procedural and descriptive in nature.

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

Iowa's independent not-for-profit colleges and universities benefit from utilizing these financings for campus facilities and working capital.

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 costs associated with this proposed rulemaking.

- **Qualitative description of impact:**

The Authority plays a significant role in enabling Iowa's independent not-for-profit colleges and universities to remain competitive by providing low-cost capital and working capital financings.

3. **Costs to the State:**

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

The only cost to the Authority is the employment of the Executive Director who manages and administers the financings, the cost of which is paid for through fees attributed to each individual financing.

- **Anticipated effect on State revenues:**

The rules have no anticipated impact on State revenues.

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

Only the entities that utilize the Authority's funding programs will bear the costs of the rulemaking through the payment of fees, which indirectly pay the staff salary. The groups benefiting include both Iowa's independent not-for-profit colleges and universities and the students who receive lower tuition due to the lower costs of financings through the Authority's programs.

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

The Authority has not identified any less costly methods or less intrusive methods for administering the program.

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 other methods.

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

The rulemaking is consistent with the provisions of Iowa Code chapter 261A.

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 rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 284—Chapter 2 and adopt the following **new** chapter in lieu thereof:

CHAPTER 2
PETITIONS FOR RULEMAKING

The Iowa 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.

HIGHER EDUCATION LOAN AUTHORITY[284]

Regulatory Analysis

Notice of Intended Action to be published: 284—Chapter 3
"Declaratory Orders"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 261A.7
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 261A, subchapter I

Public Hearing

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

November 18, 2025 9:30 a.m.	Via Zoom: us06web.zoom.us/j/87133458123?pwd=y0LH6z71ov0s3YJ4Sd3KvzYsT7ctSz.1 Meeting ID: 871 3345 8123 Passcode: 735526 Or dial: +1 312.626.6799

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Iowa Higher Education Loan Authority no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Dr. Maribeth Wright, Executive Director
1105 High Road, Box 214
Norwalk, Iowa 50211
Phone: 515.282.3769
Email: maribeth.wright@ihela.org

Purpose and Summary

The Authority serves Iowa's independent not-for-profit 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.

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 to the general public; this chapter is mostly procedural and descriptive in nature.

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

Iowa's independent not-for-profit colleges and universities benefit from utilizing these financings for campus facilities and working capital.

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 costs associated with this proposed rulemaking.

- **Qualitative description of impact:**

The Authority plays a significant role in enabling Iowa's independent not-for-profit colleges and universities to remain competitive by providing low-cost capital and working capital financings.

3. **Costs to the State:**

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

The only cost to the Authority is the employment of the Executive Director who manages and administers the financings, the cost of which is paid for through fees attributed to each individual financing.

- **Anticipated effect on State revenues:**

The rules have no anticipated impact on State revenues.

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

Only the entities that utilize the Authority's funding programs will bear the costs of the rulemaking through the payment of fees, which indirectly pay the staff salary. The groups benefiting include both Iowa's independent not-for-profit colleges and universities and the students who receive lower tuition due to the lower costs of financings through the Authority's programs.

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

The Authority has not identified any less costly methods or less intrusive methods for administering the program.

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 other methods.

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

The rulemaking is consistent with the provisions of Iowa Code chapter 261A.

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 rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 284—Chapter 3 and adopt the following **new** chapter in lieu thereof:

CHAPTER 3
DECLARATORY ORDERS

The Iowa 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.

HIGHER EDUCATION LOAN AUTHORITY[284]

Regulatory Analysis

Notice of Intended Action to be published: 284—Chapter 4
"Agency Procedure for Rulemaking"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 261A.7
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 261A, subchapter I

Public Hearing

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

November 18, 2025 9:30 a.m.	Via Zoom: us06web.zoom.us/j/87133458123?pwd=y0LH6z71ov0s3YJ4Sd3KvzYsT7ctSz.1 Meeting ID: 871 3345 8123 Passcode: 735526 Or dial: +1 312.626.6799

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Iowa Higher Education Loan Authority no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Dr. Maribeth Wright, Executive Director
1105 High Road, Box 214
Norwalk, Iowa 50211
Phone: 515.282.3769
Email: maribeth.wright@ihela.org

Purpose and Summary

The Authority serves Iowa's independent not-for-profit 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.

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 to the general public; this chapter is mostly procedural and descriptive in nature.

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

Iowa's independent not-for-profit colleges and universities benefit from utilizing these financings for campus facilities and working capital.

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 costs associated with this proposed rulemaking.

- **Qualitative description of impact:**

The Authority plays a significant role in enabling Iowa's independent not-for-profit colleges and universities to remain competitive by providing low-cost capital and working capital financings.

3. **Costs to the State:**

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

The only cost to the Authority is the employment of the Executive Director who manages and administers the financings, the cost of which is paid for through fees attributed to each individual financing.

- **Anticipated effect on State revenues:**

The rules have no anticipated impact on State revenues.

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

Only the entities that utilize the Authority's funding programs will bear the costs of the rulemaking through the payment of fees, which indirectly pay the staff salary. The groups benefiting include both Iowa's independent not-for-profit colleges and universities and the students who receive lower tuition due to the lower costs of financings through the Authority's programs.

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

The Authority has not identified any less costly methods or less intrusive methods for administering the program.

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 other methods.

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

The rulemaking is consistent with the provisions of Iowa Code chapter 261A.

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 rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 284—Chapter 4 and adopt the following **new** chapter in lieu thereof:

CHAPTER 4
AGENCY PROCEDURE FOR RULEMAKING

The Iowa 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.

HIGHER EDUCATION LOAN AUTHORITY[284]

Regulatory Analysis

Notice of Intended Action to be published: 284—Chapter 5
"Fair Information Practices"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 261A.7
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 261A, subchapter I

Public Hearing

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

November 18, 2025 9:30 a.m.	Via Zoom: us06web.zoom.us/j/87133458123?pwd=y0LH6z71ov0s3YJ4Sd3KvzYsT7ctSz.1 Meeting ID: 871 3345 8123 Passcode: 735526 Or dial: +1 312.626.6799

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Iowa Higher Education Loan Authority no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Dr. Maribeth Wright, Executive Director
1105 High Road, Box 214
Norwalk, Iowa 50211
Phone: 515.282.3769
Email: maribeth.wright@ihela.org

Purpose and Summary

The Authority serves Iowa's independent not-for-profit 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 5, which contains rules related to fair information practices.

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 to the general public; this chapter is mostly procedural and descriptive in nature.

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

Iowa's independent not-for-profit colleges and universities benefit from utilizing these financings for campus facilities and working capital.

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 costs associated with this proposed rulemaking.

- **Qualitative description of impact:**

The Authority plays a significant role in enabling Iowa's independent not-for-profit colleges and universities to remain competitive by providing low-cost capital and working capital financings.

3. **Costs to the State:**

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

The only cost to the Authority is the employment of the Executive Director who manages and administers the financings, the cost of which is paid for through fees attributed to each individual financing.

- **Anticipated effect on State revenues:**

The rules have no anticipated impact on State revenues.

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

Only the entities that utilize the Authority's funding programs will bear the costs of the rulemaking through the payment of fees, which indirectly pay the staff salary. The groups benefiting include both Iowa's independent not-for-profit colleges and universities and the students who receive lower tuition due to the lower costs of financings through the Authority's programs.

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

The Authority has not identified any less costly methods or less intrusive methods for administering the program.

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 other methods.

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

The rulemaking is consistent with the provisions of Iowa Code chapter 261A.

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 rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 284—Chapter 5 and adopt the following **new** chapter in lieu thereof:

CHAPTER 5
FAIR INFORMATION PRACTICES

The Iowa higher education loan authority hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to public records and 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.

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Regulatory Analysis

Notice of Intended Action to be published: 605—Chapter 10
"911 Telephone Systems"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A and 34A
State or federal law(s) implemented by the rulemaking: 2024 Iowa Acts, Senate File 2370

Public Hearing

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

November 19, 2025
9:30 a.m.

Geode Room
7900 Hickman Road, Suite 500
Windsor Heights, Iowa
meet.google.com/oqm-wujn-dif

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

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 10 and to adopt a new chapter in lieu thereof. The chapter describes the structure and guidelines in which 911 telephone systems are implemented, managed, and administered.

The new chapter eliminates language this is overly restrictive, obsolete, and repetitive of the Iowa Code and is therefore a shorter chapter.

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 direct costs associated with this rulemaking. The rulemaking implements Iowa Code chapter 34A, which authorizes a surcharge tied to telephones that can dial 911.

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

All individuals within the State benefit from a well-run and consistent 911 deployment throughout the State.

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:**

911 is called over one million times in Iowa annually. These rules help provide standardization for the system as well as additional administrative implementation of 911 phone systems within the State, including public safety answering points.

- **Qualitative description of impact:**

Since the 1980s, Iowans have been able to reach emergency assistance through dialing the digits 911 on a phone. This rulemaking helps provide standardization throughout the State in order for 911 authorities to implement, manage, and administer this critical lifeline.

3. **Costs to the State:**

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

This rulemaking implements Iowa Code chapter 34A, which addresses a surcharge tied to telephone numbers in the State as well as the formula for disbursement of this surcharge to those responsible for management of 911 systems.

- **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues due to this rulemaking.

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

This rulemaking ensures the State has a consistent standard for 911 call handling across the State. Inaction could lead to disparate quality of care/quality of service.

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

The Department seeks to implement these rules in a way that is as minimally intrusive and prescriptive as possible, while still maintaining a well-run 911 system as outlined in Iowa Code chapter 34A. Funding to implement these local programs is outlined as part of the aforementioned Iowa Code chapter. Where intrusive or prescriptive methods remain in this proposed rulemaking, the Department is following federal grant and industry standards to implement best practices from throughout the nation.

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?

The rulemaking has no direct impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 605—Chapter 10 and adopt the following **new** chapter in lieu thereof:

CHAPTER 10
911 TELEPHONE SYSTEMS

605—10.1(34A) Program description. In addition to the purpose described in Iowa Code section 34A.1, the purpose of this program is to provide for the orderly development, installation, and operation of 911 emergency telephone systems and to provide a mechanism for the funding of these systems, either in whole or in part.

605—10.2(34A) Definitions. All terms defined in Iowa Code section 34A.2 apply to this chapter, as well as the following terms:

"911 authority" means the public entity at the state or local level, which operates a 911 telephone system for the public benefit, within a defined 911 service area.

"911 communications council" means the council as established under the provisions of Iowa Code section 34A.15.

"911 emergency call" or *"911 call"* means a communication initiated using the digits 911 and transported via the next generation 911 network that includes voice, text, picture, multimedia, or any other type of data that is sent to a PSAP for the purpose of requesting emergency assistance.

"911 program manager" means the individual appointed by the director and working with the 911 communications council to perform the duties specifically set forth in Iowa Code chapter 34A and this chapter.

"911 system" means a telephone system that automatically connects a caller, dialing the digits 911, transported via the Next Generation 911 network, to a public safety answering point (PSAP).

"Access line" means an exchange access line that has the ability to place a 911 call and reach a PSAP.

"Automatic location identification" or *"ALI"* means a system capability that enables an automatic display of information defining a geographical location of the telephone used to place the 911 call.

"Automatic number identification" or *"ANI"* means a capability that enables the automatic display of the number of the telephone used to place the 911 call.

"Central office" or *"CO"* means a telephone company facility that houses the switching equipment for connecting subscribers to each other.

"Department" means the same as defined in Iowa Code section 29C.2.

"Entry point" means the demarcation point(s), as designated by the 911 program manager, where originating service providers must deliver their 911 traffic for ingress into the state's next generation 911 network.

"Exchange" means a defined geographic area served by one or more central offices in which the telephone company furnishes services.

"Logging recorder" means a device that electronically records voice 911 calls and may also record associated radio traffic and call data. The logging recorder automatically logs the time and date of such conversations; normally it is a multichannel device that keeps a semipermanent record of operations for archival or evidentiary purposes.

"Multi-line telephone system" or *"MLTS"* means the same as in 47 CFR §9.3.

"Political subdivision" means a geographic or territorial division of the state that would have the following characteristics: defined geographic area, responsibilities for certain functions of local government, public elections and public officers, and taxing power. Excluded from this definition are departments and divisions of state government and agencies of the federal government.

"Prepaid wireless telecommunications service" means the service described in Iowa Code section 34A.7B and 701—Chapter 217.

"Provider" means a person, company or other business that provides, or offers to provide, 911 equipment, installation, maintenance, or access services.

"Public safety telecommunicator" or *"telecommunicator"* means the same as defined in Iowa Code section 80B.11C.

"Public switched network" means the same as in 47 CFR §9.3.

"Subscriber" means any person, firm, association, corporation, agencies of federal, state and local government, or other legal entity responsible by law for payment for communication service from the telephone utility.

"Text telephone" or *"TTY"* means the same as in 47 CFR §9.3.

"Wireless communications service" means commercial mobile radio service. "Wireless communications service" includes any wireless two-way communications used in cellular telephone service, personal communications service, or the functional or competitive equivalent of a radio-telephone communications line used in cellular telephone service, a personal communications service, or a network access line. "Wireless communications service" does not include a service whose customers do not have access to 911 or 911-like service, a communications channel utilized only for data transmission, or a private telecommunications system.

605—10.3(34A) Joint 911 service boards. This rule assists 911 authorities in administering Iowa Code section 34A.3.

10.3(1) The joint 911 service board shall submit a listing of members along with the chair and vice chair. The submission will be on a form prescribed by the 911 program manager and will include the political subdivision they represent and, if applicable, the associated Iowa Code chapter 28E or alternate 911 service board as described in Iowa Code sections 34A.3(4) and 29C.9(10). A copy of the list will be submitted annually along a time frame communicated by the program manager and listed on the prescribed form.

10.3(2) Joint 911 service board bylaws.

a. Each joint 911 service board shall develop bylaws to specify, at a minimum, the following information:

(1) The name of the joint 911 service board.

(2) A list of voting and nonvoting members.

(3) The date for the commencement of operations.

(4) The mission.

(5) The powers and duties.

(6) The manner for financing activities and maintaining a budget.

(7) The manner for acquiring, holding and disposing of property.

(8) The manner for electing or appointing officers and terms of office.

(9) The manner by which members may vote to include, if applicable, the manner by which votes may be weighted.

(10) The manner for appointing, hiring, disciplining, and terminating employees.

(11) The rules for conducting meetings.

(12) The permissible method or methods to be employed in accomplishing the partial or complete termination of the board and the disposing of property upon such complete or partial termination.

(13) Any other necessary and proper rules or procedures.

b. Each member shall sign the adopted bylaws.

c. The joint 911 service board shall record the signed bylaws with the county recorder and shall forward a copy of the signed bylaws to the 911 program manager.

10.3(3) Executive board. The joint 911 service board may, through its bylaws, establish an executive board to conduct the business of the joint 911 service board. Members of the executive board must be selected from the eligible voting members of the joint 911 service board. The executive board will have such other duties and responsibilities as assigned by the joint 911 service board.

10.3(4) Meetings.

a. The provisions of Iowa Code chapter 21, "Official Meetings Open to the Public," are applicable to joint 911 service boards.

b. Joint 911 service boards shall conduct meetings in accordance with their established bylaws and applicable state law.

10.3(5) The program manager may maintain a template of minimum requirements to satisfy this rule on the department's website.

605—10.4(34A) 911 service plan.

10.4(1) The joint 911 service board shall be responsible for developing a 911 service plan as required by Iowa Code section 34A.3 and as set forth in these rules. The plan will remain the property of the joint 911 service board. Each joint 911 service board will coordinate planning with each contiguous joint 911 service board. A copy of the plan and any modifications and addenda shall be submitted to:

a. The department.

b. All public and private safety agencies serving the 911 service area.

c. All providers affected by the 911 service plan.

10.4(2) In addition to the requirements in Iowa Code section 34A.3, the 911 service plan shall include:

a. The mailing address of the joint 911 service board.

b. A list of voting members on the joint 911 service board.

c. A list of nonvoting members on the joint 911 service board.

d. The name of the chairperson and of the vice chairperson of the joint 911 service board.

e. Maps of the 911 service area showing boundaries for all of the law enforcement agencies, firefighting districts, and ambulance and emergency medical service areas, and the location of each PSAP within the service area shall be uploaded and maintained within the program's online NG911 GIS database via the process described in Iowa Code section 10.12(1)*"f."*

10.4(3) The requirements listed in Iowa Code section 10.4(2)*"b"* through *"d"* may be updated annually via the process described in Iowa Code section 10.3(1).

10.4(4) All plan modifications and addenda shall be filed with, reviewed, and approved by the 911 program manager.

10.4(5) The 911 program manager shall base acceptance of the plan upon compliance with the provisions of Iowa Code chapter 34A and the rules herein.

10.4(6) The 911 program manager will notify in writing, within 20 days of review, the chairperson of the joint 911 service board of the approval or disapproval of the plan.

a. If the plan is disapproved, the joint 911 service board will have 90 days from receipt of notice to submit revisions/addenda.

b. Notice for disapproved plans will contain the reasons for disapproval.

c. The 911 program manager will notify the chairperson, in writing within 20 days of review, of the approval or disapproval of the revisions.

10.4(7) The program manager may maintain a template of minimum service plan requirements on the department's website.

605—10.5(34A) Wireline 911 surcharge. This rule is implemented to help 911 authorities administer Iowa Code section 34A.7.

10.5(1) For the purposes of surcharge remittance and collection, Static VoIP shall be considered wireline service.

10.5(2) The provider shall remit the collected surcharge to the joint 911 service board on a calendar quarter basis within 20 days of the end of the quarter.

10.5(3) The joint 911 service board may request, not more than once each quarter, the following information from the carrier or provider:

a. The identity of the exchange from which the surcharge is collected.

b. The number of lines to which the surcharge was applied for the quarter.

c. The number of refusals to pay per exchange, if applicable.

d. The number of write-offs per exchange, if applicable.

e. The number of lines exempt per exchange.

f. The amount retained by the carrier or provider from the 1 percent administrative fee.

NOTE: Access line counts and surcharge remittances are confidential public records as provided in Iowa Code section 34A.8.

10.5(4) If the joint 911 service board ceases to operate 911 service, the balance in the 911 service fund shall be payable to the 911 authority taking over the responsibility of the 911 service area.

605—10.6(34A) Wireline 911 surcharge exemptions.

10.6(1) The following agencies, individuals, and organizations are exempt from imposition of the 911 surcharge:

a. Federal agencies and tax-exempt instrumentalities of the federal government.

b. Indian tribes for access lines on the tribe's reservation upon filing a statement with the joint 911 service board, signed by appropriate authority, requesting surcharge exemption.

c. An enrolled member of an Indian tribe for access lines on the reservation, who does not receive 911 service, and who annually files a signed statement with the joint 911 service board that the person is an enrolled member of an Indian tribe living on a reservation and does not receive 911 service. However, once 911 service is provided, the member is no longer exempt.

d. Official station testing lines owned by the provider.

e. Individual wireline subscribers above the maximum access lines as provided for in Iowa Code section 34A.7.

10.6(2) All other subscribers not listed above that have or will have the ability to access 911 are required to pay the surcharge.

605—10.7(34A) Emergency communications service surcharge. This rule is implemented to help 911 authorities administer Iowa Code section 34A.7A.

10.7(1) Surcharge funds shall be remitted on a calendar quarter basis by the close of business on the twentieth day following the end of the quarter with a remittance form as prescribed by the 911 program manager. Providers shall issue their checks or warrants to the Treasurer, State of Iowa, and remit to 911 Program Manager, Iowa Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324.

10.7(2) For the purposes of surcharge remittance and collection, Nomadic VoIP shall be considered wireless service.

10.7(3) Payments to next generation 911 network service providers, 911 call processing equipment providers, 911 call transport providers, and third-party 911 automatic location identification database providers shall be made quarterly, based on original, itemized claims or invoices presented within 20 days of the end of the calendar quarter. Claims or invoices not submitted within 20 days of the end of the calendar quarter are not eligible for reimbursement and may not be included in future claims and invoices. Payments to providers shall be made in accordance with these rules and the State Accounting Policy and Procedures Manual.

10.7(4) Next generation 911 network service providers, 911 call processing equipment providers, 911 call transport providers, and third-party 911 automatic location identification database providers shall be reimbursed for only those items and services that are defined as eligible in the NG911 Network Implementation and Operations Plan and when initiation of service has been ordered and authorized by the 911 program manager.

10.7(5) If it is found that an overpayment has been made to an entity, the 911 program manager shall attempt recovery of the debt from the entity by certified letter. Due diligence shall be documented and retained by the department. If resolution of the debt does not occur and the debt is at least $50, the department will then utilize the income offset program through the department of revenue. Until resolution of the debt has occurred, the department may withhold future payments to the entity.

605—10.8(34A) Prepaid wireless 911 surcharge. Administration of the prepaid wireless 911 surcharge will be conducted per Iowa Code section 34A.7B and rule 701—217.8(34A).

605—10.9(34A) 911 service fund.

10.9(1) The department of public safety and each joint 911 service board have the responsibility for the 911 service fund consisting of revenue described in Iowa Code section 34A.7.

a. A 911 service fund shall be established in the office of the county treasurer for each joint 911 service board and with the state treasurer for the department of public safety.

b. Collected surcharge moneys and any interest thereon, as authorized in Iowa Code chapter 34A, shall be deposited into the 911 service fund. 911 surcharge moneys must be kept separate from all other sources of revenue utilized for 911 systems.

c. For joint 911 service boards, withdrawal of moneys from the 911 service fund shall be made on warrants drawn by the county auditor, per Iowa Code section 331.506, supported by claims and vouchers approved by the chairperson or vice chairperson of the joint 911 service board or delegated authority so designated in writing.

d. For the department of public safety, withdrawal of moneys from the 911 service fund shall be made in accordance with state laws and administrative rules.

10.9(2) The 911 service funds shall be subject to examination by the department at any time during usual business hours. 911 service funds are subject to the audit provisions of Iowa Code chapter 11. A copy of all audits of the 911 service fund shall be furnished to the department within 30 days of receipt. If through the audit or monitoring process the department determines that a joint 911 service board is not adhering to an approved plan or does not have a valid board membership, or if the department determines that a joint 911 service board or the department of public safety is not using funds in the manner prescribed in these rules or Iowa Code chapter 34A, the director may, after notice and hearing, suspend remittance distribution described in Iowa Code section 34A.7A and order termination of expenditures from the 911 service fund. The joint 911 service board or department of public safety is not eligible to receive or expend surcharge moneys until such time as the 911 program manager determines that the board or department of public safety is in compliance with the approved plan, board membership, and fund usage limitations.

10.9(3) The program manager will provide common allowable expenditures in the NG911 Operations Plan detailed in rule 605—10.10(34A).

605—10.10(34A) NG911 Network Implementation and Operations Plan. Each joint 911 service board, the department of public safety, the 911 communications council, and originating service providers shall cooperate with the 911 program manager in preparing the NG911 Network Implementation and Operations Plan for statewide implementation of NG911 service.

10.10(1) *Plan specifications.* The NG911 Network Implementation and Operations Plan shall include, at a minimum, the following information:

a. Maps showing the geographic location within the county of each PSAP that receives 911 emergency calls.

b. A list of all PSAPs within the state of Iowa.

c. A set of guidelines for determining eligible costs as set forth in Iowa Code chapter 34A.

d. A schedule for the implementation and maintenance of the next generation 911 network.

e. A schedule for the implementation, maintenance and cost sharing of 911 call processing equipment.

10.10(2) *Adoption by reference.* The "NG911 Network Implementation and Operations Plan," effective July 1, 2018, and available from the Iowa Department of Homeland Security and Emergency Management, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa, or at the Law Library in the Capitol Building, Des Moines, Iowa, is hereby adopted by reference effective August 8, 2018.

605—10.11(34A) Minimum operational and technical standards. 47 CFR Part 9 as of December 1, 2025, is adopted by reference with the additional specifications.

10.11(1) Each 911 system, supplemented with 911 surcharge moneys, shall, at a minimum, employ the following features:

a. Automatic location identification (ALI).

b. Automatic number identification (ANI).

c. Policy routing function.

d. Each PSAP shall maintain an alternate means of receiving emergency calls from the public during an ESInet outage or degradation.

e. ANI and ALI information shall be maintained and updated in such a manner as to allow for 95 percent or greater degree of accuracy.

f. All 911 authorities shall maintain NG911 GIS data according to standards published by the department and posted to the department's website.

10.11(2) 911 public safety answering points shall adhere to the following minimum standards:

a. The PSAP shall operate seven days per week, 24 hours per day, with trained public safety telecommunicators on duty at all times.

b. The primary published emergency number in the 911 service area shall be 911.

c. All PSAPs will maintain interagency communications capabilities for emergency coordination purposes to include radio as well as the Public Switched Telephone Network.

d. Each PSAP shall develop and maintain a PSAP standard operating procedure for receiving and dispatching emergency calls.

e. 911 calls should only be transferred as necessary for faster dispatch of responders and to PSAPs that are capable of accepting all associated data, including ANI and ALI.

f. PSAPs shall maintain a logging recorder. Each 911 call shall be recorded using a logging recorder. Call recordings shall be maintained for a period of not less than one year.

g. Access control and security of PSAPs and associated dispatch centers shall be designed to prevent disruption of operations and provide a safe and secure environment of communication operations.

h. 911 authorities shall ensure that all vendors whose normal activities may involve contact with facilities associated with the 911 service are familiar with safeguarding of facilities' procedures.

i. Emergency electrical power shall be provided for the PSAP environment that will ensure continuous operations and communications during a power outage. Such power should start automatically in the event of power failure and shall have the ability to be sustained for a minimum of 48 hours.

j. The PSAP and 911 authorities shall make every attempt to disallow the intrusion by automatic dialers, alarm systems, or automatic dialing and announcing devices through the 911 system. If intrusion by one of these devices should occur, 911 authorities shall make every attempt to contact the responsible party to ensure there is no such further occurrence by notifying the party that knowing and intentional interference with emergency telephone calls constitutes a crime under Iowa Code section 727.5. Those responsible for PSAP operations shall report persons who repeatedly use automatic dialers, alarm systems, or automatic announcing devices through the 911 system to the county attorney for investigation of possible violations of Iowa Code section 727.5.

k. Each PSAP shall be equipped with an appropriate telecommunications device for the deaf in accordance with 28 CFR §35.162, July 3, 2025.

l. PSAPs will have the capability to access translation services to help process 911 calls from non-English speakers.

m. Each PSAP shall adhere to NENA STA-020.1-2020 as of [the effective date of this rule].

10.11(3) Originating service providers shall adhere to the following minimum requirements:

a. 911 authorities shall be notified of all service interruptions in accordance with 47 CFR Part 4 as amended to [effective date of the rulemaking].

b. The originating service provider shall respond, within a reasonable length of time, to all appropriate requests for information from 911 authorities and shall expressly comply with the provisions of Iowa Code section 34A.8.

c. Originating service providers and MLTSs must update and maintain the state ALI database with accurate information. When delivering 911 calls, caller location must be provided in compliance with 47 CFR §9.8, 47 CFR §9.10, and 47 CFR §9.15.

d. Access to the 911 entry point and next generation 911 network shall be approved by the 911 program manager. Originating service providers must provide the company name, address and point of contact with their request. If the originating service provider utilizes a third-party vendor, the vendor must provide this information listing the vendor's customer's requested information.

605—10.12(34A) Waivers, variance request, and right to appeal.

10.12(1) All requests for variances or waivers shall be submitted to the 911 program manager in writing and shall contain the following information:

a. A description of the variance(s) or waiver(s) being requested.

b. Supporting information setting forth the reasons the variance or waiver is necessary.

c. A copy of the resolution or minutes of the joint 911 service board meeting that authorizes the application for a variance or waiver.

d. The signature of the chairperson of the joint 911 service board.

10.12(2) The 911 program manager may grant a variance or waiver based upon the provisions of Iowa Code chapter 34A or other applicable state law.

10.12(3) Upon receipt of a request for a variance or waiver, the 911 program manager shall evaluate the request and schedule a review within 20 working days of receipt of the request. The review shall be informal, and the petitioner may present materials, documents and testimony in support of the petitioner's request. The 911 program manager shall determine if the request meets the criteria established and shall issue a decision within 20 working days. The 911 program manager shall notify the petitioner, in writing, of the acceptance or rejection of the petition. If the petition is rejected, such notice shall include the reasons for denial.

605—10.13(34A) Administrative hearings and appeals.

10.13(1) 911 program manager decisions regarding the acceptance or refusal of a 911 service plan, in whole or in part, the implementation of 911 and the imposition of the 911 surcharge within a specific 911 service area may be contested by an affected party.

10.13(2) Request for hearing shall be made in writing to the director within 30 days of the 911 program manager's mailing or serving of a decision and shall state the reason(s) for the request and shall be signed by the appropriate authority.

10.13(3) The director shall schedule a hearing within ten working days of receipt of the request for hearing. The director shall preside over the hearing, at which time the appellant may present any evidence, documentation, or other information regarding the matter in dispute.

10.13(4) The director shall issue a ruling regarding the matter within 20 working days of the hearing.

10.13(5) Any party adversely affected by the director's ruling may file a written request for a rehearing within 20 days of issuance of the ruling. A rehearing will be conducted only when additional evidence is available, the evidence is material to the case, and good cause existed for the failure to present the evidence at the initial hearing. The director will schedule a hearing within 20 days after the receipt of the written request. The director shall issue a ruling regarding the matter within 20 working days of the hearing.

10.13(6) Any party adversely affected by the director's ruling may file a written appeal to the director. The appeal request shall contain information identifying the appealing party, the ruling being appealed, specific findings or conclusions to which exception is taken, the relief sought, and the

grounds for relief. The director shall issue a ruling regarding the matter within 90 days of the hearing. The director's ruling constitutes final agency action for purposes of judicial review.

These rules are intended to implement Iowa Code chapter 34A.

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Regulatory Analysis

Notice of Intended Action to be published: 605—Chapter 11
"Emergency Assistance"

Iowa Code chapter(s) or section(s) authorizing rulemaking: 17A, 29C.20A, and 29C.20B
State or federal law(s) implemented by the rulemaking: 2024 Iowa Acts, Senate File 2370

Public Hearing

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

November 19, 2025 10 a.m.	Geode Room 7900 Hickman Road, Suite 500 Windsor Heights, Iowa meet.google.com/oqm-wujn-dif

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory, 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

Pursuant to Executive Order 10, the Department proposes to rescind Chapter 11 and adopt a new chapter in lieu thereof. The chapter describes the structure and guidelines in which the Iowa Individual Assistance Grant Program and Disaster Case Advocacy are administered.

The new chapter eliminates language that is overly restrictive, repetitive of existing portions of the Iowa Code, and obsolete and shortens the chapter. It also implements and updates current practices.

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 direct costs associated with this rulemaking. The rulemaking implements Iowa Code sections 29C.20A and 29C.20B, which can provide disaster funding and administrative assistance to certain individuals affected by disasters.

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

Certain individuals who qualify for the program as described in the proposed rulemaking and in Iowa Code sections 29C.20A and 29C.20B can receive disaster assistance benefits 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:**

The rulemaking implements Iowa Code section 29C.20A, which provides up to $7,000 for qualifying households impacted by disaster. Annually, there is a $1 million allocation for the program.

- **Qualitative description of impact:**

The rulemaking provides clarity and greater implementation of the program to ensure fair access to the program and prevent fraud.

3. **Costs to the State:**

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

There is no cost to the State from the rulemaking alone. The statute dictates the maximum individual award and the maximum allocation per year for the program.

- **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues due to this rulemaking.

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

This rulemaking ensures the State has a consistent standard for the program in order to reduce the risk of fraud while maintaining ease of access for individuals.

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

The Department seeks to implement these rules in the least intrusive and least prescriptive way possible while preventing the risk of fraud.

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?

The rulemaking has no direct impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 605—Chapter 11 and adopt the following **new** chapter in lieu thereof:

CHAPTER 11
EMERGENCY ASSISTANCE

DIVISION I
IOWA DISASTER AID INDIVIDUAL ASSISTANCE GRANT PROGRAM

Preamble

This division implements a state program of financial assistance to meet disaster-related expenses, food-related costs, or serious needs of individuals or families who are adversely affected by a state-declared disaster emergency. The program is intended to meet needs that cannot be met by other means of financial assistance.

605—11.1(29C) Definitions.

"Bona fide residence" or *"bona fide address,"* as set forth in Iowa Code section 321.1(6C), means the pre-disaster street or highway address of an individual's dwelling or dwelling unit. The bona fide residence of a person with more than one dwelling is the dwelling for which the person claims a homestead tax credit under Iowa Code chapter 425, if applicable. The bona fide residence of a homeless person is a primary nighttime residence meeting one of the criteria listed in Iowa Code section 48A.2(3).

"Department" means the same as defined in Iowa Code section 29C.2.

"Dwelling" or *"dwelling unit"* means the structure in which a household resides. "Dwelling" or "dwelling unit" includes permanent structures, mobile homes, manufactured homes, modular homes, fifth-wheel travel trailers, travel trailers, and motor homes in which a household resides.

"Emergency management coordinator" means the person appointed by the local emergency management commission pursuant to Iowa Code sections 29C.9 and 29C.10.

"Fifth-wheel travel trailer," as set forth in Iowa Code section 321.1(36D)*"c,"* means a type of travel trailer that is towed by a pickup by a connecting device known as a fifth wheel. However, this type of travel trailer may have an overall length that does not exceed 45 feet.

"Home" means the pre-disaster dwelling or dwelling unit for a household.

"Household" means all adults and children who lived in the pre-disaster residence who request assistance, as well as any persons, such as infants, spouses, or part-time residents, who were not present at the time of the disaster but who are expected to return during the assistance period.

"Manufactured home" or *"modular home,"* as set forth in Iowa Code section 321.1(36C), is a factory-built structure constructed under authority of 42 U.S.C. §5403 as amended to August 25, 2022, which is required by federal law to display a seal from the United States Department of Housing and Urban Development, and was constructed on or after June 15, 1976.

"Manufactured or mobile home," as set forth in Iowa Code section 321.1(36D)*"a,"* means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons.

"Mitigation" means the same as defined in rule 605—1.2(29C).

"Motor home," as set forth in Iowa Code section 321.1(36D)*"d,"* means a motor vehicle designed as an integral unit to be used as a conveyance upon the public streets and highways and for use as a temporary or recreational dwelling and having at least four, two of which shall be systems specified in numbered paragraph "1," "4," or "5" of this definition, of the following permanently installed systems that meet American National Standards Institute and National Fire Protection Association standards in effect on the date of manufacture:

1. Cooking facilities.
2. Ice box or mechanical refrigerator.
3. Potable water supply including plumbing and a sink with faucet either self-contained or with connections for an external source, or both.
4. Self-contained toilet or a toilet connected to a plumbing system with connection for external water disposal, or both.

5. Heating or air conditioning system, or both, separate from the vehicle engine or the vehicle engine electrical system.

6. A 110- to 115-volt alternating current electrical system separate from the vehicle engine electrical system either with its own power supply or with a connection for an external source, or both, or a liquefied petroleum system and supply.

"Necessary expense" means the cost associated with acquiring an item or items, obtaining a service, or paying for any other activity that meets a serious need.

"Owner" means one or more persons, jointly or severally, in whom is vested all or part of the legal title to property or all or part of the beneficial ownership and a right to present use and enjoyment of the property. "Owner" includes a mortgagee in possession.

"Rent" means an amount paid to the landlord under the rental agreement.

"Safe, sanitary, and secure" means free from disaster-related health hazards.

"Serious need" means the item or service is essential to the household to prevent, mitigate, or overcome a disaster-related hardship, injury, or adverse condition.

"Tenant" means a person or persons entitled under a rental agreement to occupy a dwelling or dwelling unit to the exclusion of others.

"Travel trailer," as set forth in Iowa Code section 321.1(36D)*"d,"* means a vehicle without motive power used, manufactured, or constructed to permit its use as a conveyance upon the public streets and highways and designed to permit its use as a place of human habitation by one or more persons. The vehicle may be up to eight feet, six inches in width with a length not exceeding 45 feet. The vehicle shall be customarily or ordinarily used for vacation or recreational purposes and not used as a place of permanent habitation. If the vehicle is used in this state as a place of human habitation for more than 180 consecutive days in one location, the vehicle shall be classed as a manufactured or mobile home regardless of the size limitations provided in this definition.

605—11.2(29C) Program implementation.

11.2(1) *Disaster proclamation.* The Iowa individual assistance grant program (IIAGP) shall be implemented when the governor issues a proclamation of a state of disaster emergency that authorizes individual assistance. The program shall be in effect only in those counties named in the proclamation. Assistance shall be provided for a period not to exceed 120 days from the date of proclamation.

11.2(2) *Voucher system.* The IIAGP will be implemented through a reimbursement or voucher system. Reimbursement may include checks provided to the applicant. The applicant must sign a promise to purchase replacement food or personal property.

11.2(3) *Program extensions.*

a. The program may be extended beyond 120 days through an extension of the governor's disaster proclamation; or

b. The program may be extended in 30-day intervals requested by the applicant household through the contracted entity and approved by the department.

605—11.3(29C) Application for assistance. To request assistance for disaster-related expenses, the household shall complete the online form and submit it within 45 days of the disaster proclamation to the contracted administrative entity.

11.3(1) Application forms are available from an approved administrative entity, as well as the website of the department at homelandsecurity.iowa.gov.

11.3(2) The application shall include:

a. A declaration of the household's annual income, accompanied by a current pay stub, W-2 form, or income tax return.

b. An authorization to release confidential information to personnel involved in administering the program.

c. A certification of the accuracy of the information provided.

d. An assurance that the household had no insurance coverage for claimed items.

e. A commitment to refund any part of a grant awarded that is duplicated by insurance or by any other assistance program, such as but not limited to local community development groups and charities, the Small Business Administration, or the Federal Emergency Management Administration.

f. A short, handwritten narrative of how the disaster event caused the claimed loss, including an itemized list of items damaged by the disaster.

g. A copy of a picture identification document for the adult applicant.

h. When vehicle damage is claimed, current copies of the vehicle registration and liability insurance card.

11.3(3) The application period may be extended beyond 45 days through an extension of the governor's disaster proclamation. If the forty-fifth day falls on a Saturday, Sunday, or holiday, the deadline is moved to the following business day.

11.3(4) Only one application will be accepted per household. Duplicate applications will be denied.

11.3(5) Applicants must respond to requests for information within 21 days or the application will be denied. If an application is denied because a client does not respond to a request for documentation, the applicant has 30 days from the date on the notice letter to submit documentation or the case cannot be reopened.

605—11.4(29C) Eligibility criteria. To be eligible for assistance, an applicant household must meet all of the following conditions:

11.4(1) The household's bona fide residence was located in the area identified in the disaster proclamation during the designated incident period, and the household verifies occupancy at that residence. If a vehicle was damaged, the vehicle must have been located in the same county as the bona fide residence.

11.4(2) Household members are citizens of the United States or are legally residing in the United States.

11.4(3) The household's annual income is at or less than 200 percent of the federal poverty level for a household of that size.

a. Poverty guidelines are updated annually.

b. All income available to the household is counted, including wages, child support, interest from investments or bank accounts, social security benefits, and retirement income. Proof of income is required.

c. Income determination is based on the applicant's or applicants' adjusted gross income as defined in 26 U.S.C. §62 as amended to [effective date of the rulemaking].

11.4(4) The household has unmet disaster-related expenses or serious needs that are not covered by insurance. The applicant must provide claim documentation from the insurance company.

11.4(5) The household has not previously received assistance from this program or another program for the same loss in the same disaster.

11.4(6) Household eligibility for home repair assistance for a dwelling or dwelling unit damaged due to a proclaimed disaster is only available for a household that owns and occupies the dwelling or dwelling unit being repaired.

a. Assistance will be denied if preexisting conditions are the cause of the damage.

b. Repairs to rental dwellings, dwelling units, or landlord-owned equipment are excluded under this program.

605—11.5(29C) Eligible categories of assistance. Expenses eligible for grant funding shall be limited to personal property, food assistance, home repair and temporary housing and shall not exceed a total of $7,000. Assistance is available under the program for the following disaster-related expenses:

11.5(1) Personal property and food assistance may be issued for damage to personal property or food replacement. Eligible items for personal property assistance may include but are not limited to the following items, based on the item's condition:

a. Appliances or equipment, including:

(1) Small household appliances, including but not limited to:

1. Toasters,
2. Blenders,
3. Microwaves,
4. Vacuums,
5. Dehumidifiers, and
6. Window air conditioners.

(2) Large household appliances if the appliance is owned by the household and not a landlord.

(3) Outdoor equipment, including:

1. Lawn mowers, and
2. Snow blowers.

b. Food.

c. Personal hygiene items.

d. Prescription medications or medical equipment not covered by insurance.

e. Basic household items, including but not limited to:

(1) Furnishings (e.g., tables, chairs, dressers, couches, end tables),

(2) Beds (e.g., mattresses, bedding),

(3) Curtains or window treatments,

(4) Car or booster seats,

(5) Strollers,

(6) Storage totes,

(7) Televisions,

(8) Laptop or desktop computers, and

(9) Area rugs.

f. Clothing.

g. Short-term transportation, such as bus passes.

h. Debris removal.

i. Vehicle repair or replacement if a total loss has occurred.

j. Other personal property items, as determined by the department, in order to assist the household in making the dwelling or dwelling unit safe, sanitary, and secure.

11.5(2) Home repair assistance may be issued for home repair for an owner-occupied dwelling or dwelling unit as needed to make the dwelling or dwelling unit safe, sanitary, and secure, up to a maximum of $7,000.

a. Assistance will be denied if preexisting conditions are the cause of the damage.

b. Repairs to rental dwellings or dwelling units or landlord-owned equipment are excluded under this program.

c. Assistance may be authorized for:

(1) The repair of structural components, such as the foundation and roof.

(2) The repair of floors, walls, ceilings, doors, windows, and carpeting of essential interior living space that was occupied at the time of the disaster.

(3) Mitigation measures.

(4) Debris removal, including trees.

(5) Bathroom, including toilet, sink, and tub/shower.

(6) Sump pump installation (in a flood event only).

(7) Electrical or mechanical repairs.

(8) Water heater.

(9) Heating systems.

(10) Air-conditioning systems.

(11) Water well repair for dwellings or dwelling units with no other source of water available.

(12) Water softener repair.

d. Repairs completed by a vendor must be compliant with applicable building codes and standards as of the date of the governor's proclamation.

11.5(3) Temporary housing assistance.

a. Temporary housing assistance may be issued to a household for lodging at a licensed establishment, such as a hotel or motel. The household's home must be considered to be destroyed, uninhabitable, inaccessible, or unavailable to the household. Total temporary housing assistance cannot exceed $7,000 and is included as part of disaster assistance.

b. Temporary housing assistance may also be granted for rental unit application fees, deposits, and first month's rent for a new dwelling.

11.5(4) Replacement, repair, or provision of other items of necessity may be approved by the department on a case-by-case basis, up to a maximum of $7,000.

605—11.6(29C) Eligibility determination and payment.

11.6(1) The contracted entity or designee shall confirm that the bona fide address provided on the application is a valid address and is reasonably believed to be in the disaster-affected area. The department or contracted entity reserves the right to view the damaged property prior to providing any assistance pursuant to IIAGP.

11.6(2) Designated staff in the department shall:

a. Monitor applicants' names and addresses as reports are submitted by the administrative entity.

b. Monitor, review, and provide timely submission of invoices by the administrative entity for payment and shall process appeals.

11.6(3) For applications with a voucher or reimbursement request, the department or its designee shall:

a. Determine eligibility and the amount of payment within the rules of the program.

b. Notification of the decision will be written, timely and adequate. Timely means within ten days of the decision being made along with a full and complete explanation for why assistance may have been denied.

c. Authorize vouchers to an eligible household to purchase needed goods and services.

d. Pay vendors for goods and services purchased with vouchers.

605—11.7(29C) Contested cases.

11.7(1) *Reconsideration.*

a. The household may request reconsideration of decisions regarding eligibility and the amount of assistance awarded.

b. To request reconsideration, the household shall submit a written request to the Iowa Department of Homeland Security and Emergency Management, 7900 Hickman Road, Windsor Heights, Iowa 50324, within 30 days of the date of the letter notifying the household of the department's decision. Reconsiderations will also be accepted electronically via the process detailed in the initial notice of decision.

c. The department shall review any additional evidence or documentation submitted and issue a reconsideration decision within 30 days of receipt of the request.

11.7(2) *Appeal.* The household may appeal the department's reconsideration decision according to procedures in 605—Chapter 2 and this rule.

a. Appeals must be submitted in writing to the Iowa Department of Homeland Security and Emergency Management, 7900 Hickman Road, Windsor Heights, Iowa 50324, within 30 days of the date of the reconsideration decision. Written appeals will also be accepted electronically via the process detailed in the notice of reconsideration decision.

b. A written appeal is filed on the date the envelope sent to the department is postmarked or, when the postmarked envelope is not available, on the date the appeal is stamped received by the agency.

605—11.8(29C) Discontinuance of program.

11.8(1) *Deferral to federal assistance.* Upon declaration of a disaster by the President of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §5121 through §5207 as of [the effective date of this rule], the Iowa individual assistance grant program administered under this chapter will be discontinued in the geographic area designated by the federal individual assistance program. Upon issuance of the presidential declaration:

a. No more applications will be accepted.

b. Any applications that are in process but are not yet approved will be denied.

c. Persons seeking assistance under this program will be advised to apply for federal disaster assistance.

11.8(2) *Exhaustion of funds.* The program will be discontinued when funds available for the program have been exhausted. To ensure equitable treatment, applications for assistance will be approved on a first-come, first-served basis until all funds have been depleted. "First-come, first-served" is determined by the date the application is approved for payment.

a. Partial payment. Because funds are limited, applications may be approved for less than the amount requested. Payment cannot be approved beyond the amount of funds available.

b. Reserved funds. A portion of allocated funds will be reserved for final appeal decisions reversing the department's denial that are received after funds for the program have been awarded.

c. Untimely applications. Applications received after the program is discontinued will be denied.

These rules are intended to implement Iowa Code section 29C.20A.

605—11.9 to **11.20** Reserved.

DIVISION II
IOWA DISASTER CASE ADVOCACY

605—11.21(29C) Purpose. The purpose of these rules is to guide the provision of the Iowa disaster case advocacy (IDCA) program during the time of emergency disaster for individual assistance when a disaster is proclaimed by the governor of the state of Iowa.

605—11.22(29C) Definitions.

"Contracted entity" means an entity chosen by the department as the contracted administrator for the IDCA program.

"Emergency management coordinator" means the person appointed by the local emergency management commission pursuant to Iowa Code sections 29C.9 and 29C.10.

"Household" means all adults and children who lived in the pre-disaster residence who request assistance, as well as any persons, such as infants, spouses, or part-time residents, who were not present at the time of the disaster but who are expected to return during the assistance period.

"Iowa disaster human resource council" or *"IDHRC"* is recognized as the designated voluntary organization active in disasters for Iowa.

"Necessary services" means the guidance and advice in obtaining a service, or assistance in obtaining resources from various providers for any other activity that addresses a serious need.

605—11.23(29C) Program implementation.

11.23(1) *Disaster proclamation.* The IDCA program shall be implemented when the governor issues a proclamation of a state of emergency disaster that authorizes individual assistance.

a. The program shall be in effect only in those counties named in the proclamation.

b. The program shall commence on the day following the governor's disaster proclamation and shall be provided for a period of up to 180 days from the date of proclamation.

c. The program may be extended in intervals up to 90 days when adequate justification is presented to the department, but not to exceed 730 days from the date of the proclamation.

d. If the disaster becomes a presidentially declared disaster and a Federal Emergency Management Agency (FEMA) disaster case management (DCM) grant is approved, then assistance may be provided for a period of up to 24 months from the date of the proclamation.

e. The reporting of the numbers of contacts, cases opened, cases pending, cases closed, and other reports as determined and communicated by the department.

f. Audits of disaster case files, as well as cost management and expenditures, may be randomly performed by the department without notice.

11.23(2) *Contracting.* The administrative entity currently under contract for the IIAGP may receive an amended contract to specify administration of the IDCA program.

a. Future contract renewals may be inclusive with the IIAGP and as amended to include the IDCA program.

b. If a local contracted entity is under contract with the state to provide other services or is implementing a state or federal program and the contract contains a sufficient surety bond or other adequate financial responsibility provision, the department shall accept the existing surety bond or financial responsibility provisions in lieu of applying a new or additional surety bond or financial responsibility requirement.

c. The contracted entity shall coordinate activities with emergency management coordinators and voluntary organizations active in the disaster while the program is active. The contracted entity may subcontract with other entities to provide disaster case advocacy with the approval of the department.

605—11.24(29C) Eligibility criteria. To be eligible for assistance, an applicant household must meet all of the following conditions:

11.24(1) The household's residence was located in the area identified in the disaster proclamation during the designated incident period and the household verifies occupancy at that residence.

11.24(2) Household members are citizens of the United States or are legally residing in the United States.

11.24(3) The household has disaster-related needs that represent a burden that the family is unable to resolve.

605—11.25(29C) Services. Disaster case advocacy is a time-limited resource and process that involves a partnership between a case advocate and a household impacted by a disaster (also known as a client) to develop and carry out a disaster recovery plan. This partnership provides the client with a single point of contact to facilitate access to a broad range of resources, promoting sustainable assistance for individuals and a household's recovery. These services are client-focused and provided in a manner consistent with standards for trauma-informed practice in human services.

605—11.26(29C) Disaster-caused unmet needs. A disaster-caused unmet need is an unresourced item, support, or assistance that has been assessed by a representative from a local, state, tribal, federal agency or a voluntary, or faith-based organization and that is needed for the client to recover from the disaster. Unmet disaster-caused needs may also include basic and immediate needs, such as food, clothing, shelter, or first aid, and long-term needs, such as financial, physical, emotional or spiritual well-being.

605—11.27(29C) Resources. Applicable resources may include but not be limited to insurance payments, state assistance, voluntary/faith-based and local community assistance, federal disaster assistance, small business administration loans, and personal resources.

605—11.28(29C) Standards and policies.

11.28(1) *Access.* The contracted entity shall provide clients with ease of access to disaster case advocacy services.

11.28(2) *Confidentiality and duplications of benefits.*

a. The contracted entity shall have policies and procedures to meet requirements regarding maintaining confidentiality set forth by the department.

b. The contracted entity shall develop memorandums of agreement, memorandums of understanding, and release of information that will allow coordinated case advocacy and services and prevent the duplication of benefits.

11.28(3) *Engagement.* The case advocate shall create a sustainable, trusting partnership with the client.

11.28(4) *Screening.* The case advocate shall perform screening to determine eligibility and disaster-related unmet needs.

11.28(5) *Intake and assessment.* The case advocate shall perform intake and assessment procedures to triage disaster-related needs of eligible households.

a. A case advocate shall conduct an assessment specifically seeking targeted information to identify a client's disaster-related needs.

b. An assessment should focus on planning for recovery and meeting recovery goals.

c. An assessment should be conducted in person, when feasible, and should follow all standards for confidentiality and engagement.

11.28(6) *Recovery planning.*

a. A recovery plan should outline tasks for both the client and case advocate based on an assessment and documentation of needed services.

b. The plan should identify priority needs and connect the client with resources, establish benchmarks and goals to measure progress toward recovery, and outline a case closure procedure.

c. The plan should be a joint effort between the case advocate and the client.

d. The case advocate should explain the available options, the resource and recovery alternatives, and the support services offered by the case advocate.

11.28(7) *Action and advocacy.* The case advocate role in recovery includes providing, referring or arranging for needed services and resources; verifying unmet needs, completing documentation and checking duplication of benefits; and actively advocating for the client through presentation, participation in recovery groups and interface with government and nongovernment resource providers.

11.28(8) *Monitoring.* Monitoring the services allows the case advocate to keep documents up to date, to determine if the chosen resources are providing the services needed, and to evaluate whether adjustments are needed.

11.28(9) *Closure.*

a. Closure procedures should be outlined in the recovery plan and the roles and responsibilities of the client and case advocate clearly defined.

b. Case closure acknowledges the recovery goals achieved, recognizes the progress made toward unmet goals, and identifies needed resources to continue progress.

605—11.29(29C) Planning and training. Training will adhere to the disaster case management criteria, as prescribed by the federal Administration for Children and Families as of [the effective date of this rule] and follow the disaster case advocacy guidelines as designed by the IDHRC or the approved rules of the department. The department shall request from the executive council of the state

of Iowa funds to perform training in disaster case advocacy as requested and necessary to prepare for disaster response.

605—11.30(29C) Payment for Services.

11.30(1) The department will negotiate payment with the contracted entity when the contract is established. Payment will be based on the contracted entity's actual direct and indirect costs.

11.30(2) The department will accept the contracted entity's federally approved indirect cost rates as required by the federal Office of Management and Budget (OMB).

11.30(3) The local administrative entity may draw down grant funding to pay valid claims on at least a weekly basis.

11.30(4) Exhaustion of funds. The program shall be discontinued when the funds available for the program have been exhausted. The department will notify the contracted entity of the total available funds for the IDCA program once funds have been approved by the executive council. To ensure equitable treatment, assistance will be approved on a first-come, first-served basis until all funds have been exhausted.

605—11.31(29C) Contested cases.

11.31(1) *Reconsideration.*

a. The household may request reconsideration of decisions regarding eligibility.

b. To request reconsideration, the household shall submit a written request to the Iowa Department of Homeland Security and Emergency Management, 7900 Hickman Road, Windsor Heights, Iowa 50324, within 30 days of the date of the letter notifying the household of the contracted entity's decision. Reconsiderations will also be accepted electronically via the process detailed in the initial notice of decision.

c. The department shall review any additional evidence or documentation submitted and issue a reconsideration decision within 30 days of receipt of the request.

11.31(2) *Appeal.* The household may appeal the department's reconsideration decision according to procedures in 605—Chapter 2 and this rule.

a. Appeals must be submitted in writing to the Iowa Department of Homeland Security and Emergency Management, 7900 Hickman Road, Windsor Heights, Iowa 50324, within 30 days of the date of the reconsideration decision. Written appeals will also be accepted electronically via the process detailed in the notice of reconsideration decision.

b. A written appeal is filed on the date the envelope sent to the department is postmarked or, when the postmarked envelope is not available, on the date the appeal is stamped received by the agency.

These rules are intended to implement Iowa Code section 29C.20B.

Regulatory Analysis

Notice of Intended Action to be published: 441—Chapters 123 and 124
"Certificate of Need"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 135.61, 135.66, 135.69, 135.71, and 135.72, all as transferred by 2025 Iowa Acts, House File 972, division VIII

State or federal law(s) implemented by the rulemaking: Iowa Code sections 135.61 through 135.78, all as transferred by 2025 Iowa Acts, House File 972, division VIII

Public Hearing

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

November 18, 2025 10 a.m.	Microsoft Teams Meeting ID: 224 106 109 665 1 Passcode: Pd9YP99Y

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 rulemaking implements, in part, 2025 Iowa Acts, House File 972, division VIII, which eliminates the Health Facilities Council and transfers the responsibility for approving Certificate of Need applications to the Department. It also transfers the existing Iowa Code sections governing the Certificate of Need process from Iowa Code chapter 10A to Iowa Code chapter 135 within Title IV, Public Health.

All references to Iowa Code sections 135.61 through 135.78 herein are to those sections as transferred by 2025 Iowa Acts, House File 972, division VIII.

Analysis of Impact

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

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

Applicants for Certificates of Need must submit the fees detailed in this proposed rulemaking.

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

Applicants seeking Certificates of Need will benefit from the guidance 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:**

Applicants for Certificates of Need must submit the fees enumerated in this proposed rulemaking.

- **Qualitative description of impact:**

Applicants for Certificates of Need will benefit from the guidance in this proposed rulemaking.

3. **Costs to the State:**

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

The Department will incur personnel and other administrative costs to implement this proposed chapter.

- **Anticipated effect on State revenues:**

Because there is no increase in the fees already established, this proposed rulemaking has no effect 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 135.71 as transferred by 2025 Iowa Acts, section 40.

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. Adopt the following **new** 441—Chapter 123:

CERTIFICATE OF NEED PROGRAM

CHAPTER 123
CERTIFICATE OF NEED PROGRAM

441—123.1(135) Definitions. For purposes of this chapter, the following definitions apply:

"Long-term (acute) care hospital" means a hospital that has been approved to participate in the Title XVIII (Medicare) program as a long-term care hospital-prospective payment system (LTCH-PPS) hospital in accordance with 42 CFR Part 412 as amended to August 1, 2025.

"Radiation therapy service applying ionizing radiation for the treatment of malignant disease using megavoltage external beam equipment," as the term applies to new or changed institutional health service in Iowa Code section 135.61(17)*"m"*(4), means the initiation or expansion of this service.

441—123.2(135) Letter of intent.

123.2(1) Before applying for a certificate of need, the sponsor of a proposed new institutional health service or changed institutional health service will electronically submit a letter of intent meeting the criteria noted in Iowa Code section 135.64(1).

123.2(2) The department will make available on the certificate of need website all criteria and standards pertinent to an application.

123.2(3) A letter of intent received by the department is valid for a period of one year from the date of receipt by the department. The sponsor may renew the validity of a letter of intent by providing written notification to the department prior to the one-year expiration date.

441—123.3(135) Determination of reviewability. A sponsor of a proposed project may submit a written request for a determination of reviewability as to whether the project requires a certificate of need.

123.3(1) If it is determined that a certificate of need is required, the department will notify the sponsor and the request for nonreviewability will be considered the letter of intent for purposes of subrule 123.2(2).

123.3(2) If it is determined that a certificate of need is not required, the department will notify the sponsor of the determination of nonreviewability.

441—123.4(135) Submission of application.

123.4(1) Application form.

a. A sponsor of a proposed project for a new or changed institutional health service will submit to the department an application for certificate of need using the appropriate application form found on the certificate of need website. All information requested in the application form is required in the absence of a waiver by the department.

b. An original application and all attachments shall be submitted electronically.

c. The department will establish and maintain electronic files on each application.

123.4(2) Application fee. The application fee specified in Iowa Code section 135.62(1) is based on the total cost of the project, including site costs, land improvements, facility costs, movable equipment, and financing costs.

a. The fee for leased or donated new institutional health services is calculated in the same manner as if the new institutional health services were purchased.

(1) The leased equipment fee is based on total value of the lease, plus sales tax, delivery and installation.

(2) The lease of space includes the cost of a one-year lease payment for the space, in addition to other costs associated with the project.

(3) Financing costs are not applicable on leases or cash purchases.

b. The application fee will be refunded by the department for any application that is voluntarily withdrawn from the review process in the amounts specified in Iowa Code section 135.62(1).

c. For purposes of this subrule and Iowa Code section 135.62(1), the term "submission" means the day the application is received by the department.

123.4(3) The notice of an accepted application issued pursuant to Iowa Code section 135.65(2) will inform the applicant and affected persons of the deadlines for the electronic submission to the department of written statements or other materials.

441—123.5(135) Organizational procedures.

123.5(1) The department will evaluate the application against the criteria specified in Iowa Code section 135.63.

123.5(2) Public comments on an application.

a. The department will receive written public comments on an application during a time frame prescribed by the department for each application. Oral comments will be received at a public hearing set by the department.

b. Public hearings conducted pursuant to Iowa Code section 135.65(3)*"b"* are not contested cases.

441—123.6(135) Summary review. Summary review may be utilized at the discretion of the department pursuant to Iowa Code section 135.66. An applicant requesting a summary review will abide by the following procedures:

123.6(1) An applicant will electronically submit a written request for summary review and a copy of the application and all attachments. An applicant is not required to submit a letter of intent pursuant to Iowa Code section 135.64 prior to submitting a written request for a summary review.

123.6(2) The eligibility of an application for summary review pursuant to Iowa Code section 135.66 does not mandate or require such review. The department will make the decision as to whether an application will be reviewed in the summary review process.

123.6(3) Upon receipt of a written request for summary review, an application, and the fee required by Iowa Code section 135.62(1), the department will notify the applicant in writing within 15 calendar days if the application is complete and if a summary review will be granted.

123.6(4) If an application is deemed incomplete, the department will state specifically in writing what information is needed to make the application complete.

123.6(5) If the department notifies an applicant that a summary review will not be performed, this decision is binding on the applicant and the application will be entered into the formal review process on the date of written notice that such application will not be reviewed summarily.

123.6(6) A summary review of an application for a certificate of need will be completed within 60 calendar days of the acceptance of an application by the department. Summary review will follow the process outlined on the department's website.

123.6(7) At any time during the summary review process, an application may be withdrawn without prejudice from the process. An applicant may then submit the application for a formal 90-day review.

441—123.7(135) Extension of review time.

123.7(1) A formal review of an application for a certificate of need pursuant to Iowa Code section 135.65 may be extended by the department on the basis of any of the following criteria:

a. In order to review competing applications simultaneously;

b. In the case of technologically innovative equipment, to obtain additional information necessary to evaluate the proposal. The department will specify in writing such additional information as necessary;

c. At the request of an applicant;

d. At the request of the department in order to allow additional time for deliberation on all evidence present. The department will specify the time of the delay and the date on which the final decision will be rendered.

123.7(2) An extension by the department made pursuant to subrule 123.7(1) will in no case be more than 60 calendar days beyond the time a decision is required under Iowa Code section 135.68 unless the applicant and the department agree.

123.7(3) Where none of the provisions of subrule 123.7(1) are applicable and where an application will be automatically denied because of the expiration of time required by Iowa Code section 135.68 for the issuance of a written decision by the department, the department will notify the applicant of the likelihood of an automatic denial and will ask the applicant to request in writing an extension of the review time.

441—123.8(135) Rehearing of certificate of need decision.

123.8(1) An applicant or any affected person who has participated or sought unsuccessfully to participate in the formal review procedure prescribed in Iowa Code section 135.65 may, for good cause shown, file an application for rehearing in writing with the department stating the specific grounds therefor and the relief sought within 20 calendar days after the date of the issuance of the final decision on an application for certificate of need.

123.8(2) Grounds for rehearing include but are not limited to:

a. New significant, relevant information that was unavailable at the date of the hearing;

b. Significant changes in factors or circumstances relied upon by the department in reaching its decision;

c. Demonstration that the department has materially failed to follow its adopted procedures in reaching its decision; or

d. Such other bases as the department determines constitute good cause.

123.8(3) An application for rehearing is deemed to have been denied unless the department grants the application in writing within 20 calendar days after its filing.

123.8(4) If the application for rehearing is granted, the department may issue an order modifying the initial final order. At the department's discretion, public hearing may be granted on the application for rehearing and notice will be provided ten calendar days prior to the rehearing to the person applying for rehearing, the applicant and other affected persons upon request.

123.8(5) The department will issue the final decision on rehearing, stating the basis for its decision, within 60 calendar days after the application for rehearing was granted or 60 calendar days after public hearing or rehearing, whichever is later.

123.8(6) If a rehearing is not requested or an affected party remains dissatisfied after the request for rehearing, an appeal may be taken in the manner provided by Iowa Code chapter 17A. A request for rehearing is not required prior to appeal under Iowa Code section 17A.19.

441—123.9(135) Finality. The certificate of need application process is continuous beginning with submission of a letter of intent or request for waiver of a letter of intent through issuance of a final decision by the department subject to judicial review under Iowa Code chapter 17A.

123.9(1) The following stages of the process are intermediate and subject to judicial review only to the extent the stages meet criteria for intermediate review under Iowa Code section 17A.19:

a. A decision by the department pursuant to rule 441—123.3(135) that a proposed project does not require a certificate of need;

b. A decision by the department to waive submission of the letter of intent and substitute summary review; and

c. The rejection of an application by the department that fails to provide all information required under Iowa Code section 135.62(1).

123.9(2) The following stages of the process are final decisions subject to judicial review as final agency action under Iowa Code section 17A.19:

a. A decision by the department to disallow summary review;

b. A decision by the department that a proposed project does not require a certificate of need;

c. A decision by the department to approve or deny an application.

d. The department's final decision on an application for rehearing; and

e. A decision by the department to revoke a certificate of need pursuant to rule 441—123.10(135).

441—123.10(135) Request for extension of certificate.

123.10(1) A request by an applicant for an extension of a certificate of need will be filed with the department using the form available on the certificate of need website no later than 30 days prior to the expiration of the certificate of need.

123.10(2) When an extension has been requested, the department will approve or deny the request prior to expiration of the certification. The certificate of need may be revoked by the department at the end of the certification period for insufficient progress in developing the project.

123.10(3) If an extension is denied, an applicant has the right to appeal under the provisions of Iowa Code section 135.69.

441—123.11(135) Application changes after approval.

123.11(1) Once a project has been approved by the department, no changes that vary from or alter the number of approved beds, the approved services or the approved cost by an amount indicated in subrule 123.11(2) may be made unless requested by the applicant and approved by the department. Requests should be made in writing and filed with the department electronically.

123.11(2) An increase in the actual cost of the project over and above that originally approved will automatically generate review by the department if the increase exceeds the originally approved amount by:

a. Fifteen percent for projects up to $999,999.99;

b. Twelve percent for projects from $1 million to $4,999,999.99;

c. Eight percent for projects $5 million and over.

An increase in the approved cost that falls below the above percentages will be reported to the department.

123.11(3) Failure to notify and receive permission of the department to change the project as originally approved may result in the imposition of sanctions as provided in Iowa Code section 135.72. The department may make a recommendation regarding the imposition of a sanction and the amount of the fine to be imposed.

441—123.12(135) Sanctions. Hearings to determine class I or class II violations pursuant to Iowa Code section 135.72 will be conducted in accordance with 441—Chapter 7.

These rules are intended to implement Iowa Code sections 135.61 through 135.78.

ITEM 2. Adopt the following **new** 441—Chapter 124:

CHAPTER 124
STANDARDS FOR CERTIFICATE OF NEED REVIEW

441—124.1(135) Cardiac catheterization and cardiovascular surgery standards.

124.1(1) *Purpose and scope.*

a. These standards are measures of some of those criteria found in Iowa Code section 135.63(1)*"a"* through *"q"* and 135.63(3). Criteria that are measured by a standard are cited in parentheses following each standard.

b. Certificate of need applications that are to be evaluated against these cardiac catheterization and cardiovascular surgery standards include:

(1) Proposals to commence or expand capacity to perform cardiac catheterization.

(2) Proposals to add new or replace cardiovascular surgery services.

(3) Any other applications that relate to cardiac catheterization or cardiovascular surgery.

124.1(2) *Definitions.* The following definitions apply to the terms used in this rule:

"Adult cardiac catheterization laboratory" means a diagnostic facility exclusively for intracardiac or coronary artery catheterization on adults.

"Adult cardiovascular surgery" means cardiovascular surgery exclusively for adults.

"Angiocardiography" means the recording of moving X-ray images (fluoroscopic images) of the heart and great vessels. After injection of radiopaque chemicals, moving X-rays of the chemical's flow are projected on a screen called a fluoroscope. Moving pictures (cineangiocardiography) or still pictures in sequence (serialography) may be recorded of the X-ray image.

"Angiography" means the photographic recording of X-ray or radiologic images of blood vessels in any part of the body—the heart, the head, the great vessels, the kidney, etc. In the procedure, blood vessels are injected with a radiopaque chemical. Immediately following injection, X-rays are employed to image the path of the injected chemical. These X-ray images are then photographically recorded.

"Cardiovascular surgery" means the services associated with and surgery performed for congenital or acquired diseases of the heart, great vessels, or pericardium, including the placement of travenous and epicardial pacemakers.

"Closed heart surgery" means cardiovascular surgery in which a small incision and repairs are made without direct vision of the area.

"Coronary artery catheterization" means a diagnostic study of the coronary arteries in which a small catheter passes through an artery in the leg, neck or arm into a coronary artery orifice. Intravascular pressure measurements are taken, and angiography of the coronary arteries is performed. Catheterization and cineangiocardiography of the left ventricle are an integral part of this procedure.

"Coronary artery surgery" means surgery to correct inadequate blood flow to the heart using revascularization techniques to bypass significantly obstructed coronary artery lesions.

"Intracardiac" means a diagnostic study of the heart, pulmonary arteries, or both in which a small catheter passes through a vein or artery in the neck, leg or arm and advances into the great vessels, the heart or the pulmonary arteries. Through this procedure, one can measure pressure within the heart and in adjacent veins and arteries, collect blood samples for blood gas analysis and inject radiopaque material, and visualize cardiac and vessel anatomy. The procedure permits detection of congenital and acquired heart abnormalities, the study of ventricular function, the estimation of the orifice size, the placement of pacemakers, etc. Cardiac catheterization is incomplete without cineangiography, intracardiac pressure measurements, blood gas analysis and the ability to diagnose intracardiac shunts.

"Open heart surgery" means cardiovascular surgery in which an incision of sufficient size is made to allow direct vision of the area. Open heart surgery requires temporary use of a heart-lung (cardiopulmonary bypass) machine since blood flow through the heart is greatly reduced or stopped altogether.

"Pediatric cardiac catheterization laboratory" means the same as adult cardiac catheterization laboratory, except exclusively for children and infants.

"Pediatric cardiovascular surgery" means cardiovascular surgery exclusively for infants and children.

124.1(3) *Availability of services.*

a. Minimum utilization—cardiovascular surgery (Iowa Code section 135.63(1)*"c," "g,"* and *"h"*).

(1) Adult cardiovascular surgical programs should project an annual minimum rate of over 200, or no approval will be granted. Higher case loads over 200 per annum are encouraged.

(2) Pediatric cardiovascular surgical units should project a minimum of 100 pediatric heart operations after the first year, at least 75 of which must be open heart procedures.

(3) Combined adult and pediatric cardiovascular surgery units should project the minimum projected annual rates for both adult and pediatric surgery.

(4) An applicant should project utilization of cardiovascular surgery, catheterization and cardiac care units based upon service area population demographics, current regional or national utilization rates of the service, disease incidence and prevalence rates, current cardiac care treatment modes, and

in consideration of those adult cardiovascular surgery units currently operating in Iowa and bordering states within the project's service area.

b. Expansions—cardiovascular surgery (Iowa Code section 135.63(1)*"c," "d," "e," "g,"* and *"h"*).

(1) There should be no additional adult cardiovascular surgery units initiated unless each existing unit within the project's service area is operating at a minimum of 200 open heart surgery cases per year.

(2) There should be no additional pediatric cardiovascular surgery units initiated unless each existing unit within the project's service area is operating at 100 surgeries per year. If one team serves more than one institution, the numbers for those institutions should be combined.

(3) If the annual utilization of the other cardiovascular surgery units within the area is below the levels noted above, future utilization above that current level must be reasonably projected or reasons for permanently utilizing the equipment below the level must be demonstrated.

(4) An applicant will demonstrate that an attempt was made to determine with the cooperation of existing providers whether such a reduction would occur. Existing providers of consequence are generally within two hours' surface travel time for adult services and within three hours' surface travel time for pediatric services.

c. Minimum utilization—cardiac catheterization (Iowa Code section 135.63(1)*"c," "d," "g,"* and *"h"*).

(1) Adult cardiac catheterization laboratories should be projected to operate at a minimum of 300 catheterizations per annum.

(2) Pediatric catheterization laboratory units should project a minimum of 150 catheterizations per annum.

(3) Combined units should meet each of the adult and pediatric standards.

(4) An applicant should project utilization of cardiac catheterization units based upon service area population demographics, current regional or national utilization rates of the service, disease incidence and prevalence rates, current cardiac care treatment modes, and in consideration of those adult cardiovascular surgery units currently operating in Iowa and bordering states within the project's service area.

d. Expansions—cardiac catheterizations (Iowa Code section 135.63(1)*"c," "d," "e," "g,"* and *"h"*).

(1) There should be no additional adult cardiac catheterization unit opened unless the number of studies per year in each existing unit within the project's service area is greater than 300. No additional pediatric unit should be opened unless the number of studies per year in each existing unit within the project's services area is greater than 150.

(2) If the annual utilization of the other cardiovascular surgery units within the area is below the levels noted above, future utilization above that current level must be reasonably projected or reasons for permanently utilizing the equipment below the level must be demonstrated.

(3) An applicant must demonstrate that an attempt was made to determine with the cooperation of existing providers whether such a reduction would occur. Existing providers of consequence are those within two hours' surface travel time for adults or three hours' surface travel time for pediatrics.

124.1(4) *Costs.*

a. Financial feasibility. (Iowa Code section 135.63(1)*"f," "i,"* and *"p"*) Cardiovascular surgery and catheterization equipment and associated remodeling or construction should be depreciated over a period consistent with generally accepted accounting standards.

b. Cost-effectiveness. Proposed new or replacement cardiac catheterization laboratories cost per catheterization and cardiovascular surgery services estimated costs per surgery should, when compared to their peers, demonstrate cost-effectiveness.

124.1(5) *Accessibility.* (Iowa Code section 135.63(1)*"c"* and *"d"*)

a. Cardiovascular surgery units and cardiac catheterization labs should meet the needs of the communities that the units and labs are meant to serve.

b. Cardiac catheterization and cardiovascular surgery service should be provided regardless of ability to pay in consideration of those programs available in the state that serve the medically indigent.

124.1(6) *Quality.* (Iowa Code section 135.63(1)*"i"* and *"k"*)

a. Each surgery unit and cardiac catheterization lab shall demonstrate a reasonable set of criteria that are used in selecting appropriate candidates for surgery and catheterization.

b. Staffing minimums.

(1) The open heart surgery team should minimally consist of:

1. At least two certified or board-eligible cardiovascular surgeons for the first 75 to 130 pediatric open heart surgeries. If pediatric surgery is performed, one surgeon must have special training and experience in surgery for congenital cardiac defects.
2. Board-certified or board-eligible adult or pediatric cardiologist(s). The latter only if pediatric surgery is performed, the former only if adult surgery is performed.
3. Board-certified or board-eligible anesthesiologist with special training in the management of cardiovascular cases' respiratory care.
4. Radiologist trained in the cardiovascular field.
5. Pathologist familiar with cardiac problems.
6. Surgical nursing staff specially trained in heart disease.
7. Cardiopulmonary bypass pump technicians.
8. Other ancillary staff as needed.

(2) Each applicant will document that the proposed surgery unit can be so staffed when completed and operational.

c. Equipment and facilities. An applicant seeking to provide cardiovascular surgery should demonstrate that the following support services will be available:

(1) General X-ray diagnostic facilities and facilities for emergency X-rays on a 24-hour basis.

(2) A cardiac catheterization laboratory or angiography lab available on a 24-hour basis.

(3) A cardiographics laboratory with facilities for recording the following tests: EKG, vector cardiogram, phonocardiogram, echocardiogram, and exercise stress testing.

(4) A supporting blood bank and hematology laboratory.

(5) A microbiology laboratory.

d. Cardiac catheterization labs serving infants and children should have biplane angiographic equipment, either cineangiocardiographic or cut film. Pediatric cardiac catheterization labs should be supervised by board-certified or board-eligible pediatric cardiologists; adult cardiac catheterization labs should be supervised by a board-certified or board-eligible adult cardiologist.

124.1(7) *Continuity.* (Iowa Code section 135.63(1)*"g," "h," "i,"* and *"k"*)

a. An applicant should demonstrate that an attempt was made to solicit letters of support from area hospitals and physicians to indicate a community need.

b. An applicant should provide documentation that emergency medical transport services will be available.

c. Institutions providing cardiovascular surgery services should include mechanisms for comprehensive medical followup, including adequate medical records exchange.

124.1(8) *Acceptability.* (Iowa Code section 135.63(1)) Facilities with cardiovascular surgery and cardiac catheterization indicate a willingness to observe and respect the rights of patients.

441—124.2(135) Radiation therapy standards.

124.2(1) *Purpose and scope.*

a. These standards provide guidelines to assist the department in applying those criteria in Iowa Code section 135.63(1)*"a"* through *"r"* and 135.63(3). Criteria that are measured by a standard are cited in parentheses following each standard.

b. Certificate of need applications that are to be evaluated against these radiation therapy standards include:

(1) Proposals to commence or expand the kind or capacity of megavoltage radiation therapy services.

(2) Proposals to replace a megavoltage radiation therapy unit.

(3) Any other applications that relate to megavoltage radiation therapy.

124.2(2) *Definitions.* The following definitions apply to the terms used in this rule:

"Computed tomography" or *"CT"* means an imaging method in which a cross-sectional image of the structures in a body plane is reconstructed by a computer program from the X-ray absorption of beams projected through the body in the image plane.

"Conjoint radiation oncology center" or *"cancer center"* means a multi-institution, multidisciplinary network to provide radiation therapy for cancer patients. Integration of patient care management, common utilization of personnel and equipment, and a single system of records between center institutions ensures optimal care regardless of entry portal.

"Dosimetrist" means a staff member who calculates, verifies, and develops treatment plans for the radiation dose distributions that will be delivered to patients. The dosimetrist is an essential member of the treatment planning team and works closely with radiation oncologists and radiation physicists.

"Megavoltage therapy" means the use of ionizing radiation in excess of 1 million electron volts. Energies above 1 million electron volts cause considerably less skin damage, increase depth dose markedly, and result in much less scatter from the therapeutic beam. Megavoltage machines are classified as follows:

1. Electron accelerator. A machine such as a linear accelerator that uses a supply of electrons, which are accelerated into high-energy beams. These electron beams are either caused to strike a target resulting in high-energy X-ray production or are used themselves as the treatment beam. Electron accelerators generate over 1 million electron volts.

2. Heavy particle accelerator. A machine such as a cyclotron that produces beams of high-energy particles such as protons, neutrons, pions, carbon ions, or other heavy ions with masses greater than that of an electron.

3. Isotope sources (gamma ray teletherapy units). Cobalt 60 units—emit gamma rays of approximately 1.2 million electron volts.

"Megavoltage therapy unit" means a piece of megavoltage therapeutic radiologic equipment that provides megavoltage therapy.

"New occurrence" means a course of treatment for a new occurrence on a given patient at a given radiation therapy facility. First-time radiation therapy at a new facility is based on each round of treatment.

"Radiation modality" means the method of applying ionizing radiation in the treatment of patients with malignant disease using megavoltage external beam equipment.

"Radiation oncologist" means a physician authorized user trained in accordance with rule 641—42.5(136C).

"Radiation therapy facility" or *"facility"* means the physical space that houses a megavoltage therapy unit and accompanying support equipment.

"Radiation therapy physicist" means an individual who works closely with radiation oncologists and is responsible for the safe and accurate delivery of radiation to patients. A radiation therapy physicist conducts quality control programs for the equipment and procedures and calibrates the equipment. A radiation therapy physicist shall practice in accordance with rule 641—42.6(136C).

"Radiation therapy technologist" means an individual who possesses an Iowa permit to practice as a radiation therapist in accordance with rule 641—38.4(136C).

"Service area" means the county in which the facility is located and any other counties from which an applicant expects to draw patients with a cancer diagnosis who need radiation therapy treatment.

"Simulation" means the precise mock-up of a patient treatment with an apparatus that uses planar X-rays, a magnetic resonance imaging device, or a computed tomography scanner, which is used in

reproducing the two-dimensional or three-dimensional internal or external geometry to the patient, for use in treatment planning and delivery.

"Superficial X-ray therapy" means the use of a conventional X-ray machine, which generates X-rays of up to 150 kilovolts (150 kv), to treat superficial lesions, such as skin cancer.

"Treatment" means radiation fields applied in a single patient visit fraction or delivery session.

124.2(3) *Availability.*

a. Minimum utilization. (Iowa Code section 135.63(1)*"c," "g,"* and *"h"*)

(1) A megavoltage radiation therapy unit and cobalt units should treat at least 250 new occurrences annually within three years after initiation of the service.

(2) The expected number of new occurrences needing megavoltage radiation therapy annually in a service area should be calculated as follows:

1. Multiply the service area population by 0.00582 (5.82/1,000 population was the mean cancer incidence rate in 2017 in Iowa as filed by the Surveillance, Epidemiology, and End Results (SEER) Program).

2. Multiply this product by 0.5 (50 percent of all new occurrences receive radiation therapy).

(3) The expected volume of utilization sufficient to support the need for a new megavoltage therapy unit should be calculated as follows: Each unit shall provide a minimum of 5,000 treatments per annum. Megavoltage treatments should be projected by multiplying the number of projected new occurrences needing megavoltage therapy by 20, which will result in no fewer than 5,000 treatments per annum.

(4) An applicant shall account for other providers of radiation therapy in the service area, including but not limited to factors such as technological capability and quality. An applicant shall address in the applicant's application other providers and the impact on those providers in the service area and compare technological capability and quality.

(5) An applicant should provide a map of the expected service area.

(6) Institutions that form a conjoint oncology center should have at least 500 new occurrences annually.

b. Simulator availability. A simulator should be available within a radiation oncology department.

124.2(4) *Accessibility.* (Iowa Code section 135.63(1)*"c"* and *"d"*) Radiation therapy services should be provided regardless of ability to pay in consideration of those programs available in the state that serve the medically indigent.

124.2(5) *Quality.* (Iowa Code section 135.63(1)*"i"* and *"k"*)

a. Minimum staffing requirements for radiation therapy facilities. Each facility:

(1) Will have the services of at least one radiation oncologist.

(2) Will have the services of at least one radiation therapy physicist.

(3) Will have the services of radiation therapy technologists that should be staffed at a level of two technologists per megavoltage unit.

(4) Should have the services of nurses.

(5) Should have the services of at least one dosimetrist.

(6) Should have the services of one radiation therapist or radiation technologist competent to operate a CT simulator.

(7) Should offer psychosocial counseling services and nutritional counseling.

b. Minimum staffing requirements for conjoint centers. Each center:

(1) Will have at least two cancer biologists available.

(2) Will have one radiation technologist available for each simulator.

(3) Should have a source of continuing education to reach participating community referral hospitals and physicians.

(4) Should have a unified training program in radiation therapy for radiation oncologists.

c. The long-range plans for radiation therapy services shall be submitted to the department.

d. Multidisciplinary tumor boards should be established in all institutions housing megavoltage machines.

124.2(6) *Continuity.* (Iowa Code section 135.63(1)*"g," "h," "i,"* and *"k"*) An applicant should demonstrate that an attempt was made to solicit letters and establish referral agreements from area hospitals and physicians to indicate their willingness to participate in a cooperative endeavor to refer to the proposed service.

441—124.3(135) Computerized tomography standards.

124.3(1) *Purpose and scope.*

a. These standards are measures of some of those criteria in Iowa Code section 135.63(1)*"a"* through *"l."* Criteria that are measured by a standard are cited in parentheses following each standard.

b. Certificate of need applications that are to be evaluated against these computerized tomography standards include:

(1) Proposals to commence or expand the capacity of computerized tomography services.

(2) Any other applications that relate to computerized tomography services.

124.3(2) *Definitions.* The following definitions apply to the terms used in this rule:

"Active oncology service" means full, multidisciplinary cancer care, provided by a medical team that would include: surgery, gynecology, medical oncology, radiation oncology, pathology, diagnostic radiology and nuclear medicine. The surgery specialties that might be available would include: thoracic, abdominal, genitourinary and gynecological. The active oncology staff would include those specialists with training in oncology, hematology, and pathology and who spend at least half of their time at the institution.

"Applicant" means a facility or a consortium of facilities within an area or a physician or group of physicians.

"Chemotherapy service" means the treatment of cancer by chemical agents.

"Computerized tomographic (CT) scanner" means a diagnostic tool that rotates around the body and that sends X-ray beams through the body or brain. The X-ray beams that emerge from the body or brain are absorbed by a detector. Differences in the amount of X-rays absorbed by the detector indicate differences in tissue density. As the scanner rotates, it takes many images of a volume or cross-section. The images on the detector are transmitted to a computer that displays on a monitor a reconstructed cross-sectional slice or volume. Contrast media is often injected to alter absorption of the detector. If the scan is repeated, it is called enhancement. Studies of the heart, arteries and veins may be done with contrast only.

"CT consortia" means a cooperative venture in which two or more institutions form a separate entity that is created for the purpose of owning, leasing, planning for, and maintaining the use of the scanner. Each facility in the consortium maintains its autonomy for all other services.

"Emergency medical service (EMS) level II trauma service" means the level of various services and staffing that qualify a facility to be designated by the department, using the facilities categorization criteria of such services that is in effect on the date of the enactment of this standard.

"Enhanced scan" means a scan performed on a patient who has been administered a contrast medium so that specific organs or areas of the body will be displayed more distinctly on the scan image.

"General imaging procedures" means a radiological diagnostic procedure performed on an X-ray machine or similar radiological diagnostic instrument.

"Head scanner" means a scanner capable of imaging only the brain and structures adjacent to the head.

"Minimum shared-market area for a scanner" (hereafter referred to as "area") means the smallest geographic area within which any scanner installation is judged to affect the utilization rate of any other scanner in the community (as defined by the U.S. Bureau of the Census) or a standard metropolitan statistical area (where an area is so designated).

"Radiotherapy service" means the therapeutic application of megavoltage radiation, using a linear accelerator or cobalt unit. The availability of such service at a hospital would necessitate personnel trained in the therapeutic application of radiology.

"Shared service agreement" means a multi-institutional arrangement for coordination or consolidation of services or sharing of support services. Among the various types of arrangements are referred services, purchased or joint contract services, multisponsored services and regional services.

"Whole body scanner" means a scanner capable of imaging the entire body.

124.3(3) *Determination of need.*

a. An applicant who does not have a scanner or an applicant who has a scanner and seeks a certificate for one or more additional scanners.

(1) An applicant in areas with no other scanners.

1. An applicant must have performed at least 30,000 general imaging procedures during the past calendar year or 12 months, or

2. An applicant must demonstrate that during the past calendar year or 12 months, the applicant has performed diagnostic procedures equivalent to 1,500 head equivalent CTs (HECTs), using the following: 100 percent of the number of patients referred to other facilities for CT diagnosis × 1.75 (in the case of head scans) and 2.75 (in the case of body scans).

(2) An applicant in an area with one or more scanners.

1. An applicant must meet the requirement of need described in subparagraph 124.4(3)*"a"*(1), and

2. The average level of utilization for scanners within the area was at least 3,000 HECTs (plus or minus 10 percent) for the past calendar year or 12 months. The average level of utilization will be determined by adding the number of HECTs performed during the period at all area facilities divided by the number of facilities.

3. University of Iowa Health Care is specifically exempted from consideration under numbered paragraph 124.3(3)*"a"*(2)"2" because it has a service area that encompasses the entire state and adjoining states. The utilization statistics for scanners at the University of Nebraska Medical Center and Creighton University Medical Center – Bergan Mercy (both in Omaha) will not affect the need for scanners at hospitals in Council Bluffs.

b. Replacement scanners—applicant who currently has a scanner.

(1) An applicant seeking to replace a scanner with another scanner, head or body.

1. An applicant must demonstrate that the applicant's use of the applicant's current scanner was at least at the operating capacity level during the last calendar year or 12 months, or

2. An applicant must demonstrate that the applicant's use of the applicant's current scanner was at least below the operating capacity level, but above the 1,500 CT scan level, and the applicant must demonstrate reasons for permanently utilizing the applicant's scanner below operating capacity level and demonstrate that discontinuation of the applicant's scanner service would impair the applicant's ability to respond to the emergency needs of the area. Reasons for utilizing the scanner below the capacity should include a unique patient or procedure mix that would define the capacity level differently for the applicant.

(2) Reserved.

124.3(4) *Costs and financial feasibility.* (Iowa Code section 135.63(1)*"f," "i,"* and *"p"*)

a. CT scanners should be depreciated over a period of not less than seven years. Remodeling shall be depreciated as appropriate by generally accepted accounting principles.

b. Cost-effectiveness. An applicant should demonstrate for the applicant and the health care system that the most cost-effective method of providing CT services has been chosen. A proposed new and replacement CT scanner's cost per CT scan should, when compared to the applicant's peers, demonstrate cost-effectiveness.

124.3(5) *Accessibility.* (Iowa Code section 135.63(1)*"c"* and *"d"*)

a. All scanners must be available to meet the needs of the communities the scanners are meant to serve.

b. Services should be provided to all patients regardless of the patient's ability to pay, taking into consideration the availability of those programs available in the state that serve the medically indigent.

c. An applicant will demonstrate a willingness to accept referrals for CT services from all area physicians.

124.3(6) *Quality.* (Iowa Code section 135.63(1)*"i"* and *"k"*)

a. Data on use and costs of the CT scanners should be submitted to the Iowa department of health and human services as a condition of approval. (Iowa Code section 135.63(1)*"a"* and *"h"*)

b. All scanners.

(1) An applicant must demonstrate that the applicant has on its staff or will acquire on its staff a full-time diagnostic radiologist trained in the use of the CT scanner or other physicians with comparable training and expertise.

(2) An applicant must document that the applicant has on its medical staff individuals who are qualified to operate a scanner and interpret and act upon the diagnostic results. Such documentation may include reference to board certification, apprenticeship, academic credentials or such other qualifications that would prompt a medical staff to accept the responsibility for offering this new service. An applicant that intends to acquire staff with the desired expertise should provide signed letters of intent from the incoming medical personnel. An applicant that intends to upgrade the specialty skills of its staff should document a plan for training its current staff in the use of CT scanners.

(3) An applicant should have a complement of other diagnostic modalities available. An applicant seeking body scanners should also have available ultrasound and conventional X-ray services.

(4) An applicant should have the facilities for treating the conditions diagnosed by imaging with the scanner or should demonstrate referral agreements with treatment facilities in the event that the scanner will be used as a screening device.

(5) An applicant should have on its staff or available on a consultative basis the services of a biomedical engineer or medical physicist with special training in CT applications. These functions may also be provided by contract with the scanner manufacturer.

124.3(7) *Continuity.* (Iowa Code section 135.63(1)*"g," "h," "i,"* and *"k"*)

a. An applicant should demonstrate that an attempt was made to solicit letters of support from area hospitals and physicians to indicate a community need for the proposed service.

b. An applicant should provide documentation that emergency medical transport services will be available.

c. An applicant should demonstrate an emphasis on the availability of outpatient CT procedures and that an appropriate percentage of all CT procedures will be done on an outpatient basis.

124.3(8) *Acceptability.* (Iowa Code section 135.63(1)*"k"*) Providers of CT services should indicate a willingness to observe the rights of patients.

441—124.4(135) Long-term care.

124.4(1) *Purpose and scope.*

a. These standards are measures of criteria found in Iowa Code section 135.63(1)*"a"* through *"g."* Criteria that are measured by a standard are cited in parentheses following each standard.

b. Certificate of need applications that are to be evaluated against these standards include applications to:

(1) Construct, develop, offer new, modernize, replace, renovate, or relocate intermediate care or skilled nursing care beds in nursing homes or hospitals.

(2) Expand bed capacity in intermediate care or skilled nursing care facilities or designated units in hospitals.

124.4(2) *Definitions.* The following definitions apply to the terms used in this rule:

"Intermediate care facility" or *"ICF"* means any institution, place, building, or agency providing for a period exceeding 24 consecutive hours accommodation, board, and nursing services, the need for which is certified by a physician, to three or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity require nursing services that can be provided only under the direction of a registered nurse or a licensed practical nurse.

"Rural counties" means all counties not designated by the U.S. Census as standard metropolitan area (SMA) counties.

"Skilled nursing facility" or *"SNF"* means any institution, place, building, or agency providing for a period exceeding 24 consecutive hours accommodation, board, and nursing services, the need for which is certified by a physician, to three or more individuals not related to the administrator or owner thereof within the third degree of consanguinity who by reason of illness, disease, or physical or mental infirmity require continuous nursing care services and related medical services but do not require hospital care. The nursing care services provided must be under the direction of a registered nurse on a 24-hour-per-day basis.

"Urban counties" means those counties designated by the U.S. Census as SMA counties.

124.4(3) *Availability and need.* (Iowa Code section 135.63(1)*"c," "d," "e," "g,"* and *"h"*)

a. The following formula shall be used as a means of projecting the approximate number of intermediate and skilled nursing care beds needed to serve the projected population five years into the future:

(1) Rural counties:

[.09(65 + population) + .0015 (64 – population)] × 110 percent equals total long-term care bed need

Combined SNF and ICF bed need equals 2/3 (total long-term care bed need)

Assumed RCF bed need equals 1/3 (total long-term care bed need).

(2) Urban counties:

[.07(65 + population) + .0015 (64 – population)] × 110 percent equals total long-term care bed need

Combined SNF and ICF bed need equals 2/3 (total long-term care bed need)

Assumed RCF bed need equals 1/3 (total long-term care bed need).

(3) Economic development authority population projections are adopted for use in the determination of long-term care bed need.

(4) The department of inspections, appeals, and licensing will calculate long-term care bed need figures annually, using population projections five years into the future.

b. For purposes of comparing "need" to "existing" beds in a given county, the following shall be considered in the calculation of "existing" beds:

(1) ICF and SNF beds licensed at freestanding facilities in the county.

(2) Additional ICF and SNF beds previously approved through certificate of need but not yet licensed.

(3) ICF and SNF beds in designated units in hospitals in the county.

c. The statistical calculation of bed need shall serve as a guideline for the department in reviewing need for the proposed long-term care beds. Other factors that may be considered by the department include but are not limited to:

(1) The availability and utilization of other ICF and SNF services in the county or within an applicant's service area.

(2) The availability and utilization of other long-term care services in nearby hospitals, such as skilled care available through the swing bed program.

(3) The availability of supportive living arrangements that may or may not be licensed as an RCF.

(4) The availability of home health and other in-home services.

(5) The availability of other services to the elderly.

(6) The availability of ICF and SNF services in neighboring counties.

(7) Utilization by out-of-state residents of facilities in counties bordering other states, where an applicant provides evidence that in-migration of long-term care patients exceeds out-migration to the bordering state.

(8) Programs and services directed at special populations whose needs cannot otherwise be met or whose needs cannot be met cost-effectively at other facilities.

d. In documenting need for a project, an applicant shall identify the service area and target population, including a description of the methodology used by the applicant in determining need for the requested beds and the expected sources of referrals. The applicant shall document that the number of beds requested is appropriate to address the identified need. The applicant shall also identify how the target population is currently being cared for and what hardship is being experienced by the absence of the proposed beds.

124.4(4) *Quality.* (Iowa Code section 135.63(1)*"i"* and *"k"*) An applicant shall document that the applicant has contacted the health and safety division of the department of inspections, appeals, and licensing to conform with physical standards, staffing requirements, and other licensing requirements to assess the potential for provision of quality care at the facility. When necessary, the applicant shall attempt to arrange an on-site visit to the facility to determine compliance with physical requirements and shall provide documentation of this site visit or attempts to arrange such a site visit.

124.4(5) *Continuity.* (Iowa Code section 135.63(1)*"g," "h,"* and *"k"*)

a. An applicant shall document the relationship of the facility's proposed services to other health and long-term care services in the community, such as physician and hospital services, habilitation, rehabilitation, transportation or other services. The facility should be capable of providing or arranging for the provision of a continuum of long-term care services.

b. A facility should be capable of providing or arranging for the provision of a comprehensive program of coordinated patient services. An applicant shall provide evidence of contracts for services, appropriate staffing patterns and ratios, and licensure of personnel as necessary.

124.4(6) *Accessibility and acceptability.* (Iowa Code section 135.63(1)*"c"* and *"d"*)

a. Population subgroups that have traditionally been underserved, such as adolescents, the elderly, women, racial minorities, mentally ill, intellectually disabled, and developmentally disabled, should be considered when planning for or reviewing long-term care facilities.

b. An applicant shall document to what extent Medicaid patients will be served by the proposed beds, using past Medicaid utilization as an indicator or, in the case of a new facility, projecting anticipated Medicaid utilization.

124.4(7) *Costs and financial feasibility.* (Iowa Code section 135.63(1)*"e," "f," "i,"* and *"p"*)

a. An applicant shall identify capital and operating costs associated with the project, identify sources of funding to cover those costs, and demonstrate that the project is financially feasible.

b. Construction costs shall be in line with construction costs of other similar projects.

c. An applicant shall provide budgets for the first three years of operation, including documentation of all assumptions used. The budget shall include anticipated sources of revenue, including the percentage of revenue from private pay, Medicaid, Medicare and other patient revenues.

d. Proposed charges per patient day should be justifiable when compared to current charges of other similarly licensed facilities in an applicant's service area or other similar facilities elsewhere in the state. If charges are significantly higher or lower, the applicant shall provide a description of proposed programs or services that explain the difference in charges.

These rules are intended to implement Iowa Code section 135.71.

441—124.5(135) MRI services standards.

124.5(1) *Purpose and scope.*

a. These standards are measures of some of those criteria in Iowa Code section 135.63(1)*"a"* through *"q."* Criteria that are measured by a standard are cited in parentheses following each standard.

b. Certificate of need applications that are to be evaluated against these standards include:

(1) Proposals to commence or expand the capacity of magnetic resonance imaging services.

(2) Proposals to replace a magnetic resonance imaging unit.

(3) Any other applications that relate to magnetic resonance imaging.

124.5(2) *Definitions.* The following definitions apply to the terms used in this rule:

"Area" means the community or a metropolitan statistical area (as defined by the U.S. Office of Management and Budget and used by the U.S. Census Bureau).

"Computed tomography" or *"CT"* means an imaging method in which a cross-sectional image of the structures in a body plane is reconstructed by a computer program from the X-ray absorption of beams projected through the body in the image plane.

"CT procedure" means a CT study of a single site of anatomic interest during an individual patient visit.

"Magnetic resonance imaging" or *"MRI"* means a diagnostic modality that employs a combination of magnetic and radio frequency fields and computers to produce images of body organs and tissues.

"MRI procedure" means each discrete MRI study of one patient.

"MRI unit" means the essential equipment and facility necessary to operate one MRI system.

124.5(3) *Availability and need.* (Iowa Code section 135.63(1)*"c," "d," "e," "g,"* and *"h"*)

a. An applicant in an area with no other MRI units. The applicant must document a future utilization of reasonably projected MRI procedure volume for the fiscal year period after projected installation.

b. An applicant in an area with one or more MRI units currently in operation or approved by certificate of need for operation.

(1) An applicant must meet the requirement of need described in paragraph 124.5(3)*"a,"* and

(2) The other MRI unit(s) within the area must have been operating at a minimum of 2,000 MRI procedures annually (or 500 in three months) or proportionately more if the MRI unit runs more than one ten-hour shift.

(3) If the annual utilization of the other MRI unit(s) within the area has been below 2,000 procedures, future utilization above that current level must be reasonably projected or reasons for permanently utilizing the equipment below the 2,000 procedure level must be demonstrated.

c. An applicant seeking to replace an MRI unit.

(1) An applicant must demonstrate that the existing MRI unit has been operating at the level of at least 3,000 procedures during the most recent annual period.

(2) If an applicant's annual utilization has been below 2,000 procedures, the applicant must reasonably project future utilization above that level or demonstrate reasons for permanently utilizing the equipment below that level.

d. An applicant seeking to add an additional MRI unit.

(1) An applicant must demonstrate that the existing MRI unit(s) has been operating at the level of at least 3,500 procedures during the most recent annual period.

(2) An applicant must demonstrate that the demand significantly exceeds the 2,000 procedures annually.

(3) If an applicant's annual utilization has been below 2,000 procedures, the applicant must reasonably project future utilization above that level or demonstrate reasons for permanently utilizing the equipment below that level.

124.5(4) *Quality and continuity.* (Iowa Code section 135.63(1)*"g," "h," "i,"* and *"k"*)

a. The proposed MRI unit should function as a component of a comprehensive inpatient or outpatient diagnostic service. The proposed MRI unit must have the following modalities on-site or through referral arrangements:

(1) Ultrasound.

(2) Computed tomography.

(3) Angiography.

(4) Nuclear medicine.

(5) Conventional radiography.

b. The proposed MRI unit must be located in a facility that has, either in-house or through referral arrangement, the resources necessary to treat most of the conditions diagnosed or confirmed by MRI. The following medical specialties must be available during MRI service hours on-site or by referral arrangements: neurology or neurosurgery, oncology and cardiology.

c. A proposal to provide a new or an expanded MRI must include satisfactory assurances that the services will be offered in a physical environment that conforms to federal standards, manufacturer's specifications, and licensing agencies' requirements.

d. An applicant must provide evidence that the proposed MRI equipment has been certified for clinical use by the U.S. Food and Drug Administration or will be operated under the approval and authority of an institutional review board whose membership is consistent with U.S. Department of Health and Human Services regulations.

e. An applicant for MRI should document that the necessary qualified staff are available to operate the proposed unit. The following minimum staff will be available to the MRI unit:

(1) A board-eligible or board-certified radiologist or any other board-eligible or board-certified licensed physician whose exclusive responsibility for at least a two-year period prior to submission of a certificate of need request has been in the acquisition and interpretation of clinical images. This individual shall have a knowledge of MRI through training, experience, or documented postgraduate education. The individual shall also have training with a functional MRI facility.

(2) Qualified engineering personnel, available to the institution during MRI service hours, with training and experience in the operation and maintenance of the MRI equipment.

(3) Diagnostic radiologic technologists or other certified technologists with expertise in CT or other cross-sectional imaging methods at a staffing level consistent with the hospital's expected MRI service volume.

(4) Other appropriate physicians shall be available during MRI service hours in clinical specialties, such as neurology or neurosurgery, oncology and cardiology.

f. An applicant shall demonstrate how emergencies within the MRI unit will be managed in conformity with accepted medical practice.

124.5(5) *Accessibility and acceptability.* (Iowa Code section 135.63(1)*"c"* and *"d"*)

a. An MRI facility should have adequate scheduled hours to avoid an excessive backlog of cases and to meet the needs of the communities the scanners are meant to serve.

b. Selection of patients for clinical MRI studies must guarantee equal access to all persons regardless of insurance coverage or ability to pay.

124.5(6) *Costs and financial feasibility.* (Iowa Code section 135.63(1)*"e," "f," "i,"* and *"p"*)

a. An applicant shall identify capital and operating costs associated with the proposed MRI unit, identify sources of funding to cover those costs, and demonstrate that the project is financially feasible.

b. An applicant shall provide budgets for the first three years of operation, including documentation and justification of all assumptions used.

c. An applicant must document its projected average cost per procedure and charge per procedure for the first three years. Charges for an MRI should be reasonably related to service cost and comparable to MRI charges at other facilities in the state.

d. An applicant shall demonstrate that alternatives were considered and the proposed application is the most cost-effective and will accomplish the goals of the project.

441—124.6(135) PET services standards.

124.6(1) *Purpose and scope.*

a. These standards are measures of some of those criteria in Iowa Code section 135.63(1)*"a"* through *"q."* Criteria that are measured by a standard are cited in parentheses following each standard.

b. Certificate of need applications that are to be evaluated against these standards include:

(1) Proposals to commence or expand the capacity of positron emission tomography services.

(2) Proposals to replace a positron emission tomography unit.

(3) Any other applications that relate to positron emission tomography.

124.6(2) *Definitions.* The following definitions apply to the terms used in this rule:

"Area" means the community or a metropolitan statistical area (as defined by the U.S. Office of Management and Budget and used by the U.S. Census Bureau).

"Computed tomography" or *"CT"* means an imaging method in which a cross-sectional image of the structures in a body plane is reconstructed by a computer program from the X-ray absorption of beams projected through the body in the image plane.

"Cyclotron" means an apparatus for accelerating protons or neutrons to high energies by means of a constant magnet and an oscillating electric field.

"Magnetic resonance imaging" or *"MRI"* means a diagnostic modality that employs a combination of magnetic and radio frequency fields and computers to produce images of body organs and tissues.

"PET procedure" means an image-scanning sequence derived from a single administration of PET, equated with a single injection of the tracer.

"Positron emission tomography" or *"PET"* means an imaging method in which positron-emitting radionuclides, which are produced either by a cyclotron or generator, and a nuclear camera are used to create pictures of organ function rather than structure.

"Radiopharmaceutical" means a radioactive pharmaceutical used for diagnostic or therapeutic purposes.

"Single photon emission computed tomography" or *"SPECT"* means a camera-based imaging system using the radionuclides in the routine practice of nuclear medicine.

124.6(3) *Availability and need.* (Iowa Code section 135.63(1)*"c," "d," "e," "g,"* and *"h"*)

a. An applicant in an area with no other PET units.

(1) An applicant should demonstrate a reasonable potential utilization of a PET unit based on diversified inpatient and outpatient case mix thresholds, including:

1. Intracranial cases.

- Primary brain tumors: 50 per year.
- Metastasis: 100 per year.
- Cerebral vascular disease: 200 per year.
- Organic brain disease and dementia/psychiatric diagnoses (including epilepsy-seizure disorders): 500 per year.
- Spinal: 100 per year.

2. Cardiovascular cases.

- Ischemic heart disease (including acute and chronic infarction): 1,200 per year.

3. Neoplasms (head, neck, thorax (excluding heart), abdomen, pelvic, prostate and musculoskeletal): 1,300 per year.

(2) An applicant should have other diagnostic capabilities, on-site or through referral arrangements, with appropriate volumes including:

	Proposed Threshold
Nuclear medicine imaging services	5,600
Single photon emission computed tomography (including brain, bone, liver, gallium and thallium stress)	1,600
CT	8,000
MRI	2,400

(3) An applicant should demonstrate secondary and tertiary service capability, on-site or through referral arrangements, including cardiac surgery, cardiology, internal medicine, general surgery, hematology/oncology, neurology, pathology, thoracic surgery and psychiatry.

b. An applicant in an area with one or more PET units currently in operation or approved by the certificate of need program for operation.

Existing PET units within the area (whether basic or enhanced) should have been operating at a minimum of 1,000 PET procedures during the most recent annual period as reported to the certificate of need program according to paragraph 124.6(4)*"e."*

124.6(4) *Quality and continuity.* (Iowa Code section 135.63(1)*"g," "h," "i,"* and *"k"*)

a. A proposed PET unit should function as a component of a comprehensive inpatient or outpatient diagnostic service. The proposed PET unit should have the following modalities (and capabilities) on-site or through referral arrangements:

(1) CT.

(2) MRI.

(3) Nuclear medicine—cardiac, SPECT.

(4) Conventional radiography.

b. A proposed PET unit should be located in a facility that has, either in-house or through referral arrangement, the resources necessary to treat most of the conditions diagnosed or confirmed by PET. The following medical specialties should be available during PET service hours on-site or by referral arrangements: cardiology, neurology, neurosurgery, oncology, and psychiatry.

c. A proposal to provide new or expanded PET must include satisfactory assurances that services will be offered in a physical environment that conforms to federal standards, manufacturer's specifications, and licensing agencies' requirements. The following areas are to be addressed:

(1) Quality control and assurance of radiopharmaceutical production of generator- or cyclotron-produced agents;

(2) Quality control and assurance of PET tomograph and associated instrumentation;

(3) Radiation protection and shielding;

(4) Radioactive emissions to the environment.

d. An applicant will provide evidence that the proposed PET equipment has been certified for clinical use by the U.S. Food and Drug Administration or will be operated under the approval and authority of an institutional review board whose membership is consistent with U.S. Department of Health and Human Services regulations.

e. An applicant for PET will document that the necessary qualified staff are available to operate the proposed unit. The applicant will document the PET training and experience of the staff. The following minimum staff will be available to the PET unit:

(1) One or more nuclear medicine imaging physician(s) available to the PET unit who have been licensed by the state for the handling of medical radionuclides and whose primary responsibility for at least a one-year period prior to submission of the certificate of need application has been in acquisition and interpretation of tomographic images. This individual shall have knowledge of PET through training, experience, or documented postgraduate education. The individual shall also have training with a functional PET facility.

(2) Qualified PET radiochemist or radiopharmacist personnel available to the facility during PET service hours with at least one year of training. The individual(s) will demonstrate experience in the testing of chemical, radiochemical, and radionuclidic purity of PET radiopharmaceutical syntheses.

(3) Qualified engineering and physics personnel available to the facility during PET service hours with training and experience in the operation and maintenance of the PET equipment.

(4) Qualified radiation safety personnel available to the facility at all times with training and experience in the handling of short-lived positron-emitting nuclides.

(5) Certified nuclear medicine technologists with expertise in computed tomographic nuclear medicine imaging procedures at a staffing level consistent with the proposed center's expected PET service volume.

(6) Other appropriate personnel should be available during PET service hours, which may include certified nuclear medicine technologists, computer programmers, nurses, and radiochemistry technicians.

f. An applicant will demonstrate how emergencies within the PET unit will be managed in conformity with accepted medical practice.

124.6(5) *Accessibility and acceptability.* (Iowa Code section 135.63(1)*"c"* and *"d"*)

a. A PET facility should have adequate scheduled hours to avoid an excessive backlog of cases.

b. Selection of patients for clinical PET studies will guarantee equal access to all persons regardless of insurance coverage or ability to pay.

c. In addition to accepting patients from participating institutions, a facility performing clinical PET procedures should accept appropriate referrals from other local providers. These patients will be accommodated to the extent possible by extending the hours of service and by prioritizing patients according to standards of need and appropriateness rather than source of referral.

124.6(6) *Costs and financial feasibility.* (Iowa Code section 135.63(1)*"e," "f," "i,"* and *"p"*)

a. An applicant will identify capital and operating costs associated with a proposed PET unit, identify sources of funding to cover those costs, and demonstrate that the project is financially feasible.

b. An applicant will provide budgets for the first three years of operation, including documentation and justification of all assumptions used.

c. An applicant will document its projected average cost per procedure and charge per procedure for the first three years. Charges for PET should be reasonably related to service cost and comparable to PET charges at other facilities in the state.

d. An applicant should verify whether the service is eligible for reimbursement by public and private third-party payers.

e. An applicant should demonstrate that alternatives were considered and the proposed application is the most cost-effective and should accomplish the goals of the project.

These rules are intended to implement Iowa Code sections 135.61 through 135.78.

Regulatory Analysis

Notice of Intended Action to be published: 481—Chapter 5
"Public Records and Fair Information Practices"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 10A.104(5), 17A.24(3), 22.3, and 22.11

State or federal law(s) implemented by the rulemaking: Iowa Code chapters 10A, 22, and 272C

Public Hearing

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

November 18, 2025	6200 Park Avenue
2:30 to 3 p.m.	Des Moines, Iowa

Virtual participation information will be available on the Department of Inspections, Appeals, and Licensing website prior to the hearing.

Public Comment

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

Jeremiah Junker
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321
Phone: 515.672.4745
Email: jeremiah.junker@dia.iowa.gov

Purpose and Summary

This proposed rulemaking repromulgates Chapter 5 and implements Iowa Code chapters 10A, 22, and 272C in accordance with the goals and directives of Executive Order 10.

This proposed chapter provides procedures for requesting access to public records, including location of records and potential fees to access the records. This proposed chapter also provides direction on what records can be released without providing consent to the subject of the record, instances where a subject can provide consent to release a confidential record, and the availability of public records.

Analysis of Impact

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

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

The Department may incur costs associated with implementing or enforcing this chapter; however, such costs arise from the Department's statutorily required duty to provide inspection of open records pursuant to Iowa Code chapter 22. Parties requesting records pursuant to Iowa Code chapter 22 and this chapter may incur costs the Department may charge for expenses incurred in supervising the examination and copying of requested records or preparing the production of requested records as allowed by Iowa Code chapter 22.

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

The Department and parties requesting records pursuant to Iowa Code chapter 22 and this chapter will benefit from standard procedures and clear guidance for uniform implementation of the Department's public records responsibilities.

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:**

Parties requesting records may incur quantitative costs since the Department may charge for expenses incurred in supervising the examination and copying of requested records or preparing the production of requested records as allowed by Iowa Code chapter 22. Such costs will vary greatly based on the size and complexity of the request, and many requesters will not incur such costs as this chapter provides that no such fees will be charged until supervision or other time necessary is in excess of three hours. Additionally, while the Department incurs quantitative costs to implement and enforce this chapter, such costs are incurred pursuant to the Department's statutorily required duty to provide inspection of open records pursuant to Iowa Code chapter 22.

- **Qualitative description of impact:**

The Department incurs indirect, qualitative costs by the nature of having to comply with the requirements of this chapter. However, such costs of compliance are incidental to the Department's statutorily required duty to provide inspection of open records pursuant to Iowa Code chapter 22.

3. **Costs to the State:**

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

There are no specific costs to the Department to implement or enforce this chapter outside of any costs associated with the Department's statutorily required duty to provide inspection of open records pursuant to Iowa Code chapter 22.

- **Anticipated effect on State revenues:**

Generally, this proposed rulemaking has no anticipated effect on State revenues. Some fees from parties requesting records may be collected pursuant to Iowa Code chapter 22 and this chapter, but such fees only occur to cover Department expenses in responding to the request.

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

Both the Department and parties requesting records will benefit from standard procedures and clear guidance for uniform implementation of the Department's public records responsibilities. Meanwhile, all costs incurred related to this chapter are allowed or required by statute. Additionally, Iowa Code section 22.11(1) requires adoption of various rules related to open records, so inaction is not an option.

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

Much of this proposed rulemaking is required by or facilitates the Department's compliance with Iowa Code chapter 22. This proposed rulemaking does increase the threshold before which the Department begins charging requesters for Department expenses from one hour in the existing rules to three hours in this proposed rulemaking.

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

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

As noted above, an alternative that was seriously considered and is being adopted in this proposed rulemaking is increasing the threshold before which the Department begins charging requesters for Department expenses. In practice, the Department often did not begin charging expenses until supervising the examination of requested records or preparing the production of requested records exceeded three hours, even under the existing threshold of one hour. So, this proposed rule change better reflects Department practice while also promoting and expanding requesters' access to open records before costs are incurred.

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

See the responses in Sections 5 and 6.

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 applies equally to all businesses and members of the public and is not believed to have any adverse impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 481—Chapter 5 and adopt the following **new** chapter in lieu thereof:

CHAPTER 5
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

The department of inspections, appeals, and licensing hereby adopts, with the following exceptions, amendments, and additions, the Uniform Rules of Agency Procedure relating to public records and fair information practices, which are published on the Iowa general assembly's website at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf. These rules are applicable to any division, board, or commission under the administrative authority of the department pursuant to Iowa Code chapter 10A unless a division, board, or commission has separate rulemaking authority and has adopted rules governing public records and fair information practices.

481—5.1(10A,17A,22) Definitions. As used in this chapter:

"Agency." In lieu of the words "(official or body issuing these rules)", insert "department of inspections, appeals, and licensing (the 'department') or any division, board, or commission under the administrative authority of the department pursuant to Iowa Code chapter 10A, as applicable".

"Custodian" means an agency that owns and exercises control over public records. The originating agency, if any, is the custodian of records that are used to perform work or a service for the originating agency.

"Law enforcement official" means an officer or employee of any agency or authority of the United States, a state, a territory, a political subdivision of a state or territory, or an Indian tribe that is empowered by law to:

1. Investigate or conduct an official inquiry into a potential violation of law; or
2. Prosecute or otherwise conduct a criminal, civil, or administrative proceeding arising from an alleged violation of law.

"Originating agency" means any government agency that has requested the department to perform work or a service on its behalf. An originating agency retains custody of all records provided by the originating agency to the department pursuant to Iowa Code section 10A.105.

481—5.3(17A,22) Requests for access to records.

5.3(1) *Location of record.* A request for access to a record should be directed to the department through its website at dial.iowa.gov or through iowaopenrecords.nextrequest.com.

5.3(2) *Office hours.* Open records will be made available during all customary office hours, which are 8 a.m. to 4:30 p.m., Monday through Friday except legal holidays.

5.3(3) *Request for access.* Requests for access to open records may be made in writing, in person, by facsimile, email, or other electronic means, or by telephone. Requests shall identify the particular records sought by name or description in order to facilitate the location of the record. Mail or telephone requests shall include the name, address, and telephone number of the person requesting the information. A person shall not be required to give a reason for requesting an open record.

5.3(7) *Fees.*

c. *Supervisory fee.* An hourly fee may be charged for agency expenses in supervising the examination and copying of requested records or preparing the production of requested records when the supervision or other time necessary is in excess of three hours or otherwise as permitted by Iowa Code chapter 22. The agency will prominently post or otherwise advise the requester of the hourly fees to be charged for supervision of records during examination and copying or preparation of records for production. That hourly fee shall not be in excess of the hourly wage of an agency employee who ordinarily would be appropriate and suitable to perform that function.

481—5.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records. Strike the words "or to (designate office)".

481—5.7(17A,22) Consent to disclosure by the subject of a confidential record. To the extent permitted by any applicable provision of law, a person who is the subject of a confidential record may have a copy of the portion of that record concerning the subject disclosed to a third party. A request for such a disclosure must be in writing and must identify the particular record or records that may be disclosed, and the particular person or class of persons to whom the record may be disclosed (and, where applicable, the time period during which the record may be disclosed). The person who is the subject of the record and, where applicable, the person to whom the record is to be disclosed, may be required to provide proof of identity. (Additional requirements may be necessary for special classes of records.) Appearance of counsel before the agency on behalf of a person who is the subject of a confidential record is deemed to constitute consent for the agency to disclose records about that person to the person's attorney. This rule does not allow the subject of a record that is confidential under Iowa Code section 272C.6(4) to consent to its release.

481—5.9(17A,22) Disclosures without the consent of the subject.

5.9(1) Open records are routinely disclosed without the consent of the subject.

5.9(2) To the extent allowed by law, disclosure of confidential records may occur without the consent of the subject. The following are instances where disclosure, if lawful, will generally occur without notice to the subject:

a. For a routine use as defined in rule 481—5.10(17A,22) or in the notice for a particular record system.

b. To a recipient who has provided the agency with advance written assurance that the record will be used solely as a statistical research or reporting record provided that the record is transferred in a form that does not identify the subject.

c. To another government agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil, administrative, or criminal law enforcement activity if the activity is authorized by law and if an authorized representative of such government

agency or instrumentality has submitted a written request to the agency specifying the record desired and the law enforcement activity for which the record is sought.

d. To an individual pursuant to a showing of compelling circumstances affecting the health or safety of any individual if a notice of the disclosure is transmitted to the last-known address of the subject.

e. To the legislative services agency under Iowa Code section 2A.3.

f. Disclosures in the course of employee disciplinary proceedings.

g. In response to a court order or subpoena.

h. To other licensing authorities as described in Iowa Code section 272C.6(4).

i. To the office of ombudsman pursuant to Iowa Code section 2C.9.

j. To the child support recovery unit or centralized collection unit of the department of revenue for the purpose of identifying licensees or applicants subject to enforcement pursuant to Iowa Code chapters 252J and 272D, respectively.

481—5.10(17A,22) Routine use. "Routine use" means the disclosure of a record without the consent of the subject or subjects, for a purpose that is compatible with the purpose for which the record was collected. It includes disclosures mandated by statute other than the public records law, Iowa Code chapter 22. To the extent allowed by law, the following uses are considered routine uses of all agency records:

5.10(1) Disclosure to those officers, employees, and agents of the department or the originating agency as necessary to administer the program for which the information is collected and as necessary to administer a program within the other entity. The custodian of the record may, upon request of any officer or employee, or on the custodian's own initiative, determine what constitutes legitimate need to use confidential records.

5.10(2) Disclosure of information indicating an apparent violation of the law to appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

5.10(3) Transfers of information within the agency, to other state agencies, to local and federal units of government, or to national associations as appropriate to administer the program for which the information is collected.

5.10(4) Information released to staff of federal and state entities for audit purposes or for purposes of determining whether the agency is operating a program lawfully.

5.10(5) Any disclosure specifically authorized by the statute under which the record was collected or maintained.

5.10(6) Information transferred to any originating agency when the department has completed the authorized work.

481—5.11(17A,22) Consensual disclosure of confidential records.

5.11(1) *Consent to disclosure by a subject individual.* To the extent permitted by law, the subject may consent in writing to agency disclosure of confidential records as provided in rule 481—5.7(17A,22).

5.11(2) *Complaints to public officials.* A letter from a subject of a confidential record to a public official that seeks the official's intervention on behalf of the subject in a matter that involves the agency may, to the extent permitted by law, be treated as an authorization to release sufficient information about the subject to the official to resolve the matter.

5.11(3) *Obtaining information from a third party.* The department occasionally requests personally identifiable information from third parties during the course of its authorized audits, investigations, hearings or inspections. Requests to third parties for this information that involve the release of confidential identifying information will be made in accordance with the department's pertinent statutory authority. Where necessary, the department will obtain from the subject individual

an authorization for the release of specially protected information on a form that meets any legal mandates, including alcohol and drug abuse patient information.

481—5.12(17A,22) Release to subject.

5.12(1) A written request to review confidential records may be filed by the subject of the record as provided in rule 481—5.6(17A,22). The department need not release the following records to the subject:

a. The identity of a person providing information to the agency need not be disclosed directly or indirectly to the subject of the information when the information is authorized to be held confidential pursuant to Iowa Code section 22.7(18) or other provision of law.

b. The work product of an attorney, a hearing officer's personal notations to be used by the hearing officer and not intended for public dissemination, or otherwise privileged records.

c. Investigative reports, except as required by Iowa Code section 22.7(5) or other provision of law.

d. Information in licensee complaint and investigation files maintained for licensee discipline required to be withheld from the subject prior to filing formal charges and the notice of hearing in a licensee disciplinary proceeding, except any files that can be provided in accordance with Iowa Code section 10A.506(9).

e. Others authorized by state or federal law.

5.12(2) Where a record has multiple subjects with interest in the confidentiality of the record, the department may take reasonable steps to protect confidential information relating to another subject.

481—5.13(17A,22) Availability of records.

5.13(1) *Open records.* Agency records are open for public inspection and copying unless otherwise provided by rule or law.

5.13(2) *Confidential records.* Iowa Code chapters governing the operations of the agency establish the confidential nature of many agency records. The following is a nonexhaustive list of records that may be withheld from public inspection:

a. Sealed bids received prior to the time set for public opening of bids protected by Iowa Code section 72.3.

b. Tax records made available to the agency protected by Iowa Code section 422.20 or 422.72 or 26 U.S.C. Section 7213(a)(2).

c. Exempt records under Iowa Code section 22.7.

d. Minutes of closed meetings of a government body under Iowa Code section 21.5(5).

e. Identifying details in final orders, decisions and opinions to the extent necessary to prevent a clearly unwarranted invasion of personal privacy or trade secrets under Iowa Code section 17A.3(1)*"b."*

f. Pursuant to Iowa Code sections 17A.2 and 17A.3, portions of department staff manuals, instructions or other statements issued that set forth criteria or guidelines to be used by department staff in auditing, in making inspections, in settling commercial disputes or negotiating commercial arrangements, or in the selection or handling of cases, such as operational tactics or allowable tolerances or criteria for the defense, prosecution or settlement of cases, when disclosure of these statements would:

(1) Enable law violators to avoid detection;

(2) Facilitate disregard of requirements imposed by law; or

(3) Give a clearly improper advantage to persons who are in an adverse position to the agency pursuant to Iowa Code sections 17A.2 and 17A.3.

g. Records that constitute attorney work product or attorney-client communications or that are otherwise privileged. Attorney work product is confidential under Iowa Code sections 22.7(4), 622.10 and 622.11; Iowa Rule of Civil Procedure 1.503(3); Fed. R. Civ. P. 26(b)(3); and case law.

Attorney-client communications are confidential under Iowa Code sections 622.10 and 622.11, the rules of evidence, the Code of Professional Responsibility, and case law.

h. Records or portions of records protected pursuant to Iowa Code section 515A.13.

i. Records or portions of records containing social security numbers protected by 42 U.S.C. Section 405(c)(2)(C)(viii).

j. Records of hearings that are closed to the public pursuant to Iowa Code section 272C.6(1) are confidential under Iowa Code section 21.5(4). However, upon transmittal to the district court in accordance with Iowa Code section 17A.19(6) for judicial review, the record is not confidential unless so ordered by the district court. Unlicensed hearing files are open to the public.

k. Minutes and tapes of closed meetings pursuant to Iowa Code section 21.5(4).

l. Information or records made confidential by law.

481—5.14(17A,22) Authority to release confidential records. The department may have discretion to disclose some confidential records that are exempt from disclosure under Iowa Code section 22.7 or other law. Any person may request permission to inspect records withheld from inspection under a statute that authorizes limited or discretionary disclosure as provided in rule 481—5.4(17A,22). If the department initially determines that it will release these records, the department may notify interested parties and withhold the records from inspection as provided in subrule 5.4(3).

481—5.15(17A,22) Personally identifiable information, storage, and data processing systems. The department maintains systems of records that contain personally identifiable information. Records are collected in accordance with the agency's duties set forth in Iowa Code chapters 10A and 272C and other state and federal law governing programs administered by the agency. Specific personally identifiable information collected and the agency's authority to collect said information is contained in pertinent Iowa Code sections and Iowa Administrative Code rules governing such programs. The department stores information in paper and on a cloud-based system and other electronic data management and storage systems. All data processing systems that have common data elements can potentially match, collate, and compare personally identifiable information as appropriate and legally authorized.

481—5.16(17A,22) Applicability. This chapter does not:

5.16(1) Obligate the agency to index or retrieve records that contain information about persons by that person's name or other personal identifier.

5.16(2) Make available to the general public records that would otherwise not be available under the public records law, Iowa Code chapter 22.

5.16(3) Govern the maintenance of, disclosure of, notification of or access to records in the possession of the agency that are governed by the rules of another agency.

5.16(4) Apply to grantees, including local governments or subdivisions thereof, administering state-funded programs unless otherwise provided by law or agreement.

5.16(5) Make available records compiled by the agency in reasonable anticipation of court litigation or formal administrative proceedings. The availability of such records to the general public or to any subject, person or party to such litigation or proceedings is governed by applicable legal and constitutional principles, statutes, rules of discovery, evidentiary privileges, and applicable rules of the agency.

5.16(6) Obligate the agency to create, compare or procure a record solely for the purpose of making it available.

These rules are intended to implement Iowa Code chapters 10A, 22, and 272C.

INSPECTIONS AND APPEALS DEPARTMENT[481]

Regulatory Analysis

Notice of Intended Action to be published: 481—Chapter 9
"Contested Cases"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 10A.104(5)
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 10A and 17A

Public Hearing

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

November 18, 2025	6200 Park Avenue
2:30 to 3 p.m.	Des Moines, Iowa

Virtual participation information will be available on the Department of Inspections, Appeals, and Licensing website prior to the hearing.

Public Comment

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

Jeremiah Junker
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321
Phone: 515.672.4745
Email: jeremiah.junker@dia.iowa.gov

Purpose and Summary

This proposed rulemaking repromulgates Chapter 9 and implements Iowa Code chapters 10A and 17A in accordance with the goals and directives of Executive Order 10. The purpose of this proposed chapter is to provide standard procedures for contested cases conducted under the authority of the Department in which the director of the Department is the final decision-making authority. These proposed rules include deadlines and procedures for the initiation of a contested case proceeding, seeking director review of a proposed decision, requesting a rehearing, and seeking judicial review.

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 is applicable only to individuals engaged in a contested case hearing conducted under the authority of the Department in which the director of the Department is the final decision-making authority. Accordingly, the Department and individuals subject to the Department's regulatory authority are the classes of persons that could bear costs of this proposed rulemaking.

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

This proposed rulemaking ensures due process and clear and consistent procedures are applicable to contested case hearings conducted under the authority of the Department in which the director of the Department is the final decision-making authority. Accordingly, the Department and individuals

subject to the Department's regulatory authority are the classes of persons that benefit from 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:**

There is no quantitative impact directly associated with this proposed rulemaking. It merely prescribes deadlines and procedures associated with contested cases governed by Iowa Code chapter 17A, which largely governs contested case procedures.

- **Qualitative description of impact:**

These proposed rules ensure individuals engaged in contested case hearings conducted under the authority of the Department in which the director of the Department is the final decision-making authority are provided clear rules delineating the individual's rights and responsibilities when a contested case is initiated. These proposed rules merely fill in the gaps left by Iowa Code chapter 17A by prescribing deadlines and procedures to ensure due process is afforded to each litigant.

3. **Costs to the State:**

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

Costs to the Department include costs associated with hearing contested cases as described by Iowa Code chapter 17A, but there are no costs specifically incurred in association with this proposed rulemaking.

- **Anticipated effect on State revenues:**

This proposed rulemaking has no anticipated effect on State revenues.

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

There are no specific financial costs to implement or enforce this proposed rulemaking outside of any costs associated with the Department's statutory duties identified within Iowa Code chapter 10A or 17A or other pertinent chapters associated with programs implemented by the Department. The costs of this proposed rulemaking are directly associated with the Department's general functions, and this proposed rulemaking does not add to the costs of the Department or public in excess of general functions.

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

No less costly or less intrusive methods were identified. The Department has already taken a minimally restrictive path in implementing its statutory duty pursuant to Iowa Code chapters 10A and 17A.

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

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

See the response in Section 5.

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

See the response in Section 5.

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 applies equally to all businesses and members of the public and is not believed to have any adverse impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 481—Chapter 9 and adopt the following **new** chapter in lieu thereof:

CHAPTER 9
CONTESTED CASES

481—9.1(10A,17A) Applicability. This chapter applies to contested case proceedings conducted under the authority of the department in which the director of the department is the final decision-making authority.

481—9.2(10A,17A) Initiation of a contested case proceeding. The department may initiate a contested case proceeding upon request or its own initiative. The department will transmit the proceeding to the administrative hearings division, which will assign the proceeding to an administrative law judge to serve as the presiding officer and issue a notice of hearing. Contested case proceedings are conducted pursuant to 481—Chapter 10 and any other administrative rule applicable to the specific type of proceeding.

481—9.3(10A,17A) Director review.

9.3(1) A request for review of a proposed decision shall be made within 15 days of issuance of the proposed decision unless otherwise provided by statute. Requests shall be mailed or delivered by either party to the Director, Department of Inspections, Appeals, and Licensing, 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321. Failure to request review precludes judicial review unless the department reviews on its own motion, as follows. The department may review a proposed decision upon its own motion within 15 days of issuance of the proposed decision.

9.3(2) A review is based on the record and limited to issues raised in the hearing. The issues shall be specified in the party's request for review.

9.3(3) Each party shall have the opportunity to file exceptions and present briefs. The director or a designee of the director may set deadlines for submission of briefs. When the director or the director's designee consents, oral arguments may be presented. A party interested in making an oral argument shall specifically request it. All parties will be notified of the scheduled time and place in advance.

9.3(4) The director or the director's designee shall not take any further evidence with respect to issues of fact heard in the hearing, except as follows. Application may be filed for leave to present evidence in addition to that found in the record of the case. If it is shown to the satisfaction of the director or the director's designee that the additional evidence is material and that there were good reasons for failure to present it in the hearing, the director or the director's designee may order the additional evidence taken upon conditions determined by the director or the director's designee.

9.3(5) Final decisions shall be issued by the director or the director's designee.

481—9.4(10A,17A) Rehearing. Requests for rehearing shall be made to the director of the department within 20 days of issuance of a final decision. A rehearing may be granted when new

legal issues are raised, when new evidence is available, when the decision failed to include adequate findings or conclusions, or to correct an obvious mistake. A request for rehearing is not necessary to exhaust administrative remedies.

481—9.5(10A,17A) Judicial review. Judicial review of the department's final decisions may be sought in accordance with Iowa Code section 17A.19.

These rules are intended to implement Iowa Code chapters 10A and 17A.

INSPECTIONS AND APPEALS DEPARTMENT[481]

Regulatory Analysis

Notice of Intended Action to be published: 481—Chapters 10 and 11
"Rules of Procedure and Practice Before the Administrative Hearings Division; Procedure for Contested Cases Involving Permits to Carry Weapons and Acquire Firearms"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 10A.104(5), 10A.801(7), and 724.21A(6)

State or federal law(s) implemented by the rulemaking: Iowa Code chapters 10A, 17A, and 724

Public Hearing

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

November 18, 2025	6200 Park Avenue
3:30 to 4 p.m.	Des Moines, Iowa

Virtual participation information will be available on the Department of Inspections, Appeals, and Licensing website prior to the hearing.

Public Comment

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

Jeremiah Junker
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321
Phone: 515.672.4745
Email: jeremiah.junker@dia.iowa.gov

Purpose and Summary

This proposed rulemaking repromulgates Chapters 10 and 11 and implements Iowa Code chapters 10A, 17A, and 724 in accordance with the goals and directives of Executive Order 10.

This proposed rulemaking establishes rules of procedure for the Department's Administrative Hearings Division (AHD), which hears contested cases for various State of Iowa agencies and disciplinary hearings for licensing boards. In fiscal year 2025, AHD's Central Panel Bureau (CPB), consisting of 17 administrative law judges, received a total of 11,021 cases and closed 11,334 cases pursuant to the rules of procedure established by the original chapter. Specifically, CPB received 6,769 cases and closed 6,807 cases from the Department of Health and Human Services; received 3,015 cases and closed 3,286 cases from the Department of Transportation; and received 1,237 cases and closed 1,241 cases from other State or local agencies.

Additionally, this proposed rulemaking consolidates the existing Chapter 11, "Procedure for Contested Cases Involving Permits to Carry Weapons and Acquire Firearms," with the general rules of procedure and practice in Chapter 10 into a unified chapter.

Analysis of Impact

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

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

Parties before the AHD may incur costs by the nature of needing to meet the procedural rules of this proposed rulemaking.

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

The AHD and parties before the AHD will benefit from this proposed rulemaking since having procedural rules improves efficiency, promotes fairness, and encourages consistency compared to a lack of procedural rules.

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:**

Generally, there are no direct costs incurred to comply with this proposed rulemaking.

However, in contested cases involving permits to carry weapons and acquire firearms, persons who wish to appeal the denial, suspension, or revocation of an applicable permit incur a direct cost in the form of a $10 fee to file the appeal, but this fee is statutorily established by Iowa Code section 724.21A(2). Additionally, appellants and government parties to the appeal are potentially subject to direct costs in the form of court costs and reasonable attorney fees of the prevailing party, but this is also statutorily established by Iowa Code section 724.21A(8).

- **Qualitative description of impact:**

Parties may indirectly incur costs by the nature of needing to meet the requirements of this proposed rulemaking. However, the indirect costs of compliance can vary based on the size and/or complexity of the matter and are not easily quantifiable, and all parties are subject to the same rules of procedure and associated costs of compliance. Finally, compared to not having any costs of compliance (i.e., not having any procedural rules), having procedural rules improves efficiency, promotes fairness, and encourages consistency.

3. **Costs to the State:**

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

There are not any identifiable costs to AHD or to the Department associated with this proposed rulemaking. Rather, because this proposed rulemaking provides consistent and defined procedures for proceedings before AHD, this proposed rulemaking improves efficiency for AHD and the Department when compared to a lack of procedural rules.

- **Anticipated effect on State revenues:**

This proposed rulemaking has no anticipated effect on State revenues.

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

As for direct costs, as noted above, all direct costs are set by the Iowa Code and are not impacted by this proposed rulemaking. As for indirect costs of compliance, having procedural rules improves efficiency, promotes fairness, and encourages consistency in AHD proceedings compared to a lack of procedural rules.

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

In AHD and the Department's opinion, this proposed rulemaking establishes fair and sound procedural guidelines, and making these proposed rules less restrictive would undermine that. Notably, these proposed rules apply equally to all parties in a proceeding.

Finally, compared to the existing rules, these proposed rules have been streamlined, clarified, and made less restrictive when possible in accordance with the goals and directives of Executive Order 10. Additionally, this proposed rulemaking consolidates two existing chapters of the Iowa Administrative Code into this single proposed chapter.

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

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

The alternatives that were seriously considered by the Department (consolidation of Chapters 10 and 11 and conforming subpoena rules with those in the Iowa Rules of Civil Procedure) are included in this proposed rulemaking.

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

See response in Sections 5 and 6.

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. To the extent a small business is a party in a proceeding before AHD and is impacted by these proposed rules, the impact should not be substantial and the rules apply uniformly to all parties in the proceeding.

Text of Proposed Rulemaking

ITEM 1. Rescind 481—Chapter 10 and adopt the following **new** chapter in lieu thereof:

CHAPTER 10
RULES OF PROCEDURE AND PRACTICE BEFORE
THE ADMINISTRATIVE HEARINGS DIVISION

481—10.1(10A) Scope and application. To the extent not otherwise provided by law of the transmitting agency or licensing board, this chapter applies to all contested case proceedings before the division or for which an ALJ is assisting another agency or board.

481—10.2(10A) Definitions.

"AEDMS" means the administrative electronic document management system, which is the division's electronic filing and case management system.

"Agency" means the same as defined in Iowa Code section 17A.2(1) or a governmental entity pursuant to Iowa Code section 10A.801(5), which has original subject matter jurisdiction in the contested case.

"ALJ" means the administrative law judge, who is the person who presides over or assists with contested cases and other proceedings.

"Board" means a licensing board as defined in Iowa Code section 272C.1(6).

"Division" means the division of administrative hearings in the department of inspections, appeals, and licensing (DIAL).

"Issuance" means the date of a decision or order, mailing of a decision or order, or date of delivery if service is by other means.

"Presiding officer" means any person or body who acts as a presiding officer of a contested case proceeding under the authority of Iowa Code section 17A.11(1).

"Proposed decision" means the ALJ's recommended findings of fact, conclusions of law, and decision and order in contested cases where the agency did not preside.

481—10.3(10A,17A) Time requirements. Time shall be computed as provided in Iowa Code section 4.1(34). For good cause, the presiding officer may extend or shorten the time to take any action, except as provided otherwise by rule or law.

481—10.4(10A) Requests for a contested case hearing. Requests for a contested case hearing are made to the agency with subject matter jurisdiction. That agency shall determine whether to initiate a contested case proceeding.

481—10.5(10A) Transmission of contested cases.

10.5(1) The agency shall transmit the matter either by creating a new case in AEDMS or by submitting a transmittal form. The following information is required:

a. The name of the transmitting agency;

b. The name, address, email address, and telephone number of the contact person in the transmitting agency;

c. The name or title of the proceeding;

d. Any agency docket or reference number;

e. A citation to the jurisdictional authority of the agency regarding the matter in controversy;

f. Any anticipated special features or requirements that may affect the hearing;

g. Whether the hearing should be held in person, by telephone, or by video conference call;

h. Any special legal or technical expertise needed to resolve the issues in the case;

i. The names, phone numbers, email addresses, and addresses of all parties and their attorneys or other representatives;

j. The date the request for a contested case hearing was received by the agency;

k. A statement of the issues involved and a reference to statutes and rules involved;

l. Any mandatory time limits that apply to the processing of the case;

m. Earliest appropriate hearing date; and

n. Whether a petition or answer is required.

10.5(2) The following documents shall be attached to the completed transmittal form or uploaded into AEDMS upon filing of a new case:

a. A copy of the document showing the agency action in controversy; and

b. A copy of any document requesting a contested case hearing.

481—10.6(17A) Notices of hearing and prehearing conference.

10.6(1) A contested case is commenced when the division or board issues a notice of hearing or notice of prehearing conference. Responsibility for issuance of the notice and the manner of service shall be resolved by agreement between the division and the transmitting agency or board.

10.6(2) Notices shall contain the information required by Iowa Code section 17A.12(2) and any additional information required by statute or rule. Notices shall be served by first-class mail or by AEDMS to all parties who are registered users unless otherwise required or permitted by statute or rule or agreed to pursuant to subrule 10.6(1).

10.6(3) Any party may request a prehearing conference, or it may be set upon the presiding officer's own motion. Prehearing conferences may provide an opportunity to be heard on the selection of date, time, manner of hearing, and any other matter set forth in the notice or raised by the parties or presiding officer.

481—10.7(10A,17A) Manner of proceedings. Unless otherwise provided by statute or rule, the presiding officer holds the discretion to conduct hearings by telephone conference, video conference, or in person. Upon request, the presiding officer may allow witnesses to testify remotely, either via phone or video, in an in-person hearing.

481—10.8(10A,17A) Scheduling. Contested case hearings are scheduled according to the following criteria.

10.8(1) *Agency hearings.* The division will promptly schedule hearings, with consideration of the availability of an ALJ, the requests of the parties or transmitting agency, and any special circumstances.

10.8(2) *Board hearings.* When a board requests an ALJ to assist with a contested case proceeding, the board shall consult with the division prior to scheduling hearings to determine the availability of an ALJ.

481—10.9(17A) Disqualification. An ALJ shall withdraw from a contested case under the circumstances listed in 481—subrule 15.2(11) or as otherwise required by law.

481—10.10(10A,17A) Consolidation—severance.

10.10(1) *Consolidation.* The presiding officer may, upon motion by any party or upon the presiding officer's own motion, consolidate any or all matters at issue in two or more proceedings docketed under these rules when:

a. There exist common parties or common questions of fact or law;

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

c. Consolidation would not adversely affect the rights of parties engaged in otherwise separate proceedings.

10.10(2) *Severance.* The presiding officer may, upon motion by any party or upon the presiding officer's own motion, for good cause shown, order any proceeding or portion of the proceeding severed.

481—10.11(10A,17A) Pleadings. Pleadings may be required by the notice of hearing or by order of the presiding officer.

481—10.12(17A) Service and filing of documents.

10.12(1) *When service is required.* Except where otherwise specifically authorized by law, every pleading, motion, or other document filed in the contested case proceeding and every document relating to discovery in the proceeding shall be served upon each of the parties to the proceeding, including the originating agency. The party filing a document is responsible for service on all parties.

10.12(2) *Methods of performing service.* Service upon a party represented in the contested case proceeding by an attorney shall be made upon the attorney unless otherwise ordered. Service is made by electronically filing in AEDMS or delivering, mailing, or transmitting by fax or by email a copy to the party or attorney at the party's or attorney's last-known mailing address, fax number, or email address. Service by first-class mail is complete upon mailing, except where otherwise specifically provided by statute, rule, or order.

10.12(3) *Filing with the division.* After a matter has been assigned to the division, and until a decision is issued, every pleading, motion, or other document shall be filed with the division, rather than the originating agency. All documents that are required to be served upon a party shall be filed simultaneously with the division.

Except where otherwise provided by law, a document is deemed filed with the division at the time it is:

a. Delivered to the division at 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321, and date-stamped received;

b. Mailed to the division by first-class mail or by state interoffice mail so long as there is adequate proof of mailing;

c. Transmitted by fax to 515.281.4477 or by email to adminhearings@dia.iowa.gov; or

d. File stamped in AEDMS.

10.12(4) *Proof of mailing.* Adequate proof of mailing includes the following:

a. A legible United States postal service postmark on the envelope;

b. A certificate of service;

c. A notarized affidavit; or

d. A certification in substantially the following form:

> I certify under penalty of perjury and pursuant to the laws of Iowa that, on (date of mailing), I mailed copies of (describe document) addressed to the Department of Inspections, Appeals, and Licensing, Administrative Hearings Division, 6200 Park Avenue, Des Moines, Iowa 50321, and to the names and addresses of the parties listed below by depositing the same in (a United States post office mailbox with correct postage properly affixed) or (state interoffice mail).
>
> (date) (signature)

481—10.13(17A) Discovery.

10.13(1) Discovery procedures applicable in civil actions are applicable in contested cases. Unless lengthened or shortened by rules of the agency or by order of the presiding officer, time periods for compliance with discovery shall be as provided in the Iowa Rules of Civil Procedure.

10.13(2) Any motion relating to discovery shall allege that the moving party has made a good-faith attempt to resolve the issues raised by the motion with the opposing party.

481—10.14(10A,17A) Subpoenas.

10.14(1) *Form and contents.*

a. Requirements. Every subpoena must:

(1) State that the subpoena is issued by the division;

(2) State the title of the proceeding and its case number;

(3) Command each person to whom it is directed to do the following at a specified time and place: attend and testify; produce designated documents, electronically stored information, or tangible things in that person's possession, custody, or control; or permit the inspection of premises; and

(4) Set out the text of subrules 10.14(4) and 10.14(5).

b. Command to attend a deposition; notice of the recording method. A subpoena commanding attendance at a deposition must state the method for recording the testimony.

c. Combining or separating a command to produce or to permit inspection; specifying the form for electronically stored information. A command to produce documents, electronically stored information, or tangible things or to permit the inspection of premises may be included in a subpoena commanding attendance at a deposition, hearing, or trial, or may be set out in a separate subpoena. A subpoena may specify the form or forms in which electronically stored information is to be produced.

d. Command to produce; included obligations. A command in a subpoena to produce documents, electronically stored information, or tangible things requires the responding party to permit inspection, copying, testing, or sampling of the materials.

10.14(2) *Issuance.* The division will issue a subpoena, signed but otherwise in blank, to a party who requests it in writing. That party must complete it before service. An attorney licensed or otherwise authorized to practice law in Iowa also may issue and sign a subpoena as an officer of the court.

10.14(3) *Service.*

a. By whom; tendering fees; serving a copy of certain subpoenas. Any person who is at least 18 years old and not a party may serve a subpoena. Serving a subpoena requires delivering a copy to the named person and, if the subpoena requires that person's attendance and, if demanded, tendering the fees for one day's attendance and traveling fees to and from the court. If the subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, then before it is served, a notice must be served on each party.

b. Permissible place of service. A subpoena may be served at any place within the state of Iowa.

c. Proof of service. Proving service, when necessary, requires filing with the division a statement showing the date and manner of service and the names of persons served. The server must certify the statement in accordance with Iowa Code section 622.1.

10.14(4) *Protecting a person subject to a subpoena.*

a. Avoiding undue burden or expense. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena.

b. Command to produce materials or permit inspection.

(1) *Appearance not required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(2) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises, or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

1. At any time, on notice to the commanded person, the serving party may move the division for an order compelling production or inspection.

2. These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

c. Attendance. Any party shall be permitted to attend at the same time and place and for the same purposes specified in the subpoena. No prior notice of intent to attend is required.

d. Quashing or modifying a subpoena.

(1) *When required.* On timely motion, the division must quash or modify a subpoena that:

1. Fails to allow a reasonable time to comply;

2. Requires a person who is neither a party nor a party's officer to travel more than 50 miles from where that person resides, is employed, or regularly transacts business in person, except that a person may be ordered to attend trial anywhere within the state in which the person is served with a subpoena;

3. Requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

4. Subjects a person to undue burden.

(2) *When permitted.* To protect a person subject to or affected by a subpoena, the division may, on motion, quash or modify the subpoena if it requires:

1. Disclosing a trade secret or other confidential research, development, or commercial information; or

2. Disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

3. A person who is neither a party nor a party's officer to incur substantial expense to travel more than 50 miles to attend a hearing.

(3) *Specifying conditions as an alternative.* In the circumstances described in subparagraph 10.14(4)*"d"*(2), the division may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

1. Shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

2. Ensures that the subpoenaed person will be reasonably compensated.

10.14(5) *Duties in responding to a subpoena.*

a. Producing documents or electronically stored information. These procedures apply to producing documents or electronically stored information:

(1) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(2) *Form for producing electronically stored information not specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(3) *Electronically stored information produced in only one form.* The person responding need not produce the same electronically stored information in more than one form.

(4) *Inaccessible electronically stored information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the division may nonetheless order discovery from such sources if the requesting party shows good cause. The division may specify conditions for the discovery.

b. Claiming privilege or protection.

(1) *Information withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

1. Expressly make the claim; and

2. Describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(2) *Information produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for the claim. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

10.14(6) *Duties of issuer of subpoena; producing copies of materials obtained by subpoena.* When a party on whose behalf a subpoena has been issued thereby creates or obtains copies of designated electronically stored information, books, papers, documents or tangible things, that party shall make available a duplicate of such copies at the request of any other party, who shall be responsible for payment of the reasonable cost of making the copies.

481—10.15(10A,17A) Motions.

10.15(1) No technical form is required for motions. Any motion for summary judgment shall be filed in compliance with the requirements of Iowa Rules of Civil Procedure.

10.15(2) Any party may file a written resistance or response to a motion within 14 days after the motion is served unless the time period is extended or shortened by rules of the agency or by order of the division or the presiding officer.

10.15(3) The presiding officer may schedule oral argument on any motion upon the request of any party or upon the presiding officer's own motion.

10.15(4) Except for good cause, all motions pertaining to the hearing must be filed and served at least ten days prior to the hearing date unless the time period is shortened or lengthened by order of the presiding officer or the rules of the agency provide otherwise.

481—10.16(10A) Continuances.

10.16(1) A request for continuance shall be made at the earliest opportunity and state the specific reasons for the request.

10.16(2) No application for continuance will be made or granted ex parte except in an emergency where notice is not feasible. The agency may waive notice of requests for a case or a class of cases.

10.16(3) Except where otherwise provided, a continuance may be granted at the discretion of the presiding officer. Factors to consider include:

a. Any prior continuances;
b. The interests of all parties;
c. The likelihood of informal settlement;
d. Existence of emergency;
e. Objection to the continuance;
f. Any applicable state or federal statutes or regulations;
g. The existence of a conflict in the schedules of counsel or parties or witnesses;
h. The timeliness of the request; and
i. Other grounds stated in the motion or resistance.

481—10.17(10A,17A) Withdrawals. The party that requested the contested case may move to withdraw the party's request for a hearing at any time prior to the hearing. The ALJ may require the party to submit a written request after an oral request. Unless otherwise provided, a withdrawal shall be with prejudice.

481—10.18(10A,17A) Intervention.

10.18(1) *Motion.* A motion for leave to intervene must be filed as early in the proceeding as possible and 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.

10.18(2) *When filed.* Motion for leave to intervene shall be filed at least 20 days before the hearing. Any later motion must contain a statement of good cause for the failure to file in a timely manner.

10.18(3) *Grounds for intervention.* The movant must demonstrate that:

a. Intervention would not unduly prolong the proceedings or otherwise prejudice the rights of existing parties;
b. The movant will be aggrieved or adversely affected by a final order; and
c. The interests of the movant are not being adequately represented by existing parties; or that it is otherwise entitled to intervene.

10.18(4) *Effect of intervention.* A person granted leave to intervene is a party to the proceeding. The order granting intervention may restrict the issues to be raised or otherwise condition the intervenor's participation in the proceeding.

481—10.19(17A) Hearing procedures.

10.19(1) When an ALJ has been appointed as the presiding officer in a contested case, the ALJ may:

a. Rule on motions;
b. Preside at the hearing;
c. Require the parties to submit briefs;
d. Ensure that the record is fully and fairly developed by inquiring into matters at issue; and
e. Issue orders and rulings to ensure the orderly conduct of the proceedings.

10.19(2) All objections to procedures, admission of evidence, or any other matter shall be timely made and stated on the record.

10.19(3) Parties in a contested case have the right to participate or to be represented in all hearings or prehearing conferences related to their case. Agencies or partnerships, corporations or associations may be represented by any member, officer, director, or duly authorized agent. Any party may be represented by an attorney or as otherwise authorized by law.

10.19(4) Parties in a contested case have the right to introduce evidence on points at issue, to cross-examine witnesses, and to present evidence in rebuttal.

10.19(5) The ALJ shall maintain the decorum of the hearing and may refuse to admit or may expel anyone whose conduct is disorderly or disruptive.

10.19(6) Witnesses may be sequestered during the hearing.

10.19(7) The ALJ may allow the parties to make opening statements and closing arguments and may determine the order of presentation of evidence. Each witness shall be sworn or affirmed by the ALJ and be subject to examination.

481—10.20(17A) Evidence.

10.20(1) The presiding officer shall rule on admissibility of evidence and may take official notice of facts.

10.20(2) Stipulation of facts is encouraged.

10.20(3) Evidence shall be confined to the issues on which there has been fair notice prior to the hearing. The presiding officer may take testimony on a new issue if the parties waive the right to notice and no other objection is made. If there is objection, the presiding officer may refuse to hear the new issue and may make a decision on the original issue in the notice or may grant a continuance to allow the parties adequate time to amend pleadings and prepare their cases on the additional issue.

10.20(4) Exhibits and a list of witnesses must be submitted to all parties and the presiding officer prior to the hearing as set forth in the notice of hearing or other order.

10.20(5) 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 shall briefly summarize the testimony on the record but need not actually examine that witness. If the evidence excluded consists of a document or exhibits, it shall be marked as part of an offer of proof and inserted in the record.

481—10.21(17A) Default.

10.21(1) If a party fails to appear in a contested case proceeding or prehearing conference after proper service of notice, the presiding officer may either find the party to be in default or, if no adjournment is granted, proceed with the hearing and render a decision in the absence of the party.

10.21(2) Where appropriate and not contrary to law, any party may move for default against a party who has requested an evidentiary hearing to contest adverse agency action that has already occurred but has failed to file a required pleading after proper service.

10.21(3) A party against whom a default has been entered may move to vacate the default decision within 14 days following the issuance of the order. Good cause to vacate a default decision means mistake, inadvertence, surprise, excusable neglect, or unavoidable casualty as provided in Iowa Rule of Civil Procedure 1.977.

481—10.22(17A) Ex parte communication.

10.22(1) Ex parte communications are those communications, oral or written, to an ALJ or other decision-maker in a contested case without notice and an opportunity for all parties to be heard. Ex parte communication is prohibited except as provided in Iowa Code section 17A.17 or as otherwise provided by law.

10.22(2) Any presiding officer who receives prohibited communication shall submit the written communication or a summary of the oral communication for inclusion in the record.

481—10.23(10A,17A) ALJ decisions.

10.23(1) *Proposed decisions.* Except as otherwise provided by law, when the agency did not preside at the reception of evidence, the ALJ shall issue a proposed decision based on the record of the contested case that includes findings of fact and conclusions of law stated separately. A ruling dismissing all of a party's claims or a voluntary agency dismissal is a proposed decision.

10.23(2) *Record.* The record in a contested case shall include all materials specified in Iowa Code section 17A.12(6), any request for a contested case hearing, and other relevant procedural documents.

10.23(3) *Review of proposed decisions.* Request for review of a proposed decision shall be made to the agency in which the contested case originated in the manner and within the time specified by that agency's rules. In contested cases in which the director of DIAL has final decision-making authority, request for review shall be made as provided in rule 481—9.3(10A,17A).

10.23(4) *Final decisions.* If there is no appeal from or review of the proposed decision, the ALJ's proposed decision becomes the final decision of the agency.

481—10.24(10A,17A,272C) Board hearings. Boards may request an ALJ from the division to assist in conducting contested case hearings and other related prehearing matters.

10.24(1) In scheduling hearings, boards will consult with the division to determine the availability of an ALJ. The board will determine the time and place of hearing.

10.24(2) The ALJ only possesses such authority as delegated by the board.

10.24(3) The ALJ may assist in conducting the hearing for the board and may, when delegated by the board:

a. Open the record and receive appearances;
b. Administer oaths;
c. Issue subpoenas;
d. Receive testimony and exhibits presented by the parties;
e. Rule on objections and motions;
f. Close the hearing; and
g. Prepare decisions and orders as directed by the board.

481—10.25(10A) Recordings. The division shall record each hearing or other formal proceeding by any mechanized means. The division may provide a copy of the audio recording to any party to a pending proceeding upon request. Parties may arrange for a hearing to be recorded by certified shorthand reporters but shall bear the cost unless otherwise provided by law. Parties are to alert the division prior to the hearing if a reporter has been engaged.

481—10.26(10A) Agency reporting requirements. Agencies and boards shall notify and provide copies to the division of any final agency decision, petition for judicial review, and ruling on judicial review.

481—10.27(724) Appeals in cases involving permits to carry weapons and acquire firearms. An applicant or permittee may appeal a decision to deny an application for a permit to carry weapons or acquire firearms or to suspend or revoke a permit to carry weapons or acquire firearms pursuant to Iowa Code section 724.21A and this chapter. To the extent this rule is inconsistent with the other provisions of this chapter, this rule will govern such appeals.

10.27(1) *Definitions.* For purposes of this rule:

"Agency" means the commissioner of public safety or the sheriff of the county in which the aggrieved party resides.

"Applicant" means a person who has applied for a permit to carry weapons or acquire firearms.

"Permittee" means a person who has received a permit to carry weapons or acquire firearms.

10.27(2) *Filing of appeal.* Within 30 days of the applicant's or permittee's receipt of the agency's decision, the applicant or permittee shall file the written appeal, a copy of the agency's written decision, and a fee of $10 with the Iowa Department of Inspections, Appeals, and Licensing, Division of Administrative Hearings, 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321, or electronically pursuant to 481—Chapter 16.

10.27(3) *Service on the agency.* At the time the appeal is filed with the division, the applicant or permittee shall serve a copy of the appeal on the agency that made the decision on the permit to carry weapons or acquire firearms.

10.27(4) *Denial of appeal.* The division may deny any appeal that does not meet the requirements in subrules 10.27(2) and 10.27(3).

10.27(5) *Agency record.* Upon receipt of a copy of the notice of hearing, the agency shall file with the division and send to the applicant or permittee:

a. A copy of all documents used by the agency in reaching the decision; and

b. A form identifying the name, address, email address, and telephone number of the agency's contact person or attorney representative.

10.27(6) *Notice of hearing.* In addition to the information set forth in Iowa Code section 17A.12(2) and rule 481—10.6(17A), the notice of hearing shall contain the following information:

a. Notification that failure to appear and participate in the contested case proceeding may result in the entry of a default judgment; and

b. Notification that court costs and reasonable attorney fees will be awarded pursuant to Iowa Code section 724.21A(8).

10.27(7) *Attorney fees, court costs, and contested case costs.* An applicant or permittee or an agency may be eligible for an award of reasonable attorney fees pursuant to Iowa Code section 724.21A(8).

a. Within 14 days of the date of the ALJ's decision, a party may seek an award of attorney fees by filing with the division a request and documentation supporting the request. A resistance to the request for attorney fees must be filed within seven days of the filing of the request. Upon request of either party or on the ALJ's own motion, a hearing may be scheduled on the request.

b. An award of attorney fees shall be paid within 30 days of the issuance of the order unless an interested party seeks rehearing or judicial review or the parties agree to an alternative payment schedule.

c. The ALJ's decision is not final for purposes of judicial review under Iowa Code chapter 17A until the ALJ has issued a written decision determining the amount of any attorney fees to be awarded under this subrule or determining that no attorney fees are to be awarded.

d. Costs of the division in conducting a contested case proceeding arising out of a decision of the commissioner of public safety shall be charged to the department of public safety pursuant to Iowa Code section 10A.801(9).

These rules are intended to implement Iowa Code chapters 10A, 17A, and 724.

ITEM 2. Rescind and reserve **481—Chapter 11**.

INSPECTIONS AND APPEALS DEPARTMENT[481]

Regulatory Analysis

Notice of Intended Action to be published: 481—Chapter 15
"Iowa Code of Administrative Judicial Conduct"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 10A.801(7)"d"
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 10A

Public Hearing

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

November 18, 2025	6200 Park Avenue
3:30 to 4 p.m.	Des Moines, Iowa

Virtual participation information will be available on the Department of Inspections, Appeals, and Licensing website prior to the hearing.

Public Comment

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

Jeremiah Junker
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321
Phone: 515.672.4745
Email: jeremiah.junker@dia.iowa.gov

Purpose and Summary

This proposed rulemaking repromulgates Chapter 15 and implements Iowa Code section 10A.801(7)"d."

Iowa Code section 10A.801(7)"d" provides that the Department's Administrative Hearings Division (AHD) shall adopt rules "[t]o establish, consistent with the provisions of this section and chapter 17A, a code of administrative judicial conduct that is similar in function and substantially equivalent to the Iowa code of judicial conduct, to govern the conduct, in relation to their quasi-judicial functions in contested cases, of all persons who act as presiding officers under the authority of section 17A.11, subsection 1." This proposed chapter establishes a code of administrative judicial conduct that is similar in function and substantially equivalent to the Iowa Code of Judicial Conduct, to govern the conduct, in relation to their quasi-judicial functions in contested cases, of all persons who act as presiding officers under the authority of Iowa Code section 17A.11(1).

Analysis of Impact

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

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

Administrative law judges subject to this code of conduct may indirectly incur costs by the nature of needing to meet the requirements of the Iowa Code of Administrative Judicial Conduct; however, this Iowa Code of Administrative Judicial Conduct is statutorily required.

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

The AHD and administrative law judges subject to the Iowa Code of Administrative Judicial Conduct will benefit since a code of administrative judicial conduct promotes trust in and legitimacy of the AHD and the administrative law judges. Additionally, parties to proceedings before the AHD and even the public at large, who benefit from an administrative judiciary that is subject to a code of conduct.

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 readily apparent quantitative impact associated with this proposed chapter.

- **Qualitative description of impact:**

This proposed chapter promotes an ethical administrative judiciary and promotes trust in and legitimacy of the AHD and the administrative law judges. This proposed chapter benefits the AHD and administrative law judges but also parties to proceedings before the AHD and even the public at large, who benefit from an administrative judiciary that is subject to a code of conduct.

3. **Costs to the State:**

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

There are not any identifiable costs to AHD or the Department associated with this chapter.

- **Anticipated effect on State revenues:**

This proposed rulemaking has no anticipated effect on State revenues.

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

As noted above, there are no costs associated with this proposed chapter, other than the potential indirect cost incurred by administrative law judges by the nature of needing to meet the requirements of the Iowa Code of Administrative Judicial Conduct. The benefits outweigh these potential indirect costs. Additionally, this proposed chapter is required by the Iowa Code, so inaction is not an option.

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

Iowa Code section 10A.801(7)"d" requires AHD to establish a code of administrative judicial conduct that is similar in function and substantially equivalent to the Iowa Code of Judicial Conduct. This chapter does that, and less costly or less intrusive methods would undermine its compliance with the statutory directive.

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

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

No alternative methods were seriously considered. See Section 5.

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

See responses in Sections 5 and 6.

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 rulemaking does not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 481—Chapter 15 and adopt the following **new** chapter in lieu thereof:

CHAPTER 15
IOWA CODE OF ADMINISTRATIVE JUDICIAL CONDUCT

481—15.1(10A) Canon 1. A presiding officer shall uphold and promote the independence, integrity, and impartiality of the administrative judiciary and shall avoid impropriety and the appearance of impropriety.

15.1(1) *Compliance with the law.* A presiding officer shall comply with the law, including the Iowa Code of Administrative Judicial Conduct, hereafter referred to as "this Code."

15.1(2) *Promoting confidence in the administrative judiciary.* A presiding officer shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the administrative judiciary and shall avoid impropriety and the appearance of impropriety.

15.1(3) *Avoiding abuse of the prestige of an administrative judicial position.* A presiding officer shall not abuse the prestige of the administrative judicial position to advance the personal or economic interests of the presiding officer or others or allow others to do so.

481—15.2(10A) Canon 2. A presiding officer shall perform administrative judicial duties impartially, competently, and diligently.

15.2(1) *Giving precedence to administrative judicial duties.* The administrative judicial duties, as prescribed by law, shall take precedence over all of a presiding officer's personal and extrajudicial activities.

15.2(2) *Impartiality and fairness.* A presiding officer shall uphold and apply the law and shall perform all administrative judicial duties fairly and impartially.

15.2(3) *Bias, prejudice, and harassment.*

a. A presiding officer shall perform all administrative judicial and other duties without bias or prejudice.

b. A presiding officer shall not, in the performance of administrative judicial duties, by words or conduct manifest bias or prejudice or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit others subject to the presiding officer's direction and control to do so.

c. A presiding officer shall require lawyers and party representatives in proceedings before the presiding officer to refrain from manifesting bias or prejudice or engaging in harassment, based upon attributes including but not limited to race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation against parties, witnesses, lawyers, party representatives, or others.

d. The restrictions of paragraphs 15.2(3)*"b"* and *"c"* do not preclude presiding officers, lawyers, or party representatives from making legitimate reference to the listed factors, or similar factors, when they are relevant to an issue in a proceeding.

15.2(4) *External influences on administrative judicial conduct.*

a. A presiding officer shall not be swayed by public clamor or fear of criticism.

b. A presiding officer shall not permit family, social, political, financial, or other interests or relationships to influence the presiding officer's administrative judicial conduct or judgment.

c. A presiding officer shall not convey or permit others to convey the impression that any person or organization is in a position to influence the presiding officer.

15.2(5) *Competence, diligence, and cooperation.*

a. A presiding officer shall perform administrative judicial and other duties competently and diligently.

b. A presiding officer shall cooperate with other presiding officers and other executive branch employees in the administration of agency business.

15.2(6) *Ensuring the right to be heard.*

a. A presiding officer shall accord to every person who has a legal interest in a proceeding, or that person's lawyer or authorized representative, the right to be heard according to law.

b. A presiding officer may encourage parties to a proceeding and their lawyers or authorized representatives to settle matters in dispute but shall not act in a manner that coerces any party into settlement.

15.2(7) *Responsibility to decide.* A presiding officer shall hear and decide matters assigned to the presiding officer, except when disqualification is required by subrule 15.2(11) or other law.

15.2(8) *Decorum and demeanor.*

a. A presiding officer shall require order and decorum in proceedings before the presiding officer.

b. A presiding officer shall be patient, dignified, and courteous to parties, board members, witnesses, lawyers, party representatives, agency staff, agency officials, and others with whom the presiding officer deals in an official capacity and shall require similar conduct of lawyers, party representatives, and others subject to the presiding officer's direction and control.

15.2(9) *Ex parte communications.*

a. A presiding officer shall not initiate, permit, or consider ex parte communications or consider other communications made to the presiding officer outside the presence of the parties or their lawyers, concerning a pending matter or impending matter, except as permitted by Iowa Code section 17A.17.

b. A presiding officer shall not investigate facts in a matter independently and shall consider only the evidence presented and any facts that may be officially noticed pursuant to Iowa Code section 17A.14.

15.2(10) *Statements on pending and impending cases.*

a. A presiding officer shall not make any public statement that might reasonably be expected to affect the outcome or impair the fairness of a pending matter or impending matter before the presiding officer or another presiding officer in the same agency or make any nonpublic statement that might substantially interfere with a fair hearing.

b. A presiding officer shall not, in connection with cases, controversies, or issues that are likely to come before the presiding officer, make pledges, promises, or commitments that are inconsistent with the impartial performance of the presiding officer's adjudicative duties.

c. A presiding officer shall require others subject to the presiding officer's direction and control to refrain from making statements that the presiding officer would be prohibited from making by paragraphs 15.2(10)*"a"* and *"b."*

d. Notwithstanding the restrictions in paragraph 15.2(10)*"a,"* a presiding officer may explain agency procedures and may comment on any proceeding in which the presiding officer is a party in a personal capacity.

e. Subject to the requirements of paragraph 15.2(10)*"a,"* a presiding officer may respond directly or through a third party to allegations in the media or elsewhere concerning the presiding officer's conduct in a matter.

15.2(11) *Disqualification.*

a. A presiding officer shall disqualify the presiding officer in any proceeding in which the presiding officer's impartiality might reasonably be questioned, including but not limited to the following circumstances:

(1) The presiding officer has a personal bias or prejudice concerning a party or a party's lawyer or other representative or has personal knowledge of facts that are in dispute in the proceeding.

(2) The presiding officer knows that the presiding officer, the presiding officer's spouse or domestic partner, or a person within the third degree of relationship to either of them, or the spouse or domestic partner of such a person is:

1. A party to the proceeding, or an officer, director, general partner, managing member, or trustee of a party;

2. Acting as a lawyer or party representative in the proceeding;

3. A person who has more than a de minimis interest that could be substantially affected by the proceeding; or

4. Likely to be a material witness in the proceeding.

(3) The presiding officer knows that the presiding officer, individually or as a fiduciary, or the presiding officer's spouse, domestic partner, parent, or child, or any other member of the presiding officer's family residing in the presiding officer's household has an economic interest in the subject matter in controversy or in a party to the proceeding.

(4) The presiding officer, while a presiding officer, has made a public statement, other than in an agency proceeding, decision, opinion, or order, that commits or appears to commit the presiding officer to reach a particular result or rule in a particular way in the proceeding or controversy.

(5) The presiding officer:

1. Served as a lawyer in the matter in controversy or was associated with a lawyer who participated substantially as a lawyer in the matter during such association;

2. Served in governmental employment and in such capacity participated personally and substantially as a lawyer or public official concerning the proceeding or has publicly expressed in such capacity an opinion concerning the merits of the particular matter in controversy; or

3. Was a material witness concerning the matter.

(6) The presiding officer personally investigated, prosecuted, or advocated in connection with the matter, the specific controversy underlying the matter, or another pending factually related matter, or pending factually related controversy that may culminate in a contested case, involving the same parties, or 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. But the presiding officer is not required to disqualify the presiding officer solely because the presiding officer determined there was probable cause to initiate the proceeding.

b. A presiding officer shall keep informed about the presiding officer's personal and fiduciary economic interests and make a reasonable effort to keep informed about the personal economic interests of the presiding officer's spouse or domestic partner and minor children residing in the presiding officer's household.

c. A presiding officer subject to disqualification under this rule, other than for bias or prejudice under subparagraph 15.2(11)*"a"*(1), may disclose on the record the basis of the presiding officer's disqualification and may ask the parties and their lawyers or representatives to consider, outside the presence of the presiding officer, whether to waive disqualification. If, following the disclosure, the parties and lawyers or party representatives agree, without participation by the presiding officer, that the presiding officer should not be disqualified, the presiding officer may participate in the proceeding. The agreement shall be incorporated into the record of the proceeding.

15.2(12) *Supervisory duties.*

a. A presiding officer shall require others subject to the presiding officer's direction and control to act in a manner consistent with the presiding officer's obligations under this Code.

b. A presiding officer with supervisory authority for the performance of other presiding officers shall take reasonable measures to ensure that those presiding officers properly discharge their administrative judicial responsibilities, including the prompt disposition of matters before them.

15.2(13) *Disability and impairment.* A presiding officer having a reasonable belief that the performance of a lawyer, party representative, or another presiding officer is impaired by drugs or alcohol, or by a mental, emotional, or physical condition, shall take appropriate action, which may include a confidential referral to a lawyer or employee assistance program.

15.2(14) *Responding to administrative judicial and lawyer misconduct.*

a. A presiding officer having knowledge that another presiding officer has committed a violation of this Code that raises a substantial question regarding the presiding officer's honesty, trustworthiness, or fitness as a presiding officer in other respects shall inform the appropriate authority.

b. A presiding officer having knowledge that a lawyer has committed a violation of the Iowa Rules of Professional Conduct that raises a substantial question regarding the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects shall inform the appropriate authority.

c. A presiding officer who receives information indicating a substantial likelihood that another presiding officer has committed a violation of this Code shall take appropriate action.

d. A presiding officer who receives information indicating a substantial likelihood a lawyer has committed a violation of the Iowa Rules of Professional Conduct shall take appropriate action.

e. This rule does not require disclosure of information gained by a presiding officer while participating in an approved lawyers assistance program.

15.2(15) *Cooperation with disciplinary authorities.*

a. A presiding officer shall cooperate and be candid and honest with a lawyer disciplinary agency or other appropriate authority investigating a violation of this Code or the Iowa Rules of Professional Conduct.

b. A presiding officer shall not retaliate, directly or indirectly, against a person known or suspected to have assisted or cooperated with an investigation of a presiding officer or a lawyer.

481—15.3(10A) Canon 3. An administrative law judge shall conduct the administrative law judge's personal and extrajudicial activities to minimize the risk of conflict with administrative judicial obligations.

15.3(1) *Extrajudicial activities in general.* An administrative law judge may engage in extrajudicial activities, except as prohibited by law or this Code. However, when engaging in extrajudicial activities, an administrative law judge shall not:

a. Participate in activities that will interfere with the proper performance of the administrative law judge's administrative judicial duties;

b. Participate in activities that will lead to frequent disqualification of the administrative law judge;

c. Participate in activities that would appear to a reasonable person to undermine the administrative law judge's independence, integrity, or impartiality;

d. Engage in conduct that would appear to a reasonable person to be coercive; or

e. Make use of agency premises, staff, stationery, equipment, or other resources, except for incidental use for activities that concern the law, the legal system, the provision of legal services, or the administration of justice, or unless such additional use is permitted by law.

15.3(2) *Testifying as a character witness.* An administrative law judge shall not testify as a character witness in a judicial, administrative, or other adjudicatory proceeding or otherwise vouch for the character of a person in a legal proceeding, except when duly subpoenaed.

15.3(3) *Appointments to governmental positions.* An administrative law judge shall not accept appointment to a governmental committee, board, commission, or other governmental position that would appear to a reasonable person to undermine the administrative law judge's independence, integrity, or impartiality or would lead to frequent disqualification of the administrative law judge.

15.3(4) *Use of nonpublic information.* An administrative law judge shall not intentionally disclose or use nonpublic information acquired in an administrative judicial capacity for any purpose unrelated to the administrative law judge's administrative judicial or other duties.

15.3(5) *Affiliation with discriminatory organizations.*

a. An administrative law judge shall not hold membership in any organization that practices invidious discrimination on the basis of race, sex, gender, religion, national origin, ethnicity, or sexual orientation. An administrative law judge's membership in a religious organization as a lawful exercise of the freedom of religion is not prohibited.

b. An administrative law judge shall not use the benefits or facilities of an organization if the administrative law judge knows or should know that the organization practices invidious discrimination on one or more of the bases identified in paragraph 15.3(5)*"a."* An administrative law judge's attendance at an event in a facility of an organization that the administrative law judge is not permitted to join is not a violation of this rule when the administrative law judge's attendance is an isolated event that could not reasonably be perceived as an endorsement of the organization's practices.

15.3(6) *Participation in educational, religious, charitable, fraternal, or civic organizations and activities.*

a. Subject to the requirements of subrule 15.3(1), an administrative law judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, the provision of legal services, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including but not limited to the following activities:

(1) Assisting such an organization or entity in planning related to fundraising, volunteering goods or services at fundraising events, and participating in the management and investment of the organization's or entity's funds;

(2) Soliciting contributions for such an organization or entity but only from members of the administrative law judge's family or from other administrative law judges or coworkers in the administrative law judge's immediate office over whom the administrative law judge does not exercise supervisory authority;

(3) Appearing or speaking at, receiving an award or other recognition at, being featured on the program of, and permitting an administrative law judge's title to be used in connection with an event of such an organization or entity, but if the event serves a fundraising purpose, the administrative law judge may participate only if the event concerns the law, the legal system, the provision of legal services, or the administration of justice;

(4) Making recommendations to such a public or private fund-granting organization or entity in connection with its programs and activities but only if the organization or entity is concerned with the law, the legal system, the provision of legal services, or the administration of justice; and

(5) Serving as an officer, director, trustee, or nonlegal advisor of such an organization or entity unless it is likely that the organization or entity:

1. Will be engaged in proceedings that would ordinarily come before the administrative law judge; or

2. Will frequently be engaged in adversary proceedings before the agency in which the administrative law judge serves.

b. An administrative law judge may encourage lawyers to provide pro bono publico legal services.

c. Subject to the requirements of subrule 15.3(1), an administrative law judge may:

(1) Provide leadership in identifying and addressing issues involving equal access to the justice system; developing public education programs; engaging in activities to promote the fair administration of justice and convening, participating or assisting in advisory committees and community collaborations devoted to the improvement of the law, the legal system, the provision of legal services, or the administration of justice.

(2) Endorse projects and programs directly related to the law, the legal system, the provision of legal services, and the administration of justice to those coming before the courts or the administrative judiciary.

(3) Participate in programs that concern the law or that promote the administration of justice.

15.3(7) *Appointments to fiduciary positions.*

a. An administrative law judge shall not accept an appointment to serve in a fiduciary position, such as executor, administrator, trustee, guardian, attorney-in-fact, or other personal representative, except for the estate, trust, or person of a member of the administrative law judge's family, and then only if such service will not interfere with the proper performance of administrative judicial duties.

b. An administrative law judge shall not serve in a fiduciary position if the administrative law judge as fiduciary will likely be engaged in proceedings that would ordinarily come before the administrative law judge or if the estate, trust, or ward becomes involved in adversary proceedings before the agency in which the administrative law judge serves.

c. An administrative law judge acting in a fiduciary capacity shall be subject to the same restrictions on engaging in financial activities that apply to an administrative law judge personally.

d. If a person who is serving in a fiduciary position becomes an administrative law judge, the administrative law judge must comply with this subrule as soon as reasonably practicable but in no event later than six months after becoming an administrative law judge.

15.3(8) *Services as arbitrator or mediator.* An administrative law judge shall not act as an arbitrator or a mediator or perform other judicial functions apart from the administrative law judge's official duties unless expressly authorized by law.

15.3(9) *Practice of law.* An administrative law judge shall not engage in the private practice of law. An administrative law judge may act pro se and may, without compensation, give legal advice to and draft or review documents for a member of the administrative law judge's family but is prohibited from serving as the family member's lawyer before the agency in which the administrative law judge serves. An administrative law judge serving in the administrative hearings division of the department is prohibited from serving as the family member's lawyer in any proceeding in which another administrative law judge serving in the division is the presiding officer, regardless of whether the proceeding is being conducted on behalf of the department or another state agency.

15.3(10) *Financial, business, or remunerative activities.*

a. An administrative law judge may hold and manage investments of the administrative law judge and members of the administrative law judge's family.

b. An administrative law judge shall not serve as an officer, director, manager, general partner, advisor, or employee of any business entity, except that an administrative law judge may manage or participate in:

(1) A business closely held by the administrative law judge or members of the administrative law judge's family; or

(2) A business entity primarily engaged in investment of the financial resources of the administrative law judge or members of the administrative law judge's family.

c. An administrative law judge shall not engage in financial activities permitted under paragraphs 15.3(10)*"a"* and *"b"* if the financial activities will:

(1) Interfere with the proper performance of administrative judicial duties;

(2) Lead to frequent disqualification of the administrative law judge;

(3) Involve the administrative law judge in frequent transactions or continuing business relationships with lawyers or other persons likely to come before the agency in which the administrative law judge serves; or

(4) Result in violation of other provisions of this Code.

15.3(11) *Compensation for extrajudicial activities.* An administrative law judge may accept reasonable compensation for extrajudicial activities permitted by this Code and other law unless such acceptance would appear to a reasonable person to undermine the administrative law judge's independence, integrity, or impartiality.

15.3(12) *Acceptance of gifts, loans, bequests, benefits, or other things of value.* An administrative law judge, an administrative law judge's spouse, and an administrative law judge's dependent child shall not accept or receive any gift, loan, bequest, benefit, or other thing of value if acceptance or receipt is prohibited by Iowa Code chapter 68B or any other law or if acceptance or receipt would appear to a reasonable person to undermine the administrative law judge's independence, integrity, or impartiality.

15.3(13) *Reimbursement of expenses and waivers of fees or charges.*

a. Unless otherwise prohibited by subrules 15.3(1) and 15.3(12), Iowa Code chapter 68B, or other law, an administrative law judge may accept reimbursement of necessary and reasonable expenses for travel, food, lodging, or other incidental expenses, or a waiver or partial waiver of fees or charges for registration, tuition, and similar items, from sources other than the administrative law judge's employing entity, if the expenses or charges are associated with the administrative law judge's participation in extrajudicial activities permitted by this Code.

b. Reimbursement of expenses for necessary travel, food, lodging, or other incidental expenses shall be limited to the actual costs reasonably incurred by the administrative law judge and, when appropriate to the occasion, by the administrative law judge's spouse, domestic partner, or guest.

481—15.4(10A) Canon 4. An administrative law judge shall not engage in political or campaign activity that is inconsistent with the independence, integrity, or impartiality of the administrative judiciary.

15.4(1) *Political and campaign activities of administrative law judges.*

a. Except as permitted by law, an administrative law judge shall not:

(1) Act as a leader in, or hold an office in, a political organization;

(2) Make speeches on behalf of a political organization;

(3) Publicly endorse or oppose a candidate for any public office;

(4) Solicit funds for, pay an assessment to, or make a contribution to a political organization, a candidate for judicial retention, or a candidate for public office;

(5) Attend or purchase tickets for dinners or other events sponsored by a political organization or a candidate for public office; or

(6) Participate in a precinct caucus, except as provided for in paragraph 15.4(1)*"b."*

b. Paragraph 15.4(1)*"a"* does not prohibit an administrative law judge from participating in a precinct caucus merely to vote for, or support in the delegate selection process, a candidate for the office of President of the United States, provided that the administrative law judge does not speak publicly on behalf of or against a candidate, encourage other caucus participants to support or oppose a candidate, or otherwise engage in conduct that is inconsistent with the independence, integrity, or impartiality of the administrative judiciary.

c. An administrative law judge shall take reasonable measures to ensure that other persons do not undertake, on behalf of the administrative law judge, any activities prohibited under paragraph 15.4(1)*"a."*

15.4(2) *Activities of administrative law judges who become candidates for nonjudicial office.*

a. Upon becoming a candidate for nonjudicial elective office, an administrative law judge shall resign from the administrative law judge position unless permitted by law to continue to hold the administrative law judge position.

b. Upon becoming a candidate for nonjudicial appointive office, an administrative law judge is not required to resign from the administrative law judge position provided that the administrative law judge complies with the other provisions of this Code.

481—15.5(10A) Scope, definitions, and application.

15.5(1) *Scope.*

a. This Code consists of four canons, each of which is codified as the introductory paragraph of an administrative rule, and numbered rules under each canon, which are codified as subrules. Subrule 15.5(3) establishes when the various rules apply to a presiding officer or an administrative law judge.

b. The canons state overarching principles of judicial ethics that all administrative law judges and presiding officers, as applicable, must observe. Although an administrative law judge or presiding officer may be disciplined only for violating an applicable rule, the canons provide important guidance in interpreting the rules. Where a rule contains a permissive term, such as "may" or "should," the conduct being addressed is committed to the personal and professional discretion of the administrative law judge or presiding officer in question, and no disciplinary action should be taken for action or inaction within the bounds of such discretion.

c. Consistent with the requirement of Iowa Code section 10A.801(7)*"d,"* this Code is similar in function and substantially equivalent to the Iowa Code of Judicial Conduct adopted by the Iowa Supreme Court and contained in Chapter 51 of the Iowa Court Rules. The Iowa Code of Judicial Conduct includes accompanying comments to the rules that may provide useful guidance regarding the purpose, meaning, and proper application of the corresponding rule in this Code. The comments contain explanatory material and, in some instances, provide examples of permitted or prohibited conduct. The comments may also identify aspirational goals for administrative law judges and presiding officers. To implement fully the principles of this Code as articulated in the canons, administrative law judges and presiding officers should strive to exceed the standards of conduct established by the rules, holding themselves to the highest ethical standards and seeking to achieve those aspirational goals, thereby enhancing the dignity of the administrative judicial position.

d. The rules of this Code are rules of reason that should be applied consistent with constitutional requirements, statutes, administrative rules, and decisional law, and with due regard for all relevant circumstances. The rules should not be interpreted to impinge upon the essential independence of administrative law judges and presiding officers in making administrative judicial decisions.

e. Although the black letter of the rules is binding and enforceable, it is not contemplated that every transgression will result in the imposition of discipline. Whether discipline should be imposed should be determined by the presiding officer's appointing authority through a reasonable and reasoned application of the rules and should depend upon factors such as the seriousness of the transgression, the facts and circumstances that existed at the time of the transgression, the extent of any pattern of improper activity, whether there have been previous violations, and the effect of the improper activity upon the administrative judicial system or others.

f. This Code is not designed or intended as a basis for civil or criminal liability. Neither is it intended to be the basis for parties to seek collateral remedies against each other or to obtain tactical advantages in proceedings before a presiding officer.

15.5(2) *Definitions.* For purposes of this chapter, the following definitions apply:

"Administrative law judge" means a person who acts as a presiding officer under the authority of Iowa Code section 17A.11(1) who is not an agency head or a member of a multimembered agency head. This includes but is not limited to administrative law judges employed by the administrative hearings division of the department, the unemployment insurance appeals bureau of Iowa workforce development, the public employment relations board, and the board of parole, as well as deputy workers' compensation commissioners in the division of workers' compensation of Iowa workforce development.

"Affiliate" or *"affiliated"* mean any person, domestic or foreign, that controls, is controlled by, or is under common control with any other person.

"Appropriate authority" means the authority having responsibility for the initiation of a disciplinary process in connection with the violation to be reported.

"Associate" or *"associated"* means any person who employs, is employed by, or is under common employment with another person; any person who acts in cooperation, consultation, or concert with, or at the request of, another person; and any spouse, domestic partner, or person within the third degree of relationship of any of the foregoing.

"Contribution" means both financial and in-kind contributions, such as goods, professional or volunteer services, advertising, and other types of assistance, which, if obtained by the recipient otherwise, would require a financial expenditure.

"Control" or *"controlled"* each refers to the power of one person to exercise, directly or indirectly or through one or more persons, a dominating, governing, or controlling influence over another person, whether by contractual relationship (including without limitation a debtor-creditor relationship), by family relationship, by ownership, by dominion over, or by power to vote any category or voting interest (including without limitation shares of common stock, shares of voting preferred stock, and partnership interests), or by exercising (or wielding the power to exercise) in any manner dominion over a majority of directors, partners, trustees, or other persons performing similar functions. For more information, see definition of "affiliate" and "affiliated."

"De minimis," in the context of interests pertaining to disqualification of an administrative law judge, means an insignificant interest that could not raise a reasonable question regarding the administrative law judge's impartiality.

"Domestic partner" means a person with whom another person maintains a household and an intimate relationship, other than a person to whom he or she is legally married.

"Economic interest" means ownership of more than a de minimis legal or equitable interest. Except for situations in which the presiding officer participates in the management of such a legal or equitable interest, or the interest could be substantially affected by the outcome of a proceeding before a presiding officer, economic interest does not include:

1. An interest in the individual holdings within a mutual or common investment fund;
2. An interest in securities held by an educational, religious, charitable, fraternal, or civic organization in which the presiding officer or the presiding officer's spouse, domestic partner, parent, or child serves as a director, an officer, an advisor, or other participant;
3. A deposit in a financial institution or deposits or proprietary interests the presiding officer may maintain as a member of a mutual savings association or credit union, or similar proprietary interests; or
4. An interest in the issuer of government securities held by the presiding officer.

"Fiduciary" includes relationships such as executor, administrator, trustee, or guardian.

"Impartial," "impartiality," and *"impartially"* mean absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintenance of an open mind in considering issues that may come before a presiding officer or administrative law judge.

"Impending matter" is a matter that is imminent or expected to occur in the near future.

"Impropriety" includes conduct that violates the law, court rules, or provisions of this Code and conduct that undermines a presiding officer's or administrative law judge's independence, integrity, or impartiality.

"Independence" means a presiding officer's or administrative law judge's freedom from influence or controls other than those established by law.

"Integrity" means probity, fairness, honesty, uprightness, and soundness of character.

"Knowingly," "knowledge," "known," and *"knows"* mean actual knowledge of the fact in question. A person's knowledge may be inferred from circumstances.

"Law" encompasses administrative rules and regulations, court rules, ordinances, statutes, constitutional provisions, and decisional law.

"Member of a presiding officer's family residing in the presiding officer's household" means any relative of a presiding officer by blood or marriage, or a person treated by a presiding officer as a member of the presiding officer's family, who resides in the presiding officer's household.

"Member of the administrative law judge's family" means a spouse, domestic partner, child, grandchild, parent, grandparent, or other relative or person with whom the administrative law judge maintains a close familial relationship.

"Member of the presiding officer's family" means a spouse, domestic partner, child, grandchild, parent, grandparent, or other relative or person with whom the presiding officer maintains a close familial relationship.

"Nonpublic information" means information that is not available to the public. "Nonpublic information" may include but is not limited to information that is confidential or sealed by statute or court or administrative order or impounded or communicated in camera.

"Pending matter" is a matter that has commenced. A matter continues to be pending through any appellate process, including director review and judicial review, until final disposition.

"Person" means any natural or juridical person, including without limitation any corporation, limited liability company, partnership, trust, union, or other labor organization; any branch, division, department, or local unit of any of the foregoing; any political committee, party, or organization; or any other organization or group of persons.

"Political organization" means a political party or other group sponsored by or affiliated with a political party or candidate, the principal purpose of which is to further the election or appointment of candidates for political office.

"Presiding officer" means a person who acts as a presiding officer of a contested case proceeding under the authority of Iowa Code section 17A.11(1).

"Third degree of relationship" includes the following persons: great-grandparent, grandparent, parent, uncle, aunt, brother, sister, child, grandchild, great-grandchild, nephew, and niece.

15.5(3) *Application.*

a. The provisions of this Code apply to all persons who act as presiding officers under the authority of Iowa Code section 17A.11(1), except as specified in paragraph 15.5(3)*"b"* for agency heads or members of multimembered agency heads. Canons and rules that apply to all presiding officers use the terminology "presiding officer" in their text. This Code only applies to an agency head or a member of a multimembered agency head who actually acts as a presiding officer and does not apply merely because the agency head or member of a multimembered agency head is authorized to serve as the presiding officer when another person serves as the presiding officer.

b. The provisions of rules 481—15.3(10A) and 481—15.4(10A) of this Code do not apply to agency heads or members of multimembered agency heads. These provisions apply only to administrative law judges and thus the terminology "administrative law judge" is used in their text.

c. This Code does not apply to persons who participate only in the making of a final decision in a contested case without serving as a presiding officer pursuant to Iowa Code section 17A.11(1) in that contested case unless a statute or administrative rule requires such a person to abide by this Code or a particular provision of this Code. This Code may nevertheless provide useful ethical guidance for a person participating in the making of a final decision in a contested case.

These rules are intended to implement Iowa Code section 10A.801.

INSPECTIONS AND APPEALS DEPARTMENT[481]

Regulatory Analysis

Notice of Intended Action to be published: 481—Chapter 16
"Administrative Electronic Document Management System"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 10A.802(1)
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 10A

Public Hearing

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

November 18, 2025	6200 Park Avenue
3:30 to 4 p.m.	Des Moines, Iowa

Virtual participation information will be available on the Department of Inspections, Appeals, and Licensing website prior to the hearing.

Public Comment

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

Jeremiah Junker
Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321
Phone: 515.672.4745
Email: jeremiah.junker@dia.iowa.gov

Purpose and Summary

This proposed rulemaking repromulgates Chapter 16 and implements Iowa Code chapter 10A in accordance with the goals and directives of Executive Order 10.

Iowa Code section 10A.802(1) provides that the Department's administrative hearings division (AHD) may adopt rules establishing an electronic filing system for contested cases and other administrative proceedings conducted by AHD and to what extent AHD will accept, process, distribute, and retain electronic records and electronic signatures from appellants, governmental agencies, and other persons with respect to such proceedings. This chapter establishes such a system pursuant to Iowa Code section 10A.802(1) and consistent with the remainder of Iowa Code section 10A.802.

Analysis of Impact

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

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

Parties before the AHD who opt to utilize the Administrative Electronic Document Management System (AEDMS) may incur costs by the nature of needing to meet the rules of this chapter. However, use of AEDMS is not mandatory pursuant to subrule 16.4(1).

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

The AHD and parties before the AHD will benefit from this proposed rulemaking. The benefits and efficiencies of an electronic filing system for administrative proceedings conducted by AHD are

readily apparent, including electronic preparation, filing, and service of filings to and from parties that opt to utilize the AEDMS. Notably, in FY 2025, AHD's Central Panel Bureau, consisting of 17 administrative law judges, received a total of 11,021 cases and closed 11,334 cases, an accomplishment that was substantially aided by the existence and use of the AEDMS.

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 identifiable quantitative impact associated with this proposed rulemaking.

- **Qualitative description of impact:**

Parties before the AHD who opt to utilize the AEDMS may incur costs by the nature of needing to meet the rules of this chapter.

3. **Costs to the State:**

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

In FY 2025, the cost for the Department to maintain the e-filing program and its service package was $34,747.

- **Anticipated effect on State revenues:**

This proposed rulemaking has no anticipated effect on State revenues.

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

The direct costs to the Department to maintain the AEDMS, as well as any indirect (and optional) costs of compliance incurred by parties, are significantly outweighed by the substantial benefits to AHD and parties who utilize the AEDMS.

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

In AHD and the Department's opinion, this chapter already establishes fair and sound rules for the electronic filing system (as explicitly allowed in Iowa Code section 10A.802(1)), and notably, the rules apply equally to all parties in a proceeding. Additionally, electronic filing is not mandatory pursuant to subrule 16.4(1).

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

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

No alternative methods were seriously considered by the Department for purposes of this rulemaking.

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

See responses in Sections 5 and 6.

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. Rescind 481—Chapter 16 and adopt the following **new** chapter in lieu thereof:

CHAPTER 16
ADMINISTRATIVE ELECTRONIC DOCUMENT MANAGEMENT SYSTEM

481—16.1(10A) Scope. This chapter governs the filing of documents through the division's AEDMS. To the extent the rules in this chapter are inconsistent with any other administrative rule of the division, the rules in this chapter will govern. Pursuant to Iowa Code section 10A.802, these rules prevail over any other law, including Iowa Code chapter 17A, or agency rule that specifies the method, manner, or format for sending, receiving, serving, retaining, or creating paper records or other documents related to a contested case proceeding, including but not limited to a request or demand for a contested case proceeding, a notice of hearing, and a proposed or final decision.

481—16.2(10A) Definitions.

"AEDMS" means the administrative electronic document management system, the division's electronic filing and case management system.

"Agency record" means, for all cases, the electronic files maintained in AEDMS, filings the division maintains in paper form, and exhibits and other materials filed with or delivered in relation to a contested case hearing.

"Confidential" means agency files, documents, or information excluded from public access by federal or state law or administrative rule, court rule, court order, or case law.

"Division" means the division of administrative hearings in the department.

"Electronic filing" means the receipt of a document submitted to AEDMS for filing as confirmed by the transmission of the notice of electronic filing.

"Electronic record" means a record, file, or document created, generated, sent, communicated, received, or stored by electronic means.

"Electronic service" means the AEDMS electronic transmission of a link where registered users of AEDMS who are entitled to receive notice of the filing may view and download filed documents.

"File stamp" means the date and time that is affixed at the top of the first page of a document when it is filed in AEDMS.

"Nonelectronic filing" means a process by which a paper document or other nonelectronic item is filed with the division.

"Notice of electronic filing" means a document generated by AEDMS when a document is electronically filed.

"PDF" means an electronic document filed in a portable document format that is readable by the free Adobe® Acrobat® Reader.

"Protected information" means personal information, the nature of which warrants protection from unlimited public access, including but not limited to:

1. Social security numbers.
2. Financial account numbers.
3. Dates of birth.
4. Names of minor children.
5. Individual taxpayer identification numbers.
6. Personal identification numbers.
7. Other unique identifying numbers.
8. Confidential information.

"Public" refers to agency files, documents, or information that is not confidential or protected.

"Registered user" means an individual who has registered for an electronic filing account through AEDMS. A registered user can electronically file documents and electronically view and download files through the use of a username and password.

"Signature" means the following:

1. For a registered user electronically filing a document in AEDMS, "signature" means the registered user's username and password accompanied by one of the following approved signature representations:

- "Digitized signature" means an electronically embeddable image of a person's handwritten signature;
- "Electronic signature" means an electronic symbol ("/s/" or "/registered user's name/") executed or adopted by a person with the intent to sign the document; or
- "Nonelectronic signature" means a handwritten signature applied to an original document that is then scanned and electronically filed.

2. For a party signing a document that another registered user will electronically file, "signature" means the signatory's name affixed to the document as a digitized or nonelectronic signature.

481—16.3(10A) Registration, username, and passwords.

16.3(1) *Registration.*

a. Registration. Every individual filing documents or viewing or downloading filed documents in the AEDMS must register as a registered user of AEDMS.

b. Changes in registered user's contact information. If a registered user's email address, mailing address, or telephone number changes, the user must promptly make the necessary changes to the registered user's information contained in AEDMS. The registered user shall promptly give notice of changes in contact information to any nonregistered party in every active proceeding in which the registered user is a party.

c. Duties of registered user. Each registered user shall ensure that the user's email account information is current, that the account is monitored regularly, and that email notices sent to the account are timely opened.

d. Division-initiated registration. The division may complete the registration process on behalf of an individual in certain instances and email the username and password to the user. When the division completes the registration process, the user is required to promptly log in and change the password. Following initial notification regarding account registration, the user is required to promptly update and maintain accurate contact information for the AEDMS account.

16.3(2) *Use of username and password.* A registered user is responsible for all documents filed with the user's username and password unless proven by clear and convincing evidence that the registered user did not make or authorize the filing.

16.3(3) *Username and password security.* If a username or password is lost, misappropriated, misused, or compromised, the registered user of that username or password shall notify the division promptly.

16.3(4) *Denial of access.* The agency may refuse to allow an individual to electronically file or download information in AEDMS due to misuse, fraud, or other good cause.

481—16.4(10A) Electronic filing not mandatory.

16.4(1) *Electronic filing not mandatory.* Registration and filing through AEDMS, although encouraged, is not mandatory, and the division will still accept the traditional filing of paper or other electronic documents as set forth in 481—paragraph 10.12(3)*"a."*

16.4(2) *What constitutes filing.* The electronic transmission of a document to AEDMS consistent with the procedures specified in these rules, together with the production and transmission of a notice of electronic filing, constitutes filing of the document.

16.4(3) *Electronic file stamp.* Documents filed through AEDMS are officially filed when affixed with an electronic file stamp. Filings so endorsed have the same force and effect as documents time-stamped in a nonelectronic manner.

481—16.5(10A) Filing of paper documents.

16.5(1) *Conversion of paper or other electronic documents filed.* When a party files a document other than through AEDMS, the division will convert the filed documents to an electronic format viewable to registered users of AEDMS. The original of converted documents need not be retained by the division.

16.5(2) *Form of paper documents.* Each document must be printed on only one side and be delivered to the division with no tabs, staples, or permanent clips but may be organized with paperclips, clamps, or some other type of temporary fastener or may be delivered to the division in an appropriate file folder.

481—16.6(10A) Date and time of filing.

16.6(1) *Date of filing.* An electronic filing may be made any day of the week, including holidays and weekends, and any time of the day AEDMS is available.

16.6(2) *Time of filing.* A document is timely filed if it is filed before midnight on the date the filing is due.

16.6(3) *Rejected filing.* The division may reject electronic filings that do not meet the requirements of this chapter. A rejected electronic filing is not filed. When an electronic filing is rejected, the filer will be electronically notified of the rejection and the reason for the rejection. In such instances, the date and time of filing will be when the filer submits a corrected document and it is approved.

481—16.7(10A) Signatures.

16.7(1) *Registered user.* A username and password accompanied by a digitized, electronic, or nonelectronic signature serves as the registered user's signature on all electronically filed documents.

16.7(2) *Format.* Any AEDMS filing requiring a signature must be signed with either a nonelectronic signature, an electronic signature, or a digitized signature. The following information about the person shall be included under the person's signature:

a. Name;
b. Name of firm or governmental agency;
c. Mailing address;
d. Telephone number; and
e. Email address.

16.7(3) *Multiple signatures.* By filing a document containing multiple signatures, the registered user confirms that the content of the document is acceptable to all persons signing the document and that all such persons consent to having their signatures appear on the document.

481—16.8(10A) Confidentiality and redaction of electronic documents.

16.8(1) *Confidential system.* AEDMS is a closed system, and filed documents are only accessible to a registered user who is attached to the case and division staff. Filed documents are not publicly accessible. There are two internal levels of enhanced filing confidentiality.

a. A filing certified by the filer as "confidential" is only accessible to the parties, the administrative law judge (ALJ), and division staff.

b. A filing certified by the filer as "sealed" is only accessible by the ALJ and division staff and is not accessible by any other party or user. This filing designation may only be made pursuant to prior order of the ALJ, and a sealed filing will be rejected if not authorized by order.

c. The responsibility for proper filing is on the filer.

16.8(2) *Omission and redaction requirements.* It is the responsibility of the filer to ensure that protected information is omitted or redacted from documents before the documents are filed.

a. Protected information that is not material to the proceedings. A filer may redact protected information from documents filed with the division when the information is not material to the proceedings.

b. Protected information that is material to the proceedings. When protected information is material to the proceedings, a filer must certify the document as confidential when submitting the filing to the division.

16.8(3) *Information that may be redacted.* A filer may redact the following information unless the information is material to the proceedings:

a. Driver's license numbers.
b. Information concerning medical treatment or diagnosis.
c. Employment history.
d. Personal financial information.
e. Proprietary or trade secret information.
f. Information concerning crime victims.
g. Sensitive security information.
h. Home addresses.

16.8(4) *Improperly included protected information.* A party may ask the division to restrict access to improperly included protected information from a filed document. The division may order a properly redacted document to be filed.

481—16.9(10A) General requirements when filing documents.

16.9(1) *Format.* All documents must be converted to a PDF before they are filed in AEDMS. Documents submitted must be properly scanned, which includes having the pages in the correct order and orientation and having the scanned content of the document be legible.

16.9(2) *Separating documents.* Each document must be separated and uploaded with the correct document type selection on the document upload page. Any attachments to a document shall be uploaded as such and linked to the correct document prior to submission.

16.9(3) *Selecting document types.* For each electronically filed document, a filer must choose an accurate document type from the options listed on the document upload page. Once a document is submitted into AEDMS, only the division may make corrections to the document type the filer has chosen.

16.9(4) *Correcting errors.* If a filer discovers an error in the electronic filing or docketing of a document, the filer must contact the division as soon as possible. If the division discovers an error in the filing or docketing of a document, the division may notify the filer of the error and advise the filer of what further action the filer must take, if any, to address the error.

481—16.10(10A) Case initiation and service.

16.10(1) *Case initiation.* A case may be initiated by an agency or governmental entity via AEDMS by the electronic filing of a transmittal form pursuant to rule 481—10.5(10A).

16.10(2) *Filings by registered user.* To the extent another party to the case is not a registered user, the registered user shall serve those filings upon the nonregistered user pursuant to the applicable rules of contested case procedure and any other controlling law.

16.10(3) *Electronic service and distribution of electronic filings.*

a. When a document is electronically filed, that document will be served automatically through AEDMS to all parties to the proceeding who are registered users. No other service to those registered users is required unless ordered by the division or unless the registered user has filed a document indicating an express withdrawal from use of the AEDMS, either entirely or for a specific case.

b. Notices of electronic filing will continue to be sent to registered users appearing or intervening in a proceeding until the registered users have filed a withdrawal of appearance or document indicating an express withdrawal from use of the AEDMS, either entirely or for a specific case.

16.10(4) *Division-generated documents.* All documents issued by the division will be electronically filed and served upon registered users. Division-generated documents will be served upon nonregistered users pursuant to the applicable rules of contested case procedure and any other controlling law.

These rules are intended to implement Iowa Code chapter 10A.

RACING AND GAMING COMMISSION[491]

Regulatory Analysis

Notice of Intended Action to be published: 491—Chapter 7
"Greyhound Racing"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 99D.7, 99D.9B(5), 99D.23(1) and 99D.25

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 99D

Public Hearing

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

November 18, 2025	6200 Park Avenue, Suite 100
9 a.m.	Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Iowa Racing and Gaming Commission no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Barb Blake
Iowa Racing and Gaming Commission
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Email: barb.blake@iowa.gov

Purpose and Summary

In accordance with Executive Order 10, the Commission is reviewing all of its rules prior to the agency review date of December 31, 2026. The Commission administers and enforces Iowa Code chapter 99D, which authorizes horse and dog racing in Iowa. The Commission is reviewing rules related to racing before 2026 to make any repromulgated rules effective in time for the 2026 racing season, which starts in May.

Chapter 7 of the Commission's rules provides licensing and competition standards for greyhound racing. However, live greyhound racing in Iowa has not taken place since 2022. Thus, the proposed rulemaking rescinds Chapter 7 in its entirety to reflect that live greyhound racing is no longer taking place in Iowa.

Analysis of Impact

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

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

Rescinding rules related to greyhound racing will not impose additional costs because it will reduce the overall number of rules and eliminate provisions dealing only with an activity that is no longer occurring in Iowa.

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

Other licensees approved by the Commission (for example, facility licensees, qualified sponsoring organizations, or occupational licensees) may benefit from the rescission of Chapter 7. Rescinding the chapter will reduce uncertainty or confusion about whether a rule located in Chapter 7 is potentially applicable to licensees' other activities.

In addition, it is plausible that animal welfare organizations or other organizations advocating for the cessation of greyhound racing across the country or the world could view the proposed rescission of Chapter 7 as a benefit insofar as it reduces the likelihood of live greyhound racing resuming 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:**

Rescinding rules related to greyhound racing is unlikely to have any quantitative impact.

- **Qualitative description of impact:**

Rescinding rules related to greyhound racing may have a net positive qualitative impact on licensees. Rescinding the entire chapter reduces licensees' regulatory and compliance obligations.

3. **Costs to the State:**

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

Because the entire chapter is proposed for rescission, there are no anticipated implementation or enforcement costs for the agency.

- **Anticipated effect on State revenues:**

Rescinding rules related to greyhound racing is not anticipated to impact State revenues.

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

This comparison weighs in favor of the proposed rulemaking. If the rulemaking is completed, the costs are minimal or nonexistent and the benefits are a reduction in possible confusion or uncertainty for regulated licensees. By contrast, inaction would leave a mostly vestigial chapter of rules in the Iowa Administrative Code with no ongoing enforcement of them.

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

The Commission has not identified less costly or less intrusive methods for rescinding rules related to greyhound racing. The Arkansas Racing Commission similarly began a rescission process for its greyhound rules in 2024 after live greyhound racing ceased in Arkansas in 2022.

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

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

The Commission considered retaining Chapter 7 to avoid implying (by rescinding the rules) that licensees under Iowa Code chapter 99D who formerly conducted live greyhound racing would no longer be authorized to operate at all.

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

Because the basis for facility licensing is statutory and does not stem from Chapter 7, elimination of outdated or unnecessary provisions outweighed retaining the rules. The Commission believes former greyhound racing facilities licensed under Iowa Code chapter 99D will remain able to operate if they have obtained a license to conduct gambling games at a racetrack under Iowa Code section 99F.4A.

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 rules do not have a substantial impact on small business. Rescinding a chapter is inherently less stringent than leaving the chapter in place.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **491—Chapter 7**.

RACING AND GAMING COMMISSION[491]

Regulatory Analysis

Notice of Intended Action to be published: 491—Chapter 8
"Pari-Mutuel Wagering, Simulcasting and Advance Deposit Wagering"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 99D.7, 99D.9A, 99D.9C, 99D.9D, 99D.11 and 99D.15

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 99D

Public Hearing

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

November 18, 2025	6200 Park Avenue, Suite 100
9 a.m.	Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Iowa Racing and Gaming Commission no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Barb Blake
Iowa Racing and Gaming Commission
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Email: barb.blake@iowa.gov

Purpose and Summary

In accordance with Executive Order 10, the Commission is reviewing all of its rules prior to the agency review date of December 31, 2026. The Commission administers and enforces Iowa Code chapter 99D, which authorizes horse and dog racing in Iowa. The Commission is reviewing rules related to racing before 2026 to make any repromulgated rules effective in time for the 2026 racing season, which is scheduled to start in May.

Chapter 8 of the Commission's rules provides details and parameters for pari-mutuel wagering, simulcasting, advance deposit wagering, and alternative simulcast operators. The proposed rulemaking eliminates some instances of outdated language, eliminates some definitions or other language that duplicated a statute, and avoids potentially conflicting standards for different types of online wagering operators by making advance deposit wagering account registration subject to the same requirements as advance deposit sports wagering account registration.

Analysis of Impact

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

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

The costs of compliance will be borne by licensees or prospective licensees. However, these classes of persons are already bearing the costs of compliance with Chapter 8 when they obtain and maintain the applicable license type under Iowa Code chapter 99D. Thus, the proposed rulemaking is not anticipated to impose significant additional costs.

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

The proposed rulemaking will continue to provide clarity both for pari-mutuel operators and for bettors. For example, the proposed rulemaking establishes the classes of allowable pari-mutuel

wagers, sets forth deadlines for claiming winnings, and contains provisions allowing operators or racing officials to disallow or cancel certain wagers under certain conditions.

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:**

Online operators may be impacted if the proposed changes aligning advance deposit wagering account registration with advance deposit sports wagering account registration would necessitate a back-end technological change to the operator's platform. In that instance, operators could incur some development costs.

- **Qualitative description of impact:**

Despite some potential development costs, the proposed rulemaking aligning the standards for all online wagering accounts is qualitatively beneficial because it promotes uniformity and is more easily administered.

3. **Costs to the State:**

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

The proposed rulemaking is not anticipated to increase implementation and enforcement costs for the Commission.

- **Anticipated effect on State revenues:**

The proposed rulemaking is not anticipated to affect State revenues.

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

The proposed rulemaking is required under Executive Order 10.

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?

The proposed rules are not anticipated to have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 491—Chapter 8 and adopt the following **new** chapter in lieu thereof:

CHAPTER 8
PARI-MUTUEL WAGERING, SIMULCASTING AND ADVANCE DEPOSIT WAGERING

491—8.1(99D) Definitions. As used in this chapter, unless the context otherwise requires, the following definitions apply:

"Account" means an account approved by the commission for pari-mutuel advance deposit wagering with a complete record of credits, wagers and debits established by a licensee account holder and managed by a licensee or advance deposit wagering operator (ADWO).

"Administrator" means the administrator of the Iowa racing and gaming commission or the administrator's designee.

"Advance deposit wagering center" means an actual location, the equipment, and the staff of a licensee, ADWO, or both involved in the management, servicing and operation of the pari-mutuel advance deposit wagering for the licensee.

"Alternative simulcast operator" or *"ASO"* means an entity licensed by the commission to provide a system of pari-mutuel wagering at off-track betting venues at facilities licensed by the commission to conduct gambling games in Iowa.

"Authorized receiver" means a receiver that conducts and operates a pari-mutuel wagering system on the results of contests being held or conducted and simulcast from the enclosures of one or more host facilities.

"Betting interest" means a number assigned to a single runner, an entry or a field for wagering purposes.

"Board" means, as appropriate, either the board of stewards or the gaming board as defined in 491—Chapter 4.

"Breakage" means the same as defined in Iowa Code section 99D.2(2) and consists of the net pool minus payoff.

"Commission representative" means an employee of the commission designated to represent the commission in matters pertaining to the operation of the mutuel department. In the absence of a specifically appointed representative, a commission steward will perform the functions and duties of the commission representative.

"Contest" means a race on which wagers are placed.

"Credits" means all positive inflows of money to an account.

"Dead heat" means that two or more runners have tied at the finish line for the same position in the order of finish.

"Debits" means all negative outflow of money from an account.

"Deposit" means a payment of money into an account.

"Double" means a wager to select the winners of two consecutive races that is not a parlay, that has no connection with or relation to any other pool conducted by the facility, and that will not be construed as a "quinella double."

"Entry" means two or more runners are coupled in a contest because of common ties and a wager on one of them is a wager on all of them.

"Exacta" (may also be known as "perfecta" or "correcta") means a wager selecting the exact order of finish for first and second in that contest and is not a parlay and has no connection with or relation to any other pool conducted by the facility.

"Field" means when the individual runners competing in a contest exceed the numbering capacity of the totalizator and all runners of the higher number are grouped together. A wager on one in the field is a wager on all.

"Guest facility" means a facility that offers licensed pari-mutuel wagering on contests conducted by another facility (the host) in either the same state or another jurisdiction.

"Host facility" means the facility where a licensed pari-mutuel meeting takes place, from which authorized contests or entire performances are simulcast.

"Interstate simulcasting" means the telecast of live audio and visual signals of pari-mutuel racing sent to or received from a state outside the state of Iowa to an authorized racing or gaming facility for the purpose of wagering. For the purposes of this definition, "interstate" also includes foreign jurisdictions.

"Intrastate simulcasting" means the telecast of live audio and visual signals of pari-mutuel racing conducted on a licensed pari-mutuel track within Iowa sent to or received from an authorized pari-mutuel facility within Iowa for the purpose of pari-mutuel wagering.

"Licensee account holder" means any individual at least 21 years of age who successfully completed an application and for whom the licensee or ADWO has opened an account. "Licensee account holder" does not include any corporation, partnership, limited liability company, trust, estate or other formal or nonformal entity.

"Minus pool" means when the total amount of money to be returned to the public exceeds what is in the pool because of the deduction of a commission and because of the rule stipulation that no mutuel tickets will be paid at less than $1.05 for each $1 wagered.

"Mutuel department" means that area of a racetrack where wagers are made and winning tickets are cashed and where the totalizator is installed and any area used directly in the operation of pari-mutuel wagering.

"Mutuel manager" means an employee of the facility who manages the mutuel department.

"Net pool" means the amount remaining in each separate pari-mutuel pool after the takeout percentage, as provided for by Iowa Code section 99D.11, has been deducted.

"Odds" means the approximate payoffs per dollar based on win pool wagering only on each betting interest for finishing first without a dead heat with another betting interest.

"Official" means that the order of finish for the race is official and that payoff prices based upon the official order of finish will be posted.

"Order of finish" means the finishing order of each runner from first place to last place in each race. For horse racing only, the order of finish may be changed by the stewards for a rule infraction prior to posting of the official order of finish.

"Pari-mutuel pool" means the total amount of money wagered on each separate pari-mutuel pool for payoff purposes.

"Payoff" means the amount distributed to holders of valid winning pari-mutuel tickets in each pool as determined by the official order of finish and includes the amount wagered and profit.

"Place" means a runner finishing second.

"Place pool" means the total amount of money wagered on all betting interests in each race to finish first or second.

"Post time" means the scheduled starting time for a contest.

"Proper identification" means a form of identification accepted in the normal course of business to establish that the person making a transaction is a licensee account holder.

"Quinella" means a wager selecting two runners to finish first and second, regardless of the order of finish, and is not a parlay and has no connection with or relation to any other pool conducted by the facility.

"Quinella double" means a wager that consists of selecting the quinella in each of two designated contests and is an entirely separate pool from all other pools and has no connection with or relation to any other pool conducted by the facility.

"Runner" means each entrant in a contest, designated by a number as a betting interest.

"Sales transaction data" means the data between totalizator ticket-issuing machines and the totalizator central processing unit for the purpose of accepting wagers and generating, canceling

and cashing pari-mutuel tickets and the financial information resulting from the processing of sales transaction data, such as handle.

"Secure personal identification code" means an alpha-numeric character code provided by a licensee account holder as a means by which the licensee or ADWO may verify a wager or account transaction as authorized by the licensee account holder.

"Show" means a runner finishing third.

"Show pool" means the total amount of money wagered on all betting interests in each contest to finish either first, second or third.

"Source market fee" or *"host fee"* means the part of a wager that is made on any race by a person who is a licensee account holder and that is returned to the licensee and the Iowa Horsemen's Benevolent and Protective Association pursuant to the terms of a negotiated agreement as required by rule 491—8.6(99D).

"Steward" means a racing official appointed or approved by the commission to perform the supervisory and regulatory duties relating to pari-mutuel racing.

"Superfecta" means a wager selecting the exact order of finish for first, second, third, and fourth in that contest and is not a parlay and has no connection with or relation to any other pool conducted by the facility.

"Totalizator" means a machine for registering wagers and computing odds and payoffs based upon data supplied by each pari-mutuel ticket-issuing machine.

"Trifecta" means a wager selecting the exact order of finish for first, second, and third in that race and is not a parlay and has no connection with or relation to any other pool conducted by the facility.

"Tri-superfecta" means a wager selecting the exact order of finish for first, second and third in the first designated tri-super contest combined with selecting the exact order of finish for first, second, third and fourth in the second designated tri-super contest.

"Twin quinella" means a wager in which the bettor selects the first two finishers, regardless of order, in each of two designated contests. Each winning ticket for the twin quinella must be exchanged for a free ticket on the second twin quinella contest in order to remain eligible for the second-half twin quinella pool.

"Twin superfecta" means a wager in which the bettor selects the first four finishers, in their exact order, in each of two designated contests. Each winning ticket for the first twin superfecta contest must be exchanged for a free ticket on the second twin superfecta contest in order to remain eligible for the second-half twin superfecta pool.

"Twin trifecta" means a wager in which the bettor selects the three runners that will finish first, second, and third in the exact order as officially posted in each of the two designated twin trifecta races.

"Underpayment" means when the payoff to the public resulting from errors in calculating pools and errors occurring in the communication in payoffs results in less money returned to the public than is actually due.

"Win" means a runner finishing first.

"Win pool" means the total amount wagered on all betting interests in each contest to finish first.

"Withdrawal" means a payment of money from an account by the licensee or ADWO to the licensee account holder when properly requested by the licensee account holder.

491—8.2(99D) General.

8.2(1) *Wagering.* Each facility must conduct wagering in accordance with applicable laws and these rules, employing a pari-mutuel system approved by the commission. The totalizator should be tested prior to and during the meeting as required by the commission. Annually, the facility will have an external audit, approved by the administrator, of the totalizator system. All systems of wagering other than pari-mutuel, such as bookmaking and auction-pool selling, are prohibited, and any person attempting to participate in prohibited wagering will be ejected or excluded from facility grounds.

8.2(2) *Records.* The facility must maintain records of all wagering so the commission may review such records for any contest including the opening line, subsequent odds fluctuation, the amount and at which window wagers were placed on any betting interest, and such other information as may be required. Such wagering records will be retained by each facility for a period of time specified by the commission. The commission may require certain records to be made available to the wagering public at the completion of each contest. The facility must provide the commission with a list of the licensed individuals afforded access to pari-mutuel records and equipment at the wagering facility.

8.2(3) *Pari-mutuel tickets.* A pari-mutuel ticket is evidence of a contribution to the pari-mutuel pool operated by the facility and is evidence of the facility's obligation to pay to the holder thereof such portion of the distributable amount of the pari-mutuel pool as is represented by such valid pari-mutuel ticket. The facility cashes all valid winning tickets when presented for payment during the course of the meeting where sold and for a specified period after the last day of the meeting as provided in paragraph 8.2(4)*"g."*

a. A valid pari-mutuel ticket must have been issued by a pari-mutuel ticket machine operated by the facility, have been recorded as a ticket entitled to a share of the pari-mutuel pool, and contain imprinted information as to:

(1) The name of the facility operating the meeting.

(2) A unique identifying number or code.

(3) Identification of the terminal at which the ticket was issued.

(4) A designation of the performance for which the wagering transaction was issued.

(5) The contest number for which the pool is conducted.

(6) The type(s) of wagers represented.

(7) The number(s) representing the betting interests for which the wager is recorded.

(8) The amount(s) of the contributions to the pari-mutuel pool or pools for which the ticket is evidence.

b. No pari-mutuel ticket recorded or reported as previously paid, canceled, or nonexistent may be deemed a valid pari-mutuel ticket by the facility. The facility may withhold payment and refuse to cash any pari-mutuel ticket deemed not valid, except as provided in paragraph 8.2(4)*"e."*

8.2(4) *Pari-mutuel ticket sales.*

a. Pari-mutuel tickets cannot be sold by anyone other than a facility licensed to conduct pari-mutuel wagering.

b. No pari-mutuel ticket may be sold on a contest for which wagering has already been closed, and no facility is responsible for ticket sales entered into but not completed by issuance of a ticket before the totalizator is closed for wagering on such contest.

c. Claims pertaining to a mistake on an issued or unissued ticket must be made by the bettor prior to leaving the seller's window.

d. Payment on winning pari-mutuel wagers will be made on the basis of the order of finish as purposely posted and declared "official." Any subsequent change in the order of finish or award of purse money(s) as may result from a subsequent ruling by the stewards or administrator will not affect the pari-mutuel payoff. If an error in the posted order of finish or payoff figures is discovered, the official order of finish or payoff prices may be corrected and an announcement concerning the change will be made to the public.

e. The facility cannot satisfy claims on lost, mutilated, or altered pari-mutuel tickets without authorization from the administrator.

f. The facility has no obligation to enter a wager into a betting pool if unable to do so due to equipment failure.

g. Payment on valid pari-mutuel tickets will be made only upon presentation and surrender to the facility where the wager was made within 60 days following the close of the meeting during which the wager was made. Failure to present any such ticket within 60 days waives the right to receive payment.

8.2(5) *Claims for payment from pari-mutuel pool.* At a designated location, a written, verified claim for payment from a pari-mutuel pool will be accepted by the facility in any case where the facility has withheld payment or has refused to cash a pari-mutuel wager. The claim should be made on a form approved by the administrator and the claim attested to under penalty of perjury. The original of the claim will be forwarded to the administrator within 48 hours.

a. If a claim is made for payment of a mutilated pari-mutuel ticket that does not contain the total imprinted elements required in paragraph 8.2(3)*"a,"* the facility will include a recommendation whether or not the mutilated ticket has sufficient elements to be positively identified as a winning ticket on the claim forwarded to the administrator.

b. When a claim is made for payment on a pari-mutuel wager, the administrator will adjudicate the claim and may order payment thereon from the pari-mutuel pool or by the facility, may deny the claim, or may make such other order as the administrator may deem proper.

8.2(6) *Payment for errors.* If an error occurs in the payment amounts for pari-mutuel wagers that are cashed or entitled to be cashed, and as a result of such error the pari-mutuel pool involved in the error is not correctly distributed among winning ticket holders, the following apply:

a. Verification is required to show that the amount of the commission, the amount in breakage, and the amount in payoffs are equal to the total gross pool. If the amount of the pool is more than the amount used to calculate the payoff, the underpayment will be added to the corresponding pool of the next contest. If an underpayment is discovered after the close of the meeting, the underpayment should be held in an interest-bearing account approved by the administrator until being added, together with accrued interest, to the corresponding pool of the next meet.

b. Any claim not filed with the facility within 30 days, inclusive of the date on which the underpayment was publicly announced, is waived, and the facility has no further liability therefor.

c. In the event the error results in an overpayment to winning wagers, the facility is responsible for such payment.

8.2(7) *Public notice.* Wagering rules, betting explanations relative to each time of pool offered, approximate odds, and the calculation of payoffs and distribution of pools approved by the commission must be readily available to the public. Signage may be conspicuously posted in the wagering area to direct patrons to the wagering area where this information can be viewed. The approximate odds for win pool betting and the probable payoff or amounts wagered, in total and on each betting interest, for other pools will be displayed to the wagering public at intervals and in a manner approved by the administrator. Official results and payoffs must be publicly displayed upon each contest being declared official.

8.2(8) *Canceled contests.* If a contest is canceled or declared "no contest," refunds will be granted on valid wagers in accordance with these rules.

8.2(9) *Refunds.*

a. Notwithstanding other provisions of these rules, refunds of the entire pool are made on:

(1) Win pools, exacta pools, and first-half double pools offered in contests in which the number of betting interests has been reduced to fewer than two.

(2) Place pools, quinella pools, trifecta pools, first-half quinella double pools, first-half twin quinella pools, first-half twin trifecta pools, and first-half tri-superfecta pools offered in contests in which the number of betting interests has been reduced to fewer than three.

(3) Show pools, superfecta pools, and first-half twin superfecta pools offered in contests in which the number of betting interests has been reduced to fewer than four.

b. Authorized refunds are paid upon presentation and surrender of the affected pari-mutuel ticket.

8.2(10) *Coupled entries and mutuel fields.*

a. Contestants coupled in wagering as a coupled entry or mutuel field are considered part of a single betting interest for the purpose of price calculations and distribution of pools. Should any contestant in a coupled entry or mutuel field be officially withdrawn or scratched, the remaining contestants in that coupled entry or mutuel field remain valid betting interests and no refunds will be

granted. If all contestants within a coupled entry or mutuel field are scratched, then tickets on such betting interests will be refunded, notwithstanding other provisions of these rules.

b. For the purpose of price calculations only, coupled entries and mutuel fields will be calculated as a single finisher, using the finishing position of the leading contestant in that coupled entry or mutuel field to determine order of placing. This rule applies to all circumstances, including situations involving a dead heat, except as otherwise provided by these rules.

8.2(11) *Pools dependent upon betting interests.* Unless the administrator otherwise provides, at the time the pools are opened for wagering, the facility:

a. May offer win, place, and show wagering on all contests.

b. May disallow show wagering on any contest with five or fewer betting interests scheduled to start.

c. May disallow place wagering on any contest with four or fewer betting interests scheduled to start.

d. May disallow quinella wagering on any contest with three or fewer betting interests scheduled to start.

e. May disallow quinella double wagering on any contests with three or fewer betting interests scheduled to start.

f. May disallow exacta wagering on any contest with three or fewer betting interests scheduled to start.

g. May disallow trifecta wagering on any contest with five or fewer betting interests scheduled to start. In addition, the stewards have the authority to cancel trifecta wagering at any time they determine an irregular pattern of wagering or determine that the conduct of the race would not be in the interest of the regulation of the pari-mutuel wagering industry or in the public confidence in racing. The stewards may approve smaller fields for trifecta wagering if extraneous circumstances are shown by the facility.

h. May disallow superfecta and pentafecta wagering on any contest with seven or fewer betting interests scheduled to start.

i. May disallow twin quinella wagering on any contests with three or fewer betting interests scheduled to start.

j. May disallow twin trifecta wagering on any contests with seven or fewer betting interests scheduled to start, except as provided in subparagraph 8.2(13)*"g"*(1).

k. May disallow tri-superfecta wagering on any contests with seven or fewer betting interests scheduled to start.

l. May disallow twin superfecta wagering on any contests with seven or fewer betting interests scheduled to start.

8.2(12) *Prior approval for betting pools.*

a. A facility that desires to offer new forms of wagering must apply in writing to the administrator and receive written approval prior to implementing the new betting pool.

b. The facility may suspend previously approved forms of wagering with the prior approval of the administrator. Any carryover is held until the suspended form of wagering is reinstated. A facility may request approval of a form of wagering or separate wagering pool for specific requirements.

8.2(13) *Closing of wagering in a contest.*

a. All wagering stops and all pari-mutuel machines are automatically locked at post time or at the actual start of the races.

b. The facility will maintain, in good order, a system approved by the administrator for closing wagering.

8.2(14) *Facility/vendor employees.* All facility/vendor employees must report immediately to the administrator any known irregularities or wrongdoings by any person involving pari-mutuel wagering and cooperate in subsequent investigations.

8.2(15) *Unrestricted access.* The facility must permit the commission unrestricted access at all times to its facilities and equipment and to all books, ledgers, accounts, documents and records of the facility that relate to pari-mutuel wagering.

8.2(16) *Totalizator breakdown.* In the event of irreparable breakdown of the totalizator during the wagering on a race, the wagering on that race will be declared closed and the payoff will be computed on the sums wagered in each pool up to the time of the breakdown.

8.2(17) *Minimum wager and payoff.* The minimum wager to be accepted by any licensed facility for win, place and show wagering is $2. The minimum payoff on a $2 wager is $2.10. For all other wagers, the minimum wager to be accepted by any licensed facility is $1. The minimum payoff for a $1 wager is $1.05. Any deviation from these minimums must be approved by the administrator. In cases where a minus pool occurs, the facility is responsible for the payment of the minimum payoff and no breakage will be incurred from that pari-mutuel pool.

8.2(18) *Underage wagering prohibited.* No licensed operator may permit any person under the age of 21 to purchase or cash a pari-mutuel ticket.

8.2(19) *Emergency situations.* In the event of an emergency in connection with the mutuel department not covered in these rules, the pari-mutuel manager representing the facility should report the problem to the stewards, and the stewards will render a full report to the administrator or administrator's designee within 48 hours.

8.2(20) *Commission mutuel representative.* The administrator may appoint an employee to serve as the commission's designated representative at each race meeting as provided in Iowa Code section 99D.19. In the absence of a specifically appointed representative, the board of stewards or simulcast steward will perform the functions and duties of the commission.

491—8.3(99D) Approval of pari-mutuel wagers.

8.3(1) *Pools permitted.* All pari-mutuel wagering pools approved by the commission are to be separately and independently calculated and distributed. Takeout is deducted from each gross pool as stipulated by Iowa Code section 99D.11. The remainder of the moneys in the pool will constitute the net pool for distribution as payoff on winning wagers.

8.3(2) *Pari-mutuel wagering submissions.* Prior to conducting a new pari-mutuel wager, a facility must submit written proposals for the wager, including but not limited to the wager type, calculation of payoff, refunds and distribution of pools. Proposals must be approved by the administrator or an administrator's designee prior to implementation.

491—8.4(99D) Simulcast wagering.

8.4(1) *General.*

a. Rules. All simulcasting must be transmitted live, and all wagering on simulcasting must be made in accordance with commission rules on pari-mutuel wagering. Commission rules in effect during live racing remain in effect during simulcasting where applicable.

b. Transmission. The method used to transmit sales transaction and data including but not limited to the odds, will pay, race results, and payoff prices must be approved by the commission, based upon the determination that provisions to secure the system and transmission are satisfactory. If the method relies on internet service to transmit, a backup internet service should be used in the event of transmission failure until all transactions are completed for the day.

c. Communication. A communication system between the host track and the receiving facility that will allow the totalizator operator and the commission representatives at the host track to communicate with the facility receiving the signal must be provided. The facility is responsible during the racing program's operating hours for reporting any problems or delays to the public.

d. Approval.

(1) All simulcasting, both interstate and intrastate, must be preapproved by the commission or commission representative. Each facility conducting simulcasting submits an annual written simulcast proposal to the commission with the application for license renewal.

(2) The commission representative, upon written request, may grant modifications to the annual simulcast proposal. The commission representative may approve or disapprove simulcast requests at the representative's discretion. Factors that may be considered include but are not limited to economic conditions of a facility, impact on other facilities, impact on the Iowa breeding industry, other gambling in the state, and any other considerations the commission representative deems appropriate.

(3) Once simulcast authority has been granted by the commission or commission representative, it is the affirmative responsibility of the facility granted simulcast authority to obtain all necessary permission from other jurisdictions and tracks to simulcast the pari-mutuel races. In addition, the burden of adhering to state and federal laws concerning simulcasting rests on the facility at all times.

8.4(2) *Simulcast host.*

a. Every host facility, if requested, may contract with an authorized receiver for the purpose of providing authorized users its simulcast. All contracts governing participation in interstate or intrastate pools must be submitted to the commission representative for prior approval. Contracts should be of such content and in such format as required by the commission representative.

b. A host facility is responsible for the content of the simulcast and should use all reasonable effort to present a simulcast that offers the viewers an exemplary depiction of each performance.

c. Unless otherwise permitted by the commission representative, every simulcast will contain in its video content a digital display of actual time of day, the name of the host facility from which the simulcast originates, the number of the contest being displayed, and any other relevant information available to patrons at the host facility.

d. The host facility must maintain such security controls, including encryption over its uplink and communications systems, as directed or approved by the commission or commission representative.

e. Financial reports are submitted daily or as otherwise directed by the commission representative. Reports must be of such content and in such format as required by the commission representative.

8.4(3) *Authorized receiver.*

a. An authorized receiver provides:

(1) Adequate transmitting and receiving equipment of acceptable broadcast quality that does not interfere with the closed circuit TV system of the host facility for providing any host facility patron information.

(2) Pari-mutuel terminals, pari-mutuel odds displays, modems and switching units enabling pari-mutuel data transmissions, and data communications between the host and guest facilities.

(3) A voice communication system between each guest facility and the host facility providing timely voice contact among the commission representative, placing judges, and mutuel departments.

b. The guest facility and all authorized receivers must conduct pari-mutuel wagering pursuant to the applicable commission rules.

c. Not less than 30 minutes prior to the commencement of transmission of the performance of pari-mutuel contests, the guest facility should initiate a test program of its transmitter, encryption and decoding, and data communication to ensure proper operation of the system.

d. The guest facility should, in conjunction with the host facility or facilities for which it operates pari-mutuel wagering, provide the commission representative with a certified report of its pari-mutuel operations as directed by the commission representative.

e. Every authorized receiver must file with the commission an annual report of its simulcast operations and an audited financial statement.

f. The mutuel manager will notify the commission representative when the transfer of pools, pool totals, or calculations are in question, or if partial or total cancellations occur, and will suggest alternatives for continued operation. Should loss of video signal occur, wagering may continue with approval from the commission representative.

491—8.5(99D) Interstate common-pool wagering.

8.5(1) *General.*

a. All contracts governing participation in interstate common pools should be submitted to the commission representative for prior approval. Financial reports are submitted daily or as otherwise directed by the commission representative. Contracts and reports should be of such content and in such format as required by the commission representative.

b. Individual wagering transactions are made at the point of sale in the state where placed. Pari-mutuel pools are combined for computing odds and calculating payoffs but will be held separate for auditing and all other purposes.

c. Any surcharges or withholdings in addition to the takeout may be applied only in the jurisdiction otherwise imposing such surcharges or withholdings.

d. In determining whether to approve an interstate common pool that does not include the host facility or that includes contests from more than one facility, the commission representative will consider and may approve use of a bet type that is not utilized at the host facility, application of a takeout rate not in effect at the host facility, or other factors that are presented to the commission representative.

e. The content and format of the visual display of racing and wagering information at facilities in other jurisdictions where wagering is permitted in the interstate common pool need not be identical to the similar information permitted or required to be displayed under these rules.

8.5(2) *Guest state participation in interstate common pools.*

a. With the prior approval of the commission representative, pari-mutuel wagering pools may be combined with corresponding wagering pools in the host state or with corresponding pools established by one or more other jurisdictions.

b. The commission representative may permit adjustment of the takeout from the pari-mutuel pool so that the takeout rate in this jurisdiction is identical to that of the host facility or identical to that of other jurisdictions participating in a merged pool.

c. When takeout rates in the merged pools are not identical, the net-price calculation is the method by which the differing takeout rates are applied.

d. Rules established in the state of the host facility designated for a pari-mutuel pool apply.

e. The commission representative will approve agreements made between the facility and other participants in interstate common pools governing the distribution of breakage between the jurisdictions.

f. If, for any reason, it becomes impossible to successfully merge the bets placed into the interstate common pool, the facility will make payoffs in accordance with payoff prices that would have been in effect if prices for the pool of bets were calculated without regard to wagers placed elsewhere, except that, with the permission of the commission representative, the facility may alternatively determine either to pay winning tickets at the payoff prices at the host facility or to declare such accepted bets void and make refunds in accordance with the applicable rules.

8.5(3) *Host state participation in merged pools.*

a. With the prior approval of the commission representative, a facility licensed to conduct pari-mutuel wagering may determine that one or more of its contests be utilized for pari-mutuel wagering at guest facilities in other jurisdictions and may also determine that pari-mutuel pools in guest jurisdictions be combined with corresponding wagering pools established by it as the host facility or comparable wagering pools established by two or more jurisdictions.

b. When takeout rates in the merged pool are identical, the net-price calculation is the method by which the differing takeout rates are applied.

c. Rules of racing established for races held in this state also apply to interstate common pools unless the commission representative specifically determines otherwise.

d. The commission representative must approve agreements made between the facility and other participants in interstate common pools governing the distribution of breakage between the jurisdictions.

e. Any contract for interstate common pools entered into by the facility must contain a provision to the effect that if, for any reason, it becomes impossible to successfully merge the bets placed in another jurisdiction into the interstate common pool formed by the facility or if, for any reason, the commission representative or facility determines that attempting to effect transfer of pool data from the guest jurisdiction may endanger the facility's wagering pool, the facility will have no liability for any measure taken that may result in the guest's wagers not being accepted into the pool.

8.5(4) *Takeout rates in interstate common pools.*

a. With the prior approval of the commission representative, a facility wishing to participate in an interstate common pool may change its takeout rate so as to achieve a common takeout rate with all other participants in the interstate common pool.

b. A facility wishing to participate in an interstate common pool may request that the commission representative approve a methodology whereby host facility and guest facility jurisdictions with different takeout rates for corresponding pari-mutuel pools may effectively and equitably combine wagers from the different jurisdictions into an interstate common pool.

491—8.6(99D) Advance deposit wagering.

8.6(1) *Authorization to conduct advance deposit wagering.*

a. A licensee may request authorization from the commission to conduct advance deposit wagering pursuant to Iowa Code section 99D.11(6)*"c"* and this chapter and in the format outlined in 491—Chapter 1. The commission may require changes in a proposed plan of operations as a condition of granting a request. No subsequent changes in the system's operation may occur unless a written request is received and approved in writing by the administrator.

b. The commission may conduct investigations or inspections or request additional information from the licensee as the commission deems appropriate in determining whether to allow the licensee to conduct advance deposit wagering.

c. The licensee will establish and manage an advance deposit wagering center.

d. The commission may issue an ADWO license to an entity that enters into an agreement with the commission, the licensee, and the Iowa horsemen's benevolent and protective association. The terms of any ADWO's license include but are not limited to:

(1) Any source market fees and host fees to be paid on any races subject to advance deposit wagering.

(2) An annual ADWO license fee in an amount to be determined by the commission.

(3) Completion of all necessary background investigations.

(4) Acceptance of wagers on live races conducted at the horse racetrack in Polk County from all of its licensee account holders.

(5) A bond or irrevocable letter of credit on behalf of the ADWO to be determined by the commission.

(6) A detailed description and certification of systems and procedures used by the ADWO to validate the identity and age of licensee account holders and to validate the legality of wagers accepted.

(7) Secure retention of all records and recordings related to advance deposit wagering and accounts, including but not limited to records relating to licensee account holder identity and age, for a period of not less than three years or such longer period as specified by the commission, and in hard-copy or standard electronic format acceptable to the commission.

(8) Utilization and communication of pari-mutuel wagers to a pari-mutuel system meeting all requirements for pari-mutuel systems employed by licensed racing facilities in Iowa.

e. Commission access to and use of information concerning advance deposit wager transactions and licensee account holders is considered proprietary, and such information will not be disclosed publicly except as may be required pursuant to statute or court order or except as part of the official record of any proceeding before the commission. This requirement does not prevent the sharing

of this information with other pari-mutuel regulatory authorities or law enforcement agencies for investigative purposes.

8.6(2) *Establishing an account.*

a. A person must have an established account to place advance deposit wagers. An account may be established in person at the licensee's facility or with the ADWO by mail or electronic means.

b. Advance deposit wagering account registration is subject to the same requirements as advance deposit sports wagering account registration under 491—paragraphs 13.5(2)*"a"* through *"g."*

c. The licensee and ADWO must review and deactivate accounts of newly enrolled participants of the statewide self-exclusion program and comply with all other self-exclusion requirements set forth by the commission and in Iowa Code sections 99D.7(23) and 99F.4(22).

d. The account is nontransferable.

e. The licensee or ADWO may close or refuse to open an account for what it deems good and sufficient reason and will order an account closed if it is determined that information used to open an account was false.

8.6(3) *Operation of an account.* The ADWO submits operating procedures with respect to licensee account holder accounts for commission approval. The submission includes internal controls and reasonable methods that provide for the following:

a. Written notification to the commission consistent with 491—paragraph 5.4(5)*"c."*

b. The segregation of incompatible functions so that no employee is in a position to perpetrate and conceal errors or irregularities in the normal course of the employee's duties.

c. User access controls for all sensitive and secure, physical and virtual, areas and systems within a wagering operation.

d. Problem gambling controls consistent with 491—subrule 5.4(12).

e. Setoff winnings of patrons who have a valid lien established under Iowa Code chapter 99D.

8.6(4) *Records.* Licensees must provide all information requested by the commission within a time as ordered or requested by the commission. It is the licensee's responsibility to ensure all books and records and the retention of all books and records comply with 491—subrule 5.4(14). All records pertaining to contests should be available to allow for player complaint resolution. All records pertaining to the accounts of people who registered or have account activity in Iowa should be available to allow for audits and investigations.

491—8.7(99D) Alternative simulcast operator.

8.7(1) *Authorization to conduct alternative simulcast.*

a. An entity may request authorization from the commission to conduct alternative simulcast wagering pursuant to Iowa Code section 99D.9D and this chapter in the format outlined in 491—Chapter 1. The commission may require changes to a proposed plan of operations as a condition of granting a request. No subsequent changes in the system's operation may occur unless a written request is received and approved in writing by the administrator.

b. The commission may conduct investigations or inspections or request additional information from the entity as the commission deems appropriate in determining whether to allow an entity to conduct an alternative simulcast operation.

c. The entity will establish and manage an alternative simulcast wagering center or subscribe to a service authorized by the commission.

d. The commission may issue an ASO license that complies with the requirements of Iowa Code section 99D.9D and the additional criteria as established by the commission. The terms of any ASO license include but are not limited to:

(1) Fees to be paid on any races subject to pari-mutuel wagering.

(2) An annual license fee in an amount to be determined by the commission.

(3) Completion of all necessary background investigations as determined by the commission.

(4) Acceptance of wagers on live races conducted at the horse racetrack in Polk County.

(5) A bond or irrevocable letter of credit on behalf of the alternative simulcast operator to be determined by the commission.

(6) Secure retention of all records related to alternative simulcast and off-track wagering for a period of not less than three years or such longer period as specified by the commission.

(7) Utilization and communication of pari-mutuel wagers to a pari-mutuel system meeting all requirements for pari-mutuel systems employed by licensed racing facilities in Iowa.

e. Commission access to and use of information concerning alternative simulcast and off-track wager transactions is considered proprietary, and such information will not be disclosed publicly except as may be required pursuant to statute or court order or except as part of the official record of any proceeding before the commission. This requirement does not prevent the sharing of this information with other pari-mutuel regulatory authorities or law enforcement agencies for investigative purposes.

8.7(2) *Operation of an ASO.* The ASO submits operating procedures and internal controls that provide for the following:

a. Written notification to the commission consistent with 491—paragraph 5.4(5)*"c."*

b. The segregation of incompatible functions so that no employee is in a position to perpetrate and conceal errors or irregularities in the normal course of the employee's duties.

c. User access controls for all sensitive and secure, physical and virtual, areas and systems within a wagering operation.

d. Problem gambling controls consistent with 491—subrule 5.4(12).

e. Setoff winnings of patrons who have a valid lien established under Iowa Code chapter 99D.

These rules are intended to implement Iowa Code chapter 99D.

RACING AND GAMING COMMISSION[491]

Regulatory Analysis

Notice of Intended Action to be published: 491—Chapter 10
"Thoroughbred and Quarter Horse Racing"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 99D.7, 99D.8A, 99D.9, 99D.9B, 99D.10, 99D.11, 99D.22, 99D.23, 99D.25 and 99D.25A

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 99D

Public Hearing

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

November 18, 2025	6200 Park Avenue, Suite 100
9 a.m.	Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Iowa Racing and Gaming Commission no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Barb Blake
Iowa Racing and Gaming Commission
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Email: barb.blake@iowa.gov

Purpose and Summary

In accordance with Executive Order 10, the Commission is reviewing all of its rules prior to the agency review date of December 31, 2026. The Commission administers and enforces Iowa Code chapter 99D, which authorizes horse racing in Iowa. The Commission is reviewing rules related to racing before 2026 to make any repromulgated rules effective in time for the 2026 racing season, which is scheduled to start in May.

Chapter 10 of the Commission's rules provides standards for thoroughbred and quarter horse racing, including parameters for the track and facilities; conduct guidelines for occupationally licensed racing personnel; and guidelines for other aspects of racing, such as the process for claiming horses in a claiming race.

The proposed rulemaking consolidates or eliminates some rules according to Executive Order 10 while repromulgating others. Some specific subrules are proposed for reorganization into standalone rules. In particular, the proposed rulemaking splits off Commission steward and Commission veterinarian information into a standalone rule and also splits off jockey information into a standalone rule (jockeys were previously included in the same rule as trainers). These proposed changes increase the number of rules but result in a net reduction in word count.

In addition, the proposed rulemaking includes some rules that had been previously discussed with industry stakeholders but not yet completed through the rulemaking process, including amendments to allowable nonsteroidal anti-inflammatory drug levels and revamped jockey agent guidelines. Also, the proposed rulemaking includes some new substantive provisions, such as authorizing the stewards to postpone or cancel races with input from stakeholders, and providing additional details about the process for claiming horses in claiming races.

Analysis of Impact

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

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

The costs of compliance will be borne by licensees or prospective licensees. These classes of persons are already bearing the costs of compliance with Chapter 10.

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

The proposed rulemaking will continue to provide clarity and set expectations for racing officials and other racing participants.

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 proposed rulemaking could impact industry stakeholders by causing them to incur incidental additional costs. One nonexhaustive example could be the cost to obtain appropriate veterinary assistance unburdened by potential conflicts as required by proposed subparagraph 10.9(4)"d"(1).

- **Qualitative description of impact:**

In particular, the portions of the proposed rulemaking that adopt federal standards from the Horseracing Integrity and Safety Authority (HISA) in certain areas are qualitatively beneficial because they promote uniformity across racing jurisdictions including Iowa and reduce patchwork regulatory frameworks as participants move from state to state. In addition, licensees in Iowa already are (or should be) complying with these standards, because HISA's authority preempts State authority with respect to many areas of thoroughbred racing.

3. **Costs to the State:**

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

The proposed rulemaking is not anticipated to increase implementation and enforcement costs for the Commission.

- **Anticipated effect on State revenues:**

The proposed rulemaking is not anticipated to affect State revenues.

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

The proposed rulemaking is required under Executive Order 10.

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:**

HISA sets a uniform federal standard for thoroughbred racing. One option would be to fully adopt the HISA standards in Iowa, significantly reducing the word count in Chapter 10 and deferring in large part to the federal regulations.

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

Although uniformity can be valuable, a wholesale adoption of HISA standards is not optimal in this circumstance. First, HISA only oversees thoroughbred racing, whereas Chapter 10 also regulates quarter horse racing in Iowa, and quarter horse racing is subject to some important differences in regulation. Second, some provisions in Chapter 10 may helpfully explain or fill in a gap that exists in HISA's regulations. Third, HISA is subject to ongoing federal litigation, so retaining Iowa-specific language, even while adopting HISA standards in a few particular areas, would preserve the Commission's ability to resume all regulation without necessitating significant emergency rulemaking if HISA regulations are later invalidated or repealed.

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 rules are not anticipated to have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 491—Chapter 10 and adopt the following **new** chapter in lieu thereof:

CHAPTER 10
THOROUGHBRED AND QUARTER HORSE RACING

491—10.1(99D) Definitions. As used in this chapter, unless the context otherwise requires, the following definitions apply:

"Administrator" means the administrator of the commission appointed under Iowa Code section 99D.6(2) or the administrator's designee.

"Age" means the age of a horse calculated from the first day of January of the year of foaling.

"Allowance race" means an overnight race for which eligibility and weight to be carried are determined according to specified conditions that include age, sex, earnings, and number of wins.

"Also eligible" means:

1. A number of eligible horses, properly entered, that were not drawn for inclusion in a race but that become eligible according to preference or lot when an entry is scratched prior to the scratch time deadline; or
2. The next preferred nonqualifier for the finals or consolation from a set of elimination trials that will become eligible in the event a finalist is scratched by the stewards for a rule violation or that is otherwise eligible if written race conditions permit.

"Appeal" means a request for the commission or its designee to investigate, consider, and review any decisions or rulings of stewards.

"Arrears" means all moneys owed by a licensee, including subscriptions, jockey fees, forfeitures, and any default incident to these rules.

"Authorized agent" means a person licensed by the commission and appointed by a written instrument, signed and acknowledged before a notary public by the owner on whose behalf the agent will act.

"Bleeder" means the same as defined in Iowa Code section 99D.25A(1)*"a."*

"Chemist" means any official racing chemist or laboratory designated by the commission.

"Claiming race" means a race in which any horse starting may be claimed (purchased for a designated amount) in conformance with the rules. (More information can be found in the waived claiming rule in paragraph 10.8(15)*"k."*)

"Commission representative" means a gaming representative, steward, or any person designated by the commission or administrator.

"Conditions" means qualifications that determine a horse's eligibility to be entered in a race.

"Contest" means a competitive racing event on which pari-mutuel wagering is conducted.

"Coupled entry" means two or more contestants in a contest that are treated as a single betting interest for pari-mutuel wagering purposes. (See also "entry.")

"Day" means a 24-hour period ending at midnight.

"Dead heat" means when the noses of two or more horses reach the finish line of a race at the same time.

"Declaration" means the act of withdrawing an entered horse from a race prior to the closing of entries.

"Detention barn" means the barn designated for the collection from horses of test samples under the supervision of the commission veterinarian.

"Entry" means a horse made eligible to run in a race; or two or more horses, entered in the same race, that have common ties of ownership, lease, or training. (See also "coupled entry.")

"Facility" means an entity licensed by the commission to conduct pari-mutuel wagering or gaming operations in Iowa.

"Facility premises" means all real property utilized by the facility in the conduct of its race meeting, including the racetrack, grandstand, concession stands, offices, barns, stable area, employee housing facilities, parking lots, and any other areas under the jurisdiction of the commission.

"Field or mutuel field" means a group of two or more horses upon which a single bet may be placed. A mutuel field is required when the number of horses starting in a race exceeds the capacity of the track totalizator. The highest numbered horse within the totalizator capacity and all the higher-numbered horses following are then grouped together in the mutuel field.

"Foreign substances" means all substances, except those that exist naturally in the untreated horse at normal physiological concentration.

"Forfeit" means money due from a licensee because of an error, fault, neglect of duty, breach of contract, or penalty imposed by the stewards or the commission.

"Handicap" means a race in which the weights to be carried by the horses are assigned by the racing secretary or handicapper for the purpose of equalizing the chances of winning for all horses entered.

"Horse" means any equine (including equine designated as a mare, filly, stallion, colt, ridgeling, or gelding) registered for racing, specifically, an entire male five years of age and older.

"Hypodermic injection" means any injection into or under the skin or mucosa, including intradermal injection, subcutaneous injection, submucosal injection, intramuscular injection, intravenous injection, intra-arterial injection, intra-articular injection, intrabursal injection, and intraocular or intraconjunctival injection.

"Inquiry" means an investigation by the stewards of potential interference in a contest prior to declaring the result of said contest official.

"Jockey" means a professional rider licensed to ride in races.

"Meet" or *"meeting"* means the specified period and dates each year during which a facility is authorized by the commission to conduct pari-mutuel wagering on horse racing.

"Nomination" means the naming of a horse to a certain race or series of races generally accompanied by payment of a prescribed fee.

"Nominator" means the person or entity in whose name a horse is nominated for a race or series of races.

"Objection" means:

1. A written complaint made to the stewards concerning a horse entered in a race and filed not later than one hour prior to the scheduled post time of the first race on the day in which the questioned horse is entered; or

2. A verbal claim of foul in a race lodged by the horse's jockey, trainer, owner, or the owner's authorized agent before the race is declared official.

"Official starter" means the official responsible for dispatching the horses for a race.

"Official time" means the elapsed time from the moment the first horse crosses the starting point until the first horse crosses the finish line.

"Overnight race," also known as a purse race, means a contest for which entries close at a time set by the racing secretary.

"Owner" means a person or entity that holds any title, right or interest, whole or partial, in a horse, including the lessee and lessor of a horse.

"Paddock" means an enclosure in which horses scheduled to compete in a contest are saddled prior to racing.

"Performance" means a schedule of 8 to 12 races per day unless otherwise authorized by the commission.

"Post position" means the preassigned position from which a horse will leave the starting gate.

"Post time" means the scheduled time for horses to arrive at the starting gate for a contest.

"Prize" means the combined total of any cash, premium, trophy, and object of value awarded to the owners of horses according to order of finish in a race.

"Purse" means the total cash amount for which a race is contested.

"Purse race" means a race for money or other prize to which the owners of horses entered do not contribute money toward its purse.

"Race" means a running contest between horses ridden by jockeys for a purse, prize, or other reward run at a facility in the presence of the stewards of the meeting. This includes purse races, overnight races and stakes races.

"Recognized meeting" means any meeting with regularly scheduled flat races for horses in a jurisdiction having reciprocal relations with this state and the commission for the mutual enforcement of rulings relating to horse racing.

"Scratch" means the act of withdrawing an entered horse from a contest after the closing of entries.

"Scratch time" means the deadline set by the facility for withdrawal of entries from a scheduled performance.

"Stakes race" means a contest in which nomination (if applicable), entry, and starting fees contribute to the purse. No overnight race is considered a stakes race. Special designations or classifications for stakes races such as "graded stakes" or "black type" will be determined by the appropriate breed registries or recognized authorities.

"Starter" means a horse that becomes an actual contestant in a race by virtue of the starting gate opening in front of it upon dispatch by the official starter.

"Steward" means a duly appointed racing official with powers and duties specified by rules.

"Subscription" means moneys paid for nomination, entry, eligibility, or starting of a horse in a stakes race.

"Test level" means the concentration of a foreign substance found in the test sample.

"Test sample" means any bodily substance, including but not limited to blood, urine, or hair, taken from a horse under the supervision of the commission veterinarian and as prescribed by the commission for the purpose of analysis.

"Totalizator" means the system used for recording, calculating, and disseminating information about ticket sales, wagers, odds, and payoff prices to patrons at a pari-mutuel wagering facility.

"Veterinarian" means a veterinarian holding a current unrestricted license issued by the state of Iowa veterinary regulatory authority and licensed by the commission.

"Winner" means the horse whose nose reaches the finish line first or is placed first through disqualification by the stewards.

"Year" means a calendar year.

491—10.2(99D) Facilities' responsibilities.

10.2(1) *Stalls.* A facility must ensure racing animals are stabled in individual box stalls; that the stables and immediate surrounding area are maintained in approved sanitary condition at all times; that satisfactory drainage is provided; and that manure and other refuse are kept in separate boxes or containers at locations distant from living quarters and are promptly and properly removed.

10.2(2) *Paddocks and equipment.* A facility must ensure that paddocks, starting gates, and other equipment subject to contact by different animals are kept in a clean condition and free of dangerous surfaces.

10.2(3) *Receiving barn and stalls.* A facility must provide a conveniently located receiving barn or stalls for the use of horses arriving during the meeting. The barn must have adequate stable room and facilities, hot and cold water, and stall bedding. A facility must employ attendants to operate and maintain the receiving barn or stalls in a clean and healthy condition.

10.2(4) *Fire safety and prevention.* The facility must develop and implement a program for fire safety and prevention on facility premises in accordance with applicable state fire codes and with Horseracing Integrity and Safety Authority rule 2163—Fire Safety as amended to [effective date of the rulemaking], approved by the Federal Trade Commission. The facility must instruct employees working on facility premises in procedures for fire prevention and evacuation. The facility must, in accordance with state fire codes, prohibit the following:

a. Smoking in horse stalls, in feed and tack rooms, and in the alleyways.

b. Sleeping in feed rooms or stalls.

c. Open fires and oil- or gasoline-burning lanterns or lamps in the stable area.

d. Leaving any electrical appliance unattended or in unsafe proximity to walls, beds, or furnishings.

e. Keeping flammable materials, including cleaning fluids or solvents, in the stable area.

f. Locking a stall that is occupied by a horse.

The facility must post a notice in the stable area that lists the prohibitions outlined in paragraphs 10.2(4)*"a"* through *"f"* above.

10.2(5) *Starting gate.*

a. During racing hours a facility must provide at least two operable padded starting gates that have been approved by the commission.

b. During designated training hours a facility must make at least one starting gate and qualified starting gate employee available for schooling.

c. If a race is started at a place other than in a chute, the facility must provide and maintain in good operating condition backup equipment for moving the starting gate. The backup equipment must be immediately available to replace the primary moving equipment in the event of failure.

10.2(6) *Distance markers.* A facility must provide and maintain starting point markers and distance poles in a size and position that can be clearly seen from the steward's stand. The starting point markers and distance poles will be marked as approved by the stewards.

10.2(7) *Detention enclosure.* Each facility must maintain a detention barn or enclosure for use by the commission.

a. The detention barn will be under the supervision of the commission veterinarian.

b. The detention barn will be used for securing samples of urine, saliva, blood, hair, or other bodily substances or tissues for chemical analysis from horses, or any other tests required by the commission.

c. The detention barn must include a wash rack, a commission veterinarian office, a walking ring, at least four stalls, a workroom for the sample collectors with hot and cold running water, refrigeration, and glass observation windows for viewing of the horses from the office and workroom.

d. An owner, trainer, or designated representative licensed by the commission must be with a horse in the detention barn at all times.

e. A security guard must be in attendance at each access to the detention barn as designated by the commission.

f. The building, location, arrangement, furnishings, and facilities are subject to commission approval.

10.2(8) *Ambulance.* A facility must maintain, on the premises during every day that its track is open for racing or exercising, an ambulance for humans and an ambulance for horses, equipped according to prevailing standards and staffed by medical doctors, paramedics, or other personnel trained to operate them. When an ambulance is used for transfer of a horse or patient to medical facilities, a replacement ambulance must be furnished by the facility to comply with this rule.

10.2(9) *Helmets and vests.* Any person on horseback on facility grounds must wear a protective helmet and safety vest that comply with the safety standards for helmets and vests set forth in the most current edition of the Horseracing Integrity and Safety Authority Rulebook, rule 2293—Equipment as amended to [effective date of the rulemaking], approved by the Federal Trade Commission.

10.2(10) *Racetrack surface and rails.* The surface and rails of a racetrack, including track cushion, subsurface, base, inside rails, and outside rails, must be designed, constructed, and maintained to provide for the safety of the jockeys and horses in accordance with the most current edition of the Horseracing Integrity and Safety Authority Rulebook, rule 2153—Racetrack Facilities, paragraphs (a), (b), and (c) as amended to [effective date of the rulemaking], approved by the Federal Trade Commission.

10.2(11) *Films, recordings, and photographs.* A facility must provide:

a. A video or digital recording system approved by the commission. Cameras must be located to provide clear panoramic and head-on views of each race. Separate monitors, which simultaneously display the images received from each camera and are capable of simultaneously displaying a synchronized view of the recordings of each race for review, must be provided in the stewards' stand. The location and construction of video towers must be approved by the commission.

b. One camera, designated by the commission, to record the prerace loading of all horses into the starting gate and to continue to record until the field is dispatched by the starter.

c. One camera, designated by the commission, to record the apparent winner of each race from the finish line until the horse has returned, the jockey has dismounted, and the equipment has been removed from the horse.

d. At the discretion of the stewards, video camera operators to record the activities of any horses or persons handling horses prior to, during, or following a race.

e. That races run on an oval track be recorded by at least three video cameras. Races run on a straight course must be recorded by at least two video cameras.

f. Upon request of the commission, without cost, a copy of a video recording or photo finish of a race.

g. That video recordings recorded prior to, during, and following each race be maintained by the facility for not less than six months after the end of the race meeting, or such other period as may be requested by the stewards or the commission.

h. A viewing room in which, on approval by the stewards, an owner, trainer, jockey, or other interested individual may view a video recording of a race.

i. Following any race in which there is an inquiry or objection, the replays of the incident in question that were utilized by the stewards in making their decision. The facility will display to the public these replays on designated monitors.

10.2(12) *Communications.*

a. Each facility must provide and maintain in good working order a communication system between:

(1) The stewards' stand;
(2) The racing office;
(3) The tote room;
(4) The jockeys' room;
(5) The paddock;
(6) The test barn;

(7) The starting gate;
(8) The weigh-in scale;
(9) The video camera locations;
(10) The clocker's stand;
(11) The commission veterinarian;
(12) The track announcer;
(13) The location of the ambulances (equine and human); and
(14) Other locations and persons designated by the commission.

b. A facility must provide and maintain a public address system capable of clearly transmitting announcements to the patrons and to the stable area.

491—10.3(99D) Facility policies. It is each occupational licensee's affirmative responsibility and continuing duty to follow and comply with facility policies published in literature distributed by a facility, listed in the condition book, or posted in a conspicuous location.

491—10.4(99D) Racing officials appointed or employed by the commission.

10.4(1) *Stewards.* There will be three stewards for each racing meet. Two stewards will be appointed or employed by the commission and one will be nominated by the facility under rule 491—10.5(99D), subject to commission approval. Facility nominees for the steward position, and biographical information describing the nominees' experience and qualifications, are due to the commission no later than 45 days before a race meeting begins.

a. Stewards' general authority.

(1) General. The board of stewards for each racing meet oversees the conduct of the racing meet in accordance with the laws of this state, the rules adopted by the commission, and the facility's policies and condition book. The stewards have authority to regulate and to resolve conflicts or disputes among all other racing officials, licensees, and those persons addressed by 491—paragraph 4.6(5)*"e"* that are reasonably related to the conduct of a race or races and to discipline violators of these rules in accordance with these rules.

(2) Period of authority. The stewards' authority commences 30 days prior to the beginning of each racing meet and terminates 30 days after the end of each racing meet or with the completion of their business pertaining to the meeting.

(3) Attendance. Three stewards will be present in the stand during the running of each race.

(4) Appointment of substitute. Should any steward be absent at race time, the state stewards will appoint a deputy for the absent steward. If any deputy steward is appointed, the stewards will immediately notify the administrator.

(5) Initiate action. The stewards will take notice of questionable conduct or law or rule violations with or without complaint, will initiate investigations promptly, and will render a decision on every objection and every complaint made to them.

(6) General enforcement provisions. Stewards enforce the laws of Iowa and the rules of the commission. The laws of Iowa and the rules of racing apply equally during periods of racing. They supersede the conditions of a race or meet and, in matters pertaining to racing, the orders of the stewards supersede the orders of the officers of a facility. The decision of the stewards as to the extent of a disqualification of any horse in any race is final.

b. Other powers and authority.

(1) The stewards have the power to interpret the rules and to decide all questions not specifically covered by them.

(2) All questions within their authority are determined by a majority of the stewards.

(3) The stewards have control over and access to all areas of facility premises.

(4) The stewards have the authority to determine all questions arising with reference to entries and racing. Persons entering horses to run at licensed facilities agree in so doing to accept the decision of the stewards on any questions relating to a race or racing. The stewards, in their sole discretion,

are authorized to determine whether two or more individuals or entities are operating as a single financial interest or as separate financial interests. In making this determination, the stewards consider all relevant information, including but not limited to the following:

1. Whether the parties pay bills from and deposit receipts in the same accounts.
2. Whether the parties share resources such as employees, feed, supplies, veterinary and farrier services, exercise and pony riders, tack, and equipment.
3. Whether the parties switch horses or owner/trainer for no apparent reason, other than to avoid restrictions of being treated as a single interest.
4. Whether the parties engage in separate racing operations in other jurisdictions.
5. Whether the parties have claimed horses, or transferred claimed horses, for the other's benefit.
6. If owners, whether one owner is paying the expenses for horses not in the owner's name as owner.
7. If trainers, whether the relationship between the parties is more consistent with that of a trainer and assistant trainer.

(5) The stewards have the authority to discipline, for violation of the rules, any person subject to their jurisdiction and, in their discretion, to impose fines or suspensions or both for infractions.

(6) The stewards have the authority to order the exclusion or ejection from all premises and enclosures of the facility any person who is disqualified for corrupt practices on any race course in any country.

(7) The stewards have the authority to request proof that a horse is itself not disqualified in any respect or nominated by or, wholly or in part, the property of a disqualified person. If proof is not provided to the stewards' satisfaction, the stewards may declare the horse disqualified.

(8) The stewards have the authority at any time to order an examination of any horse entered for a race or that has run in a race.

(9) To maintain necessary safety and health conditions and to protect public confidence in horse racing as a sport, the stewards may authorize one or more persons on their behalf to enter into or upon the buildings, barns, motor vehicles, trailers, or other places within the premises of a facility; to examine the same; to inspect and examine the person, personal property, and effects of any person within such place; and to seize any illegal articles or any items as evidence found.

(10) The stewards will maintain a log of all infractions of the rules and of all rulings of the stewards upon matters coming before them during the race meet.

(11) The state stewards must give prior approval for any person other than the commissioners or commission representative to be allowed in the stewards' stand.

c. Emergency authority.

(1) Substitute officials. When, in an emergency, any official is unable to discharge the official's duties, the stewards may approve the appointment of a substitute and will report the substitution immediately to the administrator.

(2) Substitute jockeys. The stewards have the authority, in an emergency, to place a substitute jockey on any horse in the event the trainer does not do so. Before using that authority, the stewards will in good faith attempt to inform the trainer of the emergency and to afford the trainer the opportunity to appoint a substitute jockey. If the trainer cannot be contacted, or if the trainer is contacted but fails to appoint a substitute jockey and inform the stewards of the substitution by 30 minutes prior to post time, then the stewards may appoint under this rule.

(3) Substitute trainer. The stewards have the authority in an emergency to designate a substitute trainer for any horse.

(4) Excuse horse. In case of accident or injury to a horse, or any other emergency deemed by the stewards before the start of any race, the stewards may excuse the horse from starting.

(5) Exercise authority. No person may exercise a horse on the track between races unless upon the approval of the stewards.

(6) Nonstarter. At the discretion of the stewards, any horse(s) precluded from having a fair start may be declared a nonstarter, and any wagers involving said horse(s) may be ordered refunded.

d. Investigations and decisions.

(1) Investigations. The stewards may, upon direction of the administrator, conduct inquiries and recommend to the commission the issuance of subpoenas to compel the attendance of witnesses and the production of reports, books, papers, and documents for any inquiry. The commission stewards have the power to administer oaths and examine witnesses. The stewards will maintain records of every such inquiry made by them.

(2) Form reversal. The stewards will take notice of any marked reversal of form by any horse and will conduct an inquiry of the horse's owner, trainer, or other persons connected with the horse including any person found to have contributed to the deliberate restraint or impediment of a horse in order to cause it not to win or finish as near as possible to first.

(3) Fouls.

1. Extent of disqualification. Upon any claim of foul submitted to them, the stewards will determine the extent of any disqualification and place any horse found to be disqualified behind others in the race with which it interfered, or may place the offending horse last in the race. The stewards at their discretion may determine if there was sufficient interference or intimidation to affect the outcome of the race and take the appropriate actions thereafter.

2. Jockey guilty of foul. The stewards may discipline any jockey whose horse has been disqualified as a result of a foul committed during the running of a race.

(4) Protests and complaints. The stewards will investigate promptly and render a decision in every protest and complaint made to them. They will keep a record of all protests and complaints and any rulings made by the stewards and will provide regular reports as requested by the administrator.

1. Involving fraud. Protests involving fraud may be made by any person at any time. The protest is made to the stewards.

2. Not involving fraud. Protests, except those involving fraud, may be filed only by the owner of a horse, authorized agent, trainer, or the jockey of the horse in the race over which the protest is made. The protest must be made to the clerk of scales, the stewards, or a person designated by the stewards before the race is declared official. If the placement of the starting gate is in error, no protest may be made, unless entered prior to the start of the race.

3. Protest to clerk of scales. A jockey who intends to enter a protest following the running of any race, and before the race is declared official, must notify the clerk of scales, or a person designated by the stewards, of this intention immediately upon the arrival of the jockey at the scales.

4. Prize money of protested horse. During the time of determination of a protest, any money or prize won by a horse protested or otherwise affected by the outcome of the race will be paid to and held by the horsemen's bookkeeper until the protest is decided.

5. Protest in writing. A protest, other than one arising out of the actual running of a race, must be in writing, signed by the complainant, and filed with the stewards not later than one hour before post time of the race out of which the protest arises.

6. Frivolous protests. No person may make a frivolous protest, nor may any person withdraw a protest without the permission of the stewards.

e. Cancel wagering. The stewards have the authority to cancel wagering on an individual betting interest or on an entire race, and also have the authority to cancel a pari-mutuel pool for a race or races if such action is necessary to protect the integrity of pari-mutuel wagering.

f. Postpone or cancel races. The stewards have the authority to postpone or cancel races upon the advice of the commission veterinarians and after receiving input from the facility, the association or associations representing horse owners, and a jockey representative for one or more of the following reasons:

(1) Inclement weather, including but not limited to lightning or extreme heat or humidity;

(2) Air quality;

(3) Track conditions;

(4) Any other circumstance or condition that may endanger the safety and welfare of horses, racing participants, or both;

(5) Any other circumstance or condition that may call into question the integrity of racing.

10.4(2) *Commission veterinarians.*

a. The commission veterinarians employed or appointed by the commission advise the commission and the stewards on all veterinary and animal welfare matters.

b. The commission veterinarians have supervision and control of the detention barn for the collection of test samples for the testing of horses for prohibited substances as provided in Iowa Code sections 99D.23(2) and 99D.25(9). The commission may employ or appoint persons to assist the commission veterinarians in maintaining the detention barn area and collecting test samples.

c. The commission veterinarians cannot buy or sell any horse under their supervision, wager on a race under their supervision, or be licensed to participate in racing in any other capacity.

d. The stewards or commission veterinarians may request any horse entered in a race to undergo an examination on the day of the race to determine the general fitness of the horse for racing. During the examination, the commission veterinarians may request all bandages be removed by the groom and the horse be exercised outside the stall to determine the condition of the horse's legs and feet. The examining veterinarian will report any unsoundness in a horse to the stewards.

e. A commission veterinarian will inspect all of the horses in a race at the starting gate and, after the finish of a race, will observe the horses upon their leaving the track.

f. The commission veterinarian will place any horse determined to be sick or too unsafe, unsound, or unfit to race on a veterinarian's list that will be posted in a conspicuous place available to all owners, trainers, and officials.

g. A horse placed on the veterinarian's list in Iowa, bleeders exempt, may be allowed to enter only after it has been approved by the commission veterinarian. Any horse placed on the veterinarian's list will be removed from any future race in which the horse has been entered. Requests for the removal of any horse from the veterinarian's list will be accepted only after at least three calendar days have elapsed from the placing of the horse on the veterinarian's list. Removal from the list is at the discretion of the commission veterinarian, who may require satisfactory workouts or examinations to adequately demonstrate that the problem that caused the horse to be placed on the list has been rectified. Horses that are entered to race and then placed on the veterinarian's list for any reason will not be allowed to enter a race for at least three calendar days beginning the day after the horse was scheduled to race.

h. Every confirmed bleeder, regardless of age, will be placed on the bleeder list and be ineligible to race for the following time periods:

(1) First incident – 14 days.

(2) Second incident within 365-day period – 30 days.

(3) Third incident within 365-day period – 180 days.

(4) Fourth incident within 365-day period – barred for racing lifetime.

When counting the number of days a horse is ineligible to run, the day the horse bled externally is the first day of the recovery period. The voluntary administration of furosemide without an external bleeding incident will not subject the horse to the initial period of ineligibility specified in subparagraph 10.4(2)*"h"*(1). A horse may be removed from the bleeder list only upon the direction of the official veterinarian, who must certify in writing to the stewards the recommendation for removal. A horse that has been placed on a bleeder list in another jurisdiction pursuant to these rules will be placed on a bleeder list in this jurisdiction.

i. The commission veterinarians supervise and ensure that the administration of furosemide and phenylbutazone complies with Iowa Code section 99D.25A.

j. The commission veterinarian or commission representative takes receipt of veterinary reports required by Iowa Code section 99D.25(10) and these rules.

491—10.5(99D) Facility racing officials.

10.5(1) *General description.* A facility conducting a race meeting appoints at least the following officials:

a. One of the members of the three-member board of stewards;

b. Racing secretary;

c. Assistant racing secretary;

d. Paddock judge;

e. Horse identifier;

f. Starter;

g. Clocker/timer;

h. Three placing judges;

i. Jockey room custodian;

j. Mutuel manager;

k. Clerk of scales;

l. Minimum of two outriders;

m. Horsemen's bookkeeper; and

n. Any other person designated by the commission.

10.5(2) *Officials' prohibited activities.* No racing official or racing official's assistant(s) listed in subrule 10.5(1) while serving in that capacity during any meeting may engage in any of the following:

a. Conduct prohibited by Iowa Code section 99D.5(5)*"a"*;

b. Participation in the sale, purchase, or ownership of any horse racing at the meeting;

c. Involvement in any way in the purchase or sale of any contract on any jockey racing at the meeting;

d. Selling or soliciting horse insurance on any horse racing at the meeting, or any other business sales or solicitation not a part of the official's duties;

e. Accepting or receiving money or anything of value for the official's assistance in connection with the official's duties;

f. Consuming or being under the influence of alcohol or any prohibited substance while performing official duties.

10.5(3) *Single official appointment.* No official appointed to any meeting, except placing judges, may hold more than one official position listed in subrule 10.5(1) unless, in the determination of the stewards or commission, holding more than one appointment would not subject the official to a conflict of interest or duties in the two appointments.

10.5(4) *Racing secretary.*

a. General authority. The racing secretary is responsible for setting the conditions for each race of the meeting, regulating the nomination of entries, determining the amounts of purses and to whom they are due, and recording race results. The racing secretary can permit no person other than licensed racing officials to enter the racing secretary's office or work areas until such time as all entries are closed; drawn; and reviewed for correctness, eligibility, weight allowances, and medications. Exceptions to this rule may only be granted with the stewards' approval.

b. Conditions. The racing secretary establishes the conditions and eligibility for entering the races of the meeting and causes them to be published to owners, trainers, and the commission. Corrections to the conditions must be made before entries are taken.

c. Posting of entries. Upon the closing of entries each day, the racing secretary posts a list of entries in a conspicuous location in the office of the racing secretary and furnishes that list to local media.

d. Stakes and entrance money records. The racing secretary is the caretaker of the permanent records of all stakes, entrance moneys, and arrears paid or due in a race meeting and keeps permanent records of the results of each race of the meeting.

e. Record of racing. The racing secretary will, no later than the day following each race, attach or endorse on the registration certificate of each horse winning in any race the fact of that winning performance and the distance, date of the race, and type or conditions of the race.

f. Daily program. The racing secretary publishes the official daily program, ensuring the accuracy therein of the following information:

(1) The sequence of races to be run and post time for the first race;

(2) The purse, conditions and distance for each race, and current track record for such distance;

(3) The name of licensed owners of each horse, indicated as leased, if applicable, and description of racing colors to be carried;

(4) The name of the trainer and the name of the jockey named for each horse together with the weight to be carried;

(5) The post position and saddle cloth number or designation for each horse if there is a variance with the saddle cloth designation;

(6) The identification of each horse by name, color, sex, age, sire and dam;

(7) A notice that all jockeys will carry approximately three pounds more than the published weight to account for safety equipment (vest and helmet) that is not included in required weighing-out procedures; and

(8) Such other information as may be requested by the association or the commission.

g. Handicapping. The racing secretary, or a handicapper assigned by the racing secretary, assigns the weight to be carried by each horse in a handicap when weights are not stated in the condition of the race:

(1) Scale of weights for age. The scale of weights for age hereinafter listed are carried when conditions of races do not otherwise specify:

Distance	Age	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
	Two Years	X	X	X	X	X	X	X	105	108	111	114	114
HALF	Three Years	117	117	119	119	121	123	125	126	127	128	129	129
MILE	Four Years	130	130	130	130	130	130	130	130	130	130	130	130
	Five Years and Up	130	130	130	130	130	130	130	130	130	130	130	130
	Two Years	X	X	X	X	X	X	X	102	105	108	111	111
SIX	Three Years	114	114	117	117	119	121	123	125	126	127	128	128
FURLONGS	Four Years	129	129	130	130	130	130	130	130	130	130	130	130
	Five Years and Up	130	130	130	130	130	130	130	130	130	130	130	130
	Two Years	X	X	X	X	X	X	X	X	96	99	102	102
ONE	Three Years	107	107	111	111	113	115	117	119	121	122	123	123
MILE	Four Years	127	127	128	128	127	126	126	126	126	126	126	126
	Five Years and Up	128	128	128	128	127	126	126	126	126	126	126	126
	Two Years	X	X	X	X	X	X	X	X	X	X	X	X
MILE AND	Three Years	101	101	107	107	111	113	116	118	120	121	122	122
A QUARTER	Four Years	125	125	127	127	127	126	126	126	126	126	126	126
	Five Years and Up	127	127	127	127	127	126	126	126	126	126	126	126
	Two Years	X	X	X	X	X	X	X	X	X	X	X	X
MILE AND	Three Years	98	98	104	104	108	111	114	117	119	121	122	122
A HALF	Four Years	124	124	126	126	126	126	126	126	126	126	126	126
	Five Years and Up	126	126	126	126	126	126	126	126	126	126	126	126
	Two Years	X	X	X	X	X	X	X	X	X	X	X	X
TWO MILES	Three Years	96	96	102	102	106	109	112	114	117	119	120	120
	Four Years	124	124	126	126	126	126	126	125	125	124	124	124
	Five Years and Up	126	126	126	126	126	126	126	125	125	124	124	124

(2) Weights listed.

1. In races of intermediate lengths, the weights for the shorter distance are to be carried.
2. In a race exclusively for two-year-olds, the weight is 122 pounds.
3. In a race exclusively for three-year-olds or four-year-olds, the weight is 126 pounds.

(3) Minimum weight.

1. Thoroughbreds. In all overnight races for two-year-olds, three-year-olds, or four-year-olds and older, the minimum weight is 112 pounds, subject to sex and apprentice allowance. This rule does not apply to handicaps or to races written for three-year-olds and older.

2. Quarter horse and mixed races. In all overnight races for two-year-olds, the weight is 120 pounds; for three-year-olds, the weight is 122 pounds; and for four-year-olds and older, the weight is 124 pounds.

3. Quarter horse and mixed races. In qualifying for a speed index, standard weight is 120 pounds. Should any horse carry less than this amount in a race, one-tenth of a second will be added to the official time for each four pounds or fraction thereof less than 120 pounds.

(4) Sex allowances. In thoroughbred racing, sex allowances are obligatory. Sex allowances will be applied in all thoroughbred races unless the conditions of the race expressly state to the contrary. If the conditions of the race are silent as to sex allowances, a sex allowance will be applied. Sex allowances cannot be declined. Two-year-old fillies are allowed three pounds; mares three years old and older are allowed five pounds before September 1 and three pounds thereafter. Sex allowances are not applicable for quarter horse or mixed races.

(5) Iowa-foaled horse allowance. Iowa-foaled horses that are properly registered and whose papers are stamped, physically or digitally, by the Iowa department of agriculture and land stewardship are allowed an additional three pounds beyond the stated conditions of the race if the race is not limited to Iowa-foaled horses. This allowance does not apply to stakes races.

h. Penalties not cumulative. Penalties and weight allowances are not cumulative unless so declared in the conditions of a race by the racing secretary.

i. Winnings.

(1) All inclusive. For the purpose of the setting of conditions by the racing secretary, winnings are considered to include all moneys and prizes won up to the time of the start of a race, including those races outside the United States. Foreign winnings are determined on the basis of the normal rate of exchange prevailing on the day of the win. The amount of purse money earned is credited in United States currency, and there is no appeal for any loss on the exchange rate at the time of transfer from United States currency to that of another country.

(2) Winnings considered from January 1. Winnings during the year are reckoned by the racing secretary from the preceding January 1.

(3) Winner of a certain sum. "Winner of a certain sum" means the winner of a single race of that sum, unless otherwise expressed in the condition book by the racing secretary. In determining the net value to the winner of any race, the sums contributed by its owner or nominator will be deducted from the amount won. In all stakes races, the winnings will be computed on the value of the gross earnings.

j. Cancellation of a race. The racing secretary has the authority to withdraw, cancel, or change any race that has not been closed. In the event the race is canceled, any and all fees paid in connection with the race will be refunded.

k. Coggins test. The racing secretary will ensure that all horses have a current negative Coggins test. The racing secretary will report all expired certificates to the stewards.

l. Registrations and supporting documents. The racing secretary is responsible for receiving, inspecting, and safeguarding all registrations and supporting documents submitted by the trainer while the horses are located on facility premises. Upon notification from a trainer of an alteration of the sex of a horse, the racing secretary will note such alteration on the certificate of registration. Disclosure is made for the benefit of the public and all documents pertaining to the ownership or lease of a horse filed with the racing secretary are available for public inspection.

10.5(5) *Paddock judge.*

a. General authority. The paddock judge:

(1) Supervises the assembly of horses in the paddock no later than 15 minutes before the scheduled post time for each race;

(2) Maintains a written record of all equipment, inspects all equipment of each horse saddled, and reports any change thereof to the stewards;

(3) Prohibits any change of equipment without the approval of the stewards;

(4) Ensures that the saddling of all horses is orderly, open to public view, and free from public interference and that horses are mounted at the same time and leave the paddock for the post in proper sequence;

(5) Supervises paddock schooling of all horses approved for such by the stewards;

(6) Reports to the stewards any observed cruelty to a horse; and

(7) Ensures that only properly authorized persons are permitted in the paddock.

b. Paddock judge's list.

(1) The paddock judge maintains a list of horses that cannot be entered in a race because of poor or inconsistent behavior in the paddock that endangers the health or safety of other participants in racing.

(2) At the end of each day, the paddock judge provides a copy of the list to the stewards.

(3) To be removed from the paddock judge's list, a horse must be schooled in the paddock and demonstrate to the satisfaction of the paddock judge and the stewards that the horse is capable of performing safely in the paddock.

10.5(6) *Horse identifier.* The horse identifier:

a. When required, ensures the safekeeping of registration certificates and racing permits for horses stabled or racing on facility premises;

b. Inspects documents of ownership, eligibility, registration, or breeding necessary to ensure the proper identification of each horse scheduled to compete at a race meeting;

c. Examines every starter in the paddock for sex, color, markings, microchip, lip tattoo, or digital tattoo for comparison with its registration certificate to verify the horse's identity;

d. Supervises the tattooing, digital tattooing, microchipping or branding for identification of any horse located on facility premises; and

e. Reports to the stewards any horse not properly identified or whose registration certificate is not in conformity with these rules.

10.5(7) *Starter.*

a. General authority. The starter:

(1) Has complete jurisdiction over the starting gate, the starting of horses, and the authority to give orders not in conflict with the rules as may be required to ensure all participants an equal opportunity to a fair and safe start;

(2) Appoints and supervises assistant starters who have demonstrated they are adequately trained to safely handle horses in the starting gate. In emergency situations, the starter may appoint qualified individuals to act as substitute assistant starters;

(3) Assigns the starting gate stall positions to assistant starters and notifies the assistant starters of their respective stall positions on race day before post time for each race;

(4) Assesses the ability of each person applying for a jockey's license in breaking from the starting gate and working a horse in the company of other horses, and makes said assessment known to the stewards; and

(5) Loads horses into the gate in any order deemed necessary to ensure a safe and fair start.

b. Assistant starters. With respect to an official race, the assistant starters cannot:

(1) Handle or take charge of any horse in the starting gate without the expressed permission of the starter;

(2) Impede the start of a race;

(3) Use excessive force, a whip or other device, with the exception of steward-approved tongs, to assist in loading a horse into the starting gate;

(4) Slap, boot, or otherwise dispatch a horse from the starting gate;

(5) Strike or use abusive language to a jockey; or

(6) Accept or solicit any gratuity or payment other than their regular salary, directly or indirectly, for services in starting a race.

c. Starter's list. No horse may start in a race unless approval is given by the starter. The starter maintains a starter's list of all horses that are ineligible to be entered in any race because of poor or inconsistent behavior or performance in the starting gate. Any horse on the starter's list will be refused entry until the horse has demonstrated to the starter that it has been satisfactorily schooled in the gate and can be removed from the starter's list. Schooling will be under the direct supervision of the starter.

10.5(8) *Timer/clocker.*

a. General authority—timer.

(1) The timer must accurately record the official time.

(2) At the end of a race, the timer posts the official running time on the infield totalizator board on instruction by the stewards.

(3) At a facility equipped with an appropriate infield totalizator board, the timer will post the quarter times (splits) for thoroughbred races in fractions as a race is being run. For quarter horse races, the timer will post the official times in hundredths of a second.

(4) For backup purposes, the timer must also use a stopwatch to time all races. In time trials, the timer should ensure that at least two stopwatches are used by the stewards or their representatives.

(5) The timer maintains, and makes available for inspection by the stewards or the commission on request, a written record of fractional and finish times of each race.

b. General authority—clocker.

(1) The clocker will be present during training hours at each track on facility premises that is open for training to identify each horse working out and to accurately record the distances and times of each horse's workout.

(2) Each day, the clocker prepares a list of workouts that includes the name of each horse that worked along with the distance and time of each horse's workout.

(3) At the conclusion of training hours, the clocker delivers a copy of the list of workouts to the stewards and the racing secretary.

10.5(9) *Placing judges.*

a. General authority. The placing judges determine the order of finish in a race as the horses pass the finish line and, with the approval of the stewards, may display the results on the totalizator board.

b. Photo finish.

(1) In the event the placing judges or the stewards request a photo of the finish, the photo finish sign will be posted on the totalizator board.

(2) Following their review of the photo finish, the placing judges, with the approval of the stewards, determine the exact order of finish for all horses participating in the race and will immediately post the numbers of the first four finishers on the totalizator board.

(3) In the event a photo was requested, the placing judges will cause a photograph of said finish to be produced. The finish photograph, when needed, will be used by the placing judges as an aid in determining the correct order of finish.

(4) Upon determination of the correct order of finish of a race in which the placing judges have utilized a photograph to determine the first four finishers, the placing judges will cause said photograph to be displayed publicly in the grandstand and clubhouse areas of the facility.

c. Dead heats.

(1) If the placing judges determine that two or more horses finished the race simultaneously and cannot be separated as to their order of finish, a dead heat will, with the approval of the stewards, be declared.

(2) If one or more of the first four finishers of a race are involved in a dead heat, the placing judges will post the dead heat sign on the totalizator board and cause the numbers of the horse or horses involved to blink on the totalizator board.

10.5(10) *Jockey room custodian.* The jockey room custodian:

a. Supervises the conduct of the jockeys and their attendants while they are in the jockey room;

b. Keeps the jockey room clean and safe for all jockeys;

c. Ensures all jockeys are in the correct colors and wearing the correct arm number before leaving the jockey room to prepare for mounting their horses;

d. Keeps a daily film list as dictated by the stewards and has it displayed in plain view for all jockeys;

e. Keeps a daily program displayed in plain view for the jockeys;

f. Keeps unauthorized persons out of the jockey room;

g. Reports to the stewards any unusual occurrences in the jockey room or infraction of the rules with respect to helmets and vests;

h. Assists the clerk of scales as required;

i. Supervises the care and storage of racing colors; and

j. Assigns to each jockey a locker for the use of storing the jockey's clothing, equipment, and personal effects.

10.5(11) *Mutuel manager.* The mutuel manager is responsible for the operation of the mutuel department. The mutuel manager ensures that any delays in the running of official races caused by totalizator malfunctions are reported to the stewards. The mutuel manager will submit a written report on any delay when requested by the state steward.

10.5(12) *Clerk of scales.* The clerk of scales will:

a. Verify the presence of all jockeys in the jockey room at the appointed time;

b. Verify that each jockey has a current jockey's license issued by the commission;

c. Verify the correct weight of each jockey at the time of weighing out and weighing in and report any discrepancies to the stewards immediately;

d. Oversee the security of the jockey room including the conduct of the jockeys and their attendants;

e. Record all required data on the scale sheet and submit that data to the horsemen's bookkeeper at the end of each race day;

f. Maintain the record of applicable winning races on all apprentice certificates at the meeting;

g. Release apprentice jockey certificates, upon the jockey's departure or upon the conclusion of the race meet;

h. Assume the duties of the jockey room custodian in the absence of such employee; and

i. Promptly report to the stewards any infraction of the rules with respect to riding equipment; safety equipment, including but not limited to helmets and vests; riding crops; or conduct.

10.5(13) *Outrider.*

a. The facility must appoint a minimum of two outriders on the main track for each race of a performance and during workouts. The facility must appoint one outrider on the training track during all workouts. The outriders must be neat in appearance, wear approved helmets with the chin straps securely fastened, and wear approved safety vests while on the main track or training track.

b. The outriders:

(1) Accompany the field of horses from the paddock to the post;

(2) Ensure the post parade is conducted in an orderly manner, with all jockeys and pony riders conducting themselves in a manner in conformity with the best interests of racing as determined by the stewards;

(3) Assist jockeys with unruly horses;

(4) Render assistance when requested by a jockey;

(5) Are present during morning workouts to assist exercise riders as required by regulations;

(6) Promptly report to the stewards any unusual conduct that occurs while performing the duties of an outrider;

(7) Ensure individuals using the track(s) are appropriately licensed; and

(8) Promptly report jockey objections to the stewards after the finish of each race.

10.5(14) *Horsemen's bookkeeper.*

a. General authority. The horsemen's bookkeeper maintains the records and accounts and performs the duties described herein and maintains such other records and accounts and performs such other duties as the facility and commission may prescribe.

b. Records.

(1) The records will include the name, mailing address, social security number or federal tax identification number, and the state or country of residence of each horse owner, trainer, or jockey participating at the race meeting who has funds due or on deposit in the horsemen's account.

(2) The records will include a file of all required statements of partnerships, syndicates, corporations, assignments of interest, lease agreements, and registrations of authorized agents.

(3) All records of the horsemen's bookkeeper must be kept separate and apart from the records of the facility.

(4) All records of the horsemen's bookkeeper including records of accounts and moneys and funds kept on deposit are subject to inspection by the commission at any time.

c. Moneys and funds on account.

(1) All moneys and funds on account with the horsemen's bookkeeper must be maintained:

1. Separate and apart from moneys and funds of the facility;
2. In a trust account designated as "horsemen's trust account"; and
3. In an account insured by the Federal Deposit Insurance Corporation.

(2) The horsemen's bookkeeper must be bonded.

d. Payment of purses.

(1) The horsemen's bookkeeper receives, maintains, and disburses the purses of each race and all stakes, entrance money, jockey fees, purchase money in claiming races, all applicable taxes, and other moneys that properly come into the horsemen's bookkeeper's possession in accordance with the provisions of commission rules.

(2) The horsemen's bookkeeper may accept moneys due, belonging to other organizations or recognized meetings, provided prompt return is made to the organization to which the money is due.

(3) The horsemen's bookkeeper will disburse the purse of each race and all stakes, entrance money, and jockey fees, upon request, within two race days of the conclusion of the race day for all horses that were not selected for postrace drug testing.

(4) For horses that were selected for postrace drug testing, the horsemen's bookkeeper will disburse the purse of such horses for each race and all stakes, entrance money, and jockey fees, upon request, within two race days of receipt of notification that all tests with respect to such horses have cleared the drug testing laboratory (commission chemist) as reported by the stewards. Minimum jockey mount fees may be disbursed prior to notification that the tests have cleared the testing laboratory.

(5) Absent a prior request, the horsemen's bookkeeper will disburse moneys to the persons entitled to receive same within 15 days after the last race day of the race meeting, including purses for official races, provided that all tests with respect to such horses that have been selected for postrace drug testing have cleared the drug testing laboratory as reported by the stewards, and provided further that no protest or appeal has been filed with the stewards or the commission.

(6) If a protest or appeal has been filed with the stewards or the commission, the horsemen's bookkeeper will disburse the purse of such horses having been selected for postrace drug testing within two race days of receipt of dismissal or a final nonappealable order disposing of such protest or appeal.

e. No portion of purse money other than jockey fees may be deducted by the facility for itself or for another, unless so requested in writing by the person to whom purse moneys are payable or the person's duly authorized representative. The horsemen's bookkeeper will mail to each owner a duplicate of each record of all deposits, withdrawals, or transfers of funds affecting the owner's racing account at the close of each race meeting.

f. Purse money presumption. The fact that purse money has been distributed prior to the issuance of a laboratory report is not a finding that no chemical substance has been administered, in violation of these rules, to the horse earning the purse money.

10.5(15) *Patrol judges.*

a. General authority. A facility may employ patrol judges who observe the running of the race and report information concerning the running of the race to the stewards.

b. Duty stations. Each patrol judge will have a duty station assigned by the stewards.

491—10.6(99D) Trainers and assistant trainers.

10.6(1) *Trainer responsibility.*

a. The trainer is responsible for:

(1) The condition of horses entered in an official workout or race and, in the absence of substantial evidence to the contrary, for the presence of any prohibited drug, medication or other substance, including permitted medication in excess of the maximum allowable level, in such horses, regardless of the acts of third parties. A positive test for a prohibited drug, medication, or substance, including permitted medication in excess of the maximum allowable level, as reported by a commission-approved laboratory, is prima facie evidence of a violation of this rule or Iowa Code chapter 99D.

(2) Preventing the administration of any drug, medication, or other prohibited substance that may cause a violation of these rules. An "in-today" sign must be placed by 8 a.m. on race day next to the stall of a horse that is scheduled to race on that day. For horses shipping in on race day, the sign must be placed upon the horse's arrival.

(3) Any violation of rules regarding a claimed horse's participation in the race in which the trainer's horse is claimed.

(4) The condition and contents of stalls, tack rooms, feed rooms, sleeping rooms, and other areas that have been assigned to the trainer by the facility and maintaining the assigned stable area in a clean, neat, and sanitary condition at all times.

(5) Ensuring that fire prevention rules are strictly observed in the assigned stable area.

(6) Being present to witness the administration of furosemide during the administration time and sign as the witness on the affidavit form. A licensed designee of the trainer may witness the administration of the furosemide and sign as the witness on the affidavit form; however, this designee cannot be another practicing veterinarian or veterinary assistant. If the trainer or designee is not present or does not allow for the administration of furosemide to a horse to be run on furosemide, said horse will be placed on the steward's list for a minimum of five days starting the day after the violation.

(7) The proper identity, custody, care, health, condition, and safety of horses in the trainer's charge.

(8) Disclosure to the racing secretary of the true and entire ownership of each horse in the trainer's care, custody, or control. Any change in ownership must be reported immediately to, and approved by, the stewards and recorded by the racing secretary. The disclosure, together with all written agreements and affidavits setting out oral agreements pertaining to the ownership for or rights in and to a horse, must be attached to the registration certificate for the horse and filed with the racing secretary.

(9) Training all horses owned wholly or in part by the trainer that are participating at the race meeting.

(10) Registering with the racing secretary each horse in the trainer's charge within 24 hours of the horse's arrival on facility premises.

(11) Ensuring that, at the time of arrival at the facility, each horse in the trainer's care is accompanied by a valid health certificate that is filed with the racing secretary.

(12) Having each horse in the trainer's care that is racing or stabled on facility premises tested for equine infectious anemia (EIA) in accordance with state law and for filing evidence of such negative

test results with the racing secretary. The test must have been conducted within the previous 12 months and must be repeated upon expiration. The certificate must be attached to the foal certificate or otherwise accessible by the commission or racing association.

(13) Using the services of those veterinarians licensed by the commission to attend horses that are on facility premises.

(14) Properly recording the sex of the horses in the trainer's care with the horse identifier and the racing secretary and immediately reporting the alteration of the sex of a horse in the trainer's care to the horse identifier and the racing secretary.

(15) Promptly reporting to the racing secretary and the commission veterinarian any horse on which a posterior digital neurectomy (heel nerving) has been performed and ensuring that such fact is designated on its certificate of registration. More information can be found in Iowa Code section 99D.25(1) through 99D.25(3).

(16) Promptly reporting to the stewards and the commission veterinarian the serious illness of any horse in the trainer's charge.

(17) Promptly reporting the death of any horse in the trainer's care on facility premises to the stewards, owner, and the commission veterinarian and complying with Iowa Code section 99D.25(5) governing postmortem examination.

(18) Maintaining a knowledge of the medication record and status of all horses in the trainer's care.

(19) Immediately reporting to the stewards and the commission veterinarian if the trainer knows, or has cause to believe, that a horse in the trainer's custody, care, or control has received any prohibited drugs or medication.

(20) Representing an owner in making entries and scratches and in all other matters pertaining to racing.

(21) Eligibility of horses entered and weight or other allowance claimed.

(22) Ensuring the fitness of a horse to perform creditably at the distance entered.

(23) Ensuring that the trainer's horses are properly shod, bandaged, and equipped.

(24) Presenting the trainer's horse in the paddock at least 20 minutes before post time or at a time otherwise appointed before the race in which the horse is entered. Any horse failing to report to the paddock will be placed on the steward's list for a minimum of five days starting the day after the violation.

(25) Personally attending to the trainer's horses in the paddock and supervising the saddling thereof, unless excused by the stewards.

(26) Instructing the jockey to give the jockey's best effort during a race and instructing the jockey that each horse must be ridden to win.

(27) Witnessing the collection of bodily substances, including but not limited to urine, blood, or hair sample, from the horse in the trainer's charge or delegating a licensed employee or the owner of the horse to do so.

(28) Notifying horse owners upon the revocation or suspension of their trainer's license. A trainer whose license has been suspended for more than 30 days, whose license has expired or been revoked, or whose license application has been denied must inform the horse owners that, until the license is restored, the trainer can no longer be involved with the training, care, custody or control of their horses, nor receive any compensation from the owners for the training, care, custody or control of their horses. Upon application by the horse owner, the stewards may approve the transfer of such horse(s) to the care of another licensed trainer, and upon such approved transfer, such horse(s) may be entered to race. Upon transfer of such horse(s), the inactive trainer must not be involved in any arrangements related to the care, custody or control of the horse(s) and must not benefit financially or in any other way from the training of the horse(s).

(29) Ensuring that all individuals in their employ are properly licensed by the commission.

b. Restrictions on wagering. A trainer with a horse(s) entered in a race may wager only on that horse(s) or that horse(s) in combination with other horses.

10.6(2) *Assistant trainers.*

a. Upon the demonstration of a valid need, a trainer may employ an assistant trainer as approved by the stewards. The assistant trainer must be licensed prior to acting in such capacity on behalf of the trainer.

b. Qualifications for obtaining an assistant trainer's license will be prescribed by the stewards and the commission and may include requirements set forth in 491—Chapter 6.

c. An assistant trainer may substitute for and assume the same duties, responsibilities and restrictions as are imposed on the licensed trainer, in which case the trainer is jointly responsible for the assistant trainer's compliance with the rules.

10.6(3) *Substitute trainers.*

a. A trainer absent for more than five days from responsibility as a licensed trainer, or on a day in which the trainer has a horse in a race, must obtain another licensed trainer to substitute.

b. A substitute trainer must accept responsibility for the horses in writing and must be approved by the stewards.

c. A substitute trainer and the absent trainer are jointly responsible as absolute insurers of the condition of their horses entered in an official workout or race.

491—10.7(99D) Jockeys, apprentice jockeys, and jockey agents.

10.7(1) *Jockey responsibility.*

a. A jockey shall give a best effort during a race, and each horse shall be ridden to win.

b. A jockey cannot have a valet attendant except one provided and compensated by the facility.

c. No person other than the licensed contract employer or a licensed jockey agent may make riding engagements for a rider, except that a jockey not represented by a jockey agent may make the jockey's own riding engagements.

d. A jockey may have no more than one jockey agent.

e. No revocation of a jockey agent's authority is effective until the jockey notifies the stewards in writing of the revocation of the jockey agent's authority.

f. A jockey must promptly report objections to the outrider(s) following the finish of the race.

10.7(2) *Jockey betting.* A jockey may wager only on a race in which the jockey is riding. A jockey may wager only if:

a. The owner or trainer of the horse that the jockey is riding makes the wager for the jockey;

b. The jockey only wagers on the jockey's own mount to win or finish first in combination with other horses in multiple-type wagers; and

c. Records of such wagers are kept and available for presentation upon request by the stewards.

10.7(3) *Jockey's spouse.* A jockey cannot compete in any race against a horse that is trained or owned by the jockey's spouse.

10.7(4) *Fees and engagements.*

a. Duty to fulfill engagements. Jockeys must fulfill their duly scheduled riding engagements unless excused by the stewards. Jockeys cannot be forced to ride a horse they believe to be unsound or over a racing strip they believe to be unsafe. If the stewards find a jockey's refusal to fulfill a riding engagement is based on personal belief unwarranted by the facts and circumstances, the jockey may be subject to disciplinary action. Jockeys are responsible to their agent for any engagements previously secured by the agent.

b. Entitlement. Any apprentice or contract rider is entitled to the regular jockey fees, except when riding a horse owned in part or solely by the contract holder. An interest in the winnings only (such as trainer's percent) does not constitute ownership.

c. Fee earned. A jockey's fee is considered earned when the jockey is weighed out by the clerk of scales. The fee is not considered earned when injury to the horse or rider is not involved and jockeys, of their own free will, take themselves off their mounts. Any conditions or considerations not covered by the above are at the discretion of the stewards.

d. Multiple engagements. If any owner or trainer engages two or more jockeys for the same race, the owner or trainer is required to pay each of the jockeys the appropriate fee whether the jockeys ride in the race or not.

e. Competing engagements. Whenever two or more licensees claim the services of one jockey for a race, first call has priority and any dispute may be resolved by the stewards.

f. Dead heats. Jockeys finishing a race in a dead heat will divide equally the totals they individually would have received had one jockey won the race alone. The owners of the horses finishing in the dead heat will pay equal shares of the jockey fees.

10.7(5) *Jockey conduct.*

a. Clothing and appearance. A jockey wears the racing colors furnished by the owner of the horse the jockey is to ride, plus solid white riding pants, top boots, and a number on the right shoulder on the saddlecloth corresponding to the mount's number given as shown on the saddlecloth and in the daily program. The stewards, at their discretion, may allow a jockey to wear solid black riding pants during poor weather or track conditions. The Jockeys' Guild logo, the Permanently Disabled Jockeys Fund logo, or the jockey's name may be displayed on the pants. The size of the display of the jockey's name on the pants is limited to a maximum of 32 square inches on each thigh of the pants on the outer sides between the hip and the knee, and 10 square inches on the rear at the base of the spine. A jockey cannot wear advertising or promotional material of any kind on clothing during a race, unless the following criteria are met:

(1) A maximum of 32 square inches on each thigh of the pants on the outer side between the hip and knee and 10 square inches on the rear of the pant at the waistline at the base of the spine.

(2) A maximum of 24 square inches on boots and leggings on the outside of each nearest the top of the boot.

(3) A maximum of six square inches on the front center of the neck area (on a turtleneck or other undergarment).

(4) Such advertising or promotional material does not compete with, conflict with, or infringe upon any current sponsorship agreement to the racing association race or race meet.

(5) The stewards, at their discretion, may disallow any advertising that is not in compliance with this rule, any other rules of racing, or any advertising the stewards deem to be inappropriate, indecent, in poor taste, or controversial.

b. Competing against contractor. No jockey may ride in any race against a starting horse belonging to the jockey's contract employer unless the jockey's mount and the contract employer's horse are both trained by the same trainer.

c. Confined to jockey room. Jockeys engaged to ride a race must report to the jockey room on the day of the race at the time designated by the facility officials. The jockeys then report their engagements and any overweight to the clerk of scales. Thereafter, they cannot leave the jockey room, except by permission of the stewards, until all of their riding engagements of the day have been fulfilled. Once jockeys have fulfilled their riding engagements for the day and have left the jockeys' quarters, they will not be readmitted to the jockeys' quarters until after the entire racing program for that day has been completed, except upon permission of the stewards. Jockeys are not allowed to communicate with anyone but the trainer while in the room during the performance except with approval of the stewards. On these occasions, they will be accompanied by a security guard.

d. Whip prohibited. Jockeys cannot use a whip on a two-year-old horse before April 1 of each year, nor may a jockey or other person engage in excessive or indiscriminate whipping of any horse at any time.

e. Spurs prohibited. Jockeys cannot use spurs.

f. Possessing drugs or devices. Jockeys must not have in their care, control, or custody any drugs, prohibited substances, or electrical or mechanical device that could affect a horse's racing performance.

10.7(6) *Jockey effort.* A jockey must exert every effort to ride the horse to the finish in the best and fastest run of which the horse is capable. No jockey may ease up or coast to a finish, without adequate cause, even if the horse has no apparent chance to win prize money.

10.7(7) *Riding interference and riding infractions.*

a. When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede, or intimidate any other horse, it is a foul.

b. The offending horse may be disqualified if, in the opinion of the stewards, the foul altered the finish of the race, regardless of whether the foul was accidental, willful, or the result of careless riding. When a horse causes interference under this rule, every horse in the same race entered by the same owner or trainer who benefited from the interference may be disqualified at the discretion of the stewards.

c. If the stewards determine the foul was intentional, or due to careless riding, the jockey will be held responsible.

d. In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it started. If a horse is ridden, drifts, or swerves out of its lane in such a manner that it interferes with, impedes, or intimidates another horse, it is a foul and may result in the disqualification of the offending horse.

e. Partial fault/third-party interference. If a horse or jockey interferes with or jostles another horse, the aggressor may be disqualified, unless the interfered or jostled horse or jockey was partly at fault or the infraction was wholly caused by the fault of some other horse or jockey.

f. Careless riding. A jockey must not ride carelessly or willfully permit the mount to interfere with, intimidate, or impede any other horse in the race. A jockey must not strike at another horse or jockey so as to jostle, impede, interfere with, or injure or potentially injure the other horse or jockey. If a jockey rides in a manner contrary to this rule, the horse may be disqualified; the jockey may be fined, suspended, or otherwise disciplined; or other penalties may apply.

10.7(8) *Jockey weighing.*

a. Jockeys must be weighed for their assigned horse not more than 30 minutes before the time fixed for the race.

b. A jockey's weight includes the jockey's clothing, boots, and saddle and its attachments. A safety vest is mandatory and must be consistent with subrule 10.2(9).

c. All other equipment is excluded from the weight.

d. Overweight limited. No jockey may weigh more than two pounds or, in the case of inclement weather, four pounds over the weight the horse is assigned to carry unless with consent of the owner or trainer and unless the jockey has declared the amount of overweight to the clerk of scales at least 60 minutes before the scheduled post time of the first race. However, a horse cannot carry more than seven pounds overweight, except in inclement weather when nine pounds is allowed. The overweight will be publicly announced and posted in a conspicuous place both prior to the first race of the day and before the running of the race.

(1) Weigh in. Upon completion of a race, jockeys must ride promptly to the winner's circle and dismount. Jockeys riding the first four finishers, or at the discretion of the stewards a greater number, must present themselves to the clerk of scales to be weighed in. If a jockey is prevented from riding the mount to the winner's circle because of accident or illness either to the jockey or the horse, the jockey may walk or be carried to the scales unless excused by the stewards.

(2) Unsaddling. Jockeys, upon completion of a race, must return to the unsaddling area and unsaddle their own horse, unless excused by the stewards.

(3) Removing horse's equipment. No person except the valet attendant for each mount may assist the jockey in removing the horse's equipment that is included in the jockey's weight, unless the stewards permit otherwise. To weigh in, jockeys carry to the scales all pieces of equipment with which they weighed out. Thereafter they may hand the equipment to the valet attendant.

(4) Underweight. When any horse places first, second, or third in a race and thereafter the horse's jockey is weighed in short by more than two pounds of the weight of which the jockey was weighed out, the mount may be disqualified and all purse moneys forfeited.

(5) Overweight. If the jockey is overweight, the jockey is subject to fine, suspension, or both.

10.7(9) *Jockey fines and forfeitures.* Jockeys must pay any fine or forfeiture from their own funds within 48 hours of the imposition of the fine or at a time deemed proper by the stewards. No other person may pay jockey fines or forfeitures for the jockey.

10.7(10) *Jockey suspension.*

a. Offenses involving fraud. Suspension of a licensee for an offense involving fraud or deception in racing begins immediately after the ruling unless otherwise ordered by the stewards or commission.

b. Offenses not involving fraud. Suspension for an offense not involving fraud or deception in racing begins on the third day after the ruling or at the stewards' discretion.

c. Withdrawal of appeal. Withdrawal by the appellant of a notice of appeal filed with the commission, whenever imposition of the disciplinary action has been stayed or enjoined pending a final decision by the commission, is deemed a frivolous appeal and referred to the commission for further disciplinary action in the event the appellant fails to show good cause to the stewards why the withdrawal should not be deemed frivolous.

d. Riding suspensions of ten days or less and participating in designated races. The stewards appointed for a race meeting will, prior to the commencement of that meeting, designate the stakes, futurities, futurity trials, or other races in which a jockey will be permitted to compete, notwithstanding the fact that such jockey is under suspension for ten days or less for a careless riding infraction at the time the designated race is to be run.

(1) Official rulings for riding suspensions of ten days or less will state: "The term of this suspension does not prohibit participation in designated races."

(2) A listing of the designated races will be posted in the jockey room and any other such location deemed appropriate by the stewards.

(3) A suspended jockey must be named at time of entry to participate in any designated race.

(4) A day in which a jockey participated in one designated race while on suspension counts as a suspension day. If a jockey rides in more than one designated race on a race card while on suspension, the day does not count as a suspension day. Each designated trial race for a stake is considered one race. A jockey who rides in more than one designated race may be named to ride other races on a card, and such race card does not count as a suspended race day.

10.7(11) *Apprentice jockeys.* Unless excepted under these rules, apprentices are subject to all rules governing jockeys and racing.

a. Upon completion of licensing requirements, the stewards may issue an apprentice jockey certificate allowing the holder to claim a weight allowance only in overnight races.

b. Apprentice jockey weight allowance.

(1) An apprentice jockey may ride with a five-pound weight allowance beginning with the first mount and continuing for one full year from the date of the jockey's fifth winning mount.

(2) If, after riding one full year from the date of the fifth winning mount, the apprentice jockey has not ridden 40 winners, the applicable weight allowance continues for one more year or until the fortieth winner, whichever comes first. A weight allowance cannot be claimed for more than two years from the date of the fifth winning mount, unless an extension has been granted.

(3) The stewards may extend the weight allowance of an apprentice jockey in their discretion upon proof of the apprentice's incapacitation for a period of seven or more consecutive days. The allowance may be claimed for a period not to exceed the period such apprentice was unable to ride.

(4) The apprentice jockey is responsible for possessing the apprentice certificate at all times and for keeping an updated record of the first 40 winners. Prior to riding, the jockey submits the certificate to the clerk of scales, who will record the apprentice's winning mounts.

10.7(12) *Jockey agent.*

a. Responsibilities.

(1) A jockey agent cannot make or assist in making engagements for a jockey other than the jockeys the agent is licensed to represent.

(2) A jockey agent must file written proof of all agencies and changes of agencies with the stewards.

(3) A jockey agent must notify the stewards, in writing, prior to withdrawing from representation of a jockey and submit to the stewards a list of any unfulfilled engagements made for the jockey. A jockey agent cannot withdraw from the representation of any jockey unless written notice to the stewards has been provided.

(4) All persons permitted to make riding engagements must maintain current and accurate records of all engagements made. Such records are subject to examination by the stewards at any time.

(5) No jockey agent may represent more than three jockeys during any single race card, as specified below:

1. During a mixed race card or quarter horse race card, a jockey agent may represent up to three jockeys who ride only quarter horses.

2. During a mixed race card or thoroughbred race card, a jockey agent may represent up to two jockeys who ride thoroughbreds, and one apprentice jockey.

(6) A jockey agent must honor a first call given to a trainer or the trainer's assistant trainer.

b. Prohibited areas. A jockey agent is prohibited from entering the jockey room, winner's circle, racing strip, paddock, or saddling enclosure during the hours of racing unless advance written permission has been granted from the stewards.

491—10.8(99D) Conduct of races.

10.8(1) *Horses ineligible.* Any horse ineligible to be entered for a race, or ineligible to start in any race, that competes in that race may be disqualified and the stewards may discipline the persons responsible for the horse competing in that race.

a. A horse is ineligible to enter a race when:

(1) The nominator has failed to identify the horse that is being entered for the first time, by name, color, sex, age, and the names of sire and dam as registered.

(2) A horse has been knowingly entered or raced in any jurisdiction under a different name, with an altered registration certificate, altered microchip, or altered lip or digital tattoo by a person having lawful custody or control of the horse for the purpose of deceiving any facility or regulatory agency.

(3) A horse has been allowed to enter or start by a person having lawful custody or control of the horse who participated in or assisted in the entry or racing of some other horse under the name of the horse in question.

(4) A horse is wholly or partially owned by a disqualified person or a horse is under the direct or indirect management of a disqualified person.

(5) A horse is wholly or partially owned by the spouse of a disqualified person or a horse is under the direct or indirect management of the spouse of a disqualified person. In such cases, a presumption that may be rebutted is that the disqualified person and spouse constitute a single financial entity with respect to the horse.

(6) A horse is owned in whole or in part by an undisclosed person or interest.

(7) A horse has been nerved by surgical neurectomy.

(8) A horse has been trachea-tubed to artificially assist breathing.

(9) A horse has impaired eyesight in both eyes.

(10) A horse appears on the Iowa veterinarian's list, notwithstanding a horse appearing on the veterinarian's list as a "bleeder." In addition, a horse appearing on any starter's, stewards', or paddock judge's list, or the veterinarian's list in another jurisdiction, is ineligible unless the horse is removed from the list by the day of the race and approved by the board of stewards to enter.

(11) A horse is barred from racing in any racing jurisdiction.

(12) A horse under four years of age has been injected with bisphosphonates. A horse four years of age or older may only be administered bisphosphonate if the bisphosphonate is Food and Drug Administration-approved for use in the horse, is for a diagnosed case of navicular disease, and is administered in accordance with the label requirements. If bisphosphonate is administered as permitted by rule, the commission must be notified within 24 hours of the administration. If bisphosphonate is detected in sampling or if a horse is administered bisphosphonate, the horse will be placed on the veterinarian's list for no less than six months.

(13) A horse has had any intra-articular joint injection within the past six days. When counting the number of days a horse is ineligible to run following an intra-articular injection, the day of injection is the first day. The detection of two or more corticosteroids constitutes a stacking violation.

(14) A horse has been administered thyroxine and thyroid modulators/hormones, including but not limited to those containing T4 (tetraiodothyronine/thyroxine), T3 (triiodothyronine), or combinations thereof. This excludes a horse that has been individually prescribed thyroxine and thyroid modulators/hormones.

b. A horse is ineligible to start a race when:

(1) The horse is not stabled on the premises of the facility by the time designated by the stewards.

(2) The horse's breed registration certificate is not on file, physically or digitally, with the racing secretary, or horse identifier, except where the racing secretary has submitted the certificate to the breed registry for correction or transfer of ownership. The stewards may, in their discretion, waive the requirement provided the registration certificate is in the possession of another board of stewards, a copy of the registration certificate is on file with the racing secretary, and the horse is otherwise properly identified. For claiming races, if the claimed horse has been approved by the stewards to run without the registration certificate on file in the racing office, then the registration certificate must be provided to the racing office within seven business days for transfer to the new owner before claiming funds will be approved for transfer by the stewards.

(3) The horse is not fully identified by an official tattoo on the inside of the upper lip or digital tattoo or microchip.

(4) A horse is brought to the paddock and is not in the care of and saddled by a currently licensed trainer or assistant trainer unless excused by the stewards.

(5) No current negative Coggins test or current negative equine infectious anemia test certificate is attached to the horse's registration certificate or otherwise accessible by the commission or racing association.

(6) The stakes or entrance money for the horse has not been paid.

(7) The horse appears on the starter's list, stewards' list, paddock list, or veterinarian's list, including as a bleeder.

(8) The horse is a first-time starter not approved by the starter and does not have a minimum of two official workouts for quarter horses or a minimum of three official workouts for thoroughbreds.

(9) Within the past calendar year, the horse has started in a race that has not been reported in a nationally published monthly chartbook, unless, at least 48 hours prior to entry, the owner of the horse provides to the racing secretary performance records that show the place and date of the race, distance, weight carried, amount carried, and the horse's finishing position and time.

(10) In a stakes race, a horse has been transferred with its engagements, unless prior to the start, the fact of transfer of the horse and its engagements has been filed with the racing secretary.

(11) A horse is subject to a lien that has not been approved by the stewards and filed with the horsemen's bookkeeper.

(12) A horse is subject to a lease not filed with the stewards.

(13) A horse is not in sound racing condition.

(14) A horse has been blocked with alcohol or injected with any other foreign substance or drug to desensitize the nerves of the leg.

(15) A thoroughbred has shoes (racing plates) that have toe grabs with a height greater than two millimeters (0.07874 inches), bends, jars, caulks, stickers or any other traction device on the front hooves while racing or training on all racing surfaces.

(16) A quarter horse has front shoes that have toe grabs with a height greater than four millimeters (0.15748 inches), bends, jars, caulks, stickers or any other traction device worn on the front shoes.

10.8(2) *Entries.*

a. The facility provides forms for making entries and declarations with the racing secretary. Entries and declarations must be in writing, or by telephone or fax subsequently confirmed in writing by the owner, trainer, or licensed designee. When any entrant or nominator claims failure or error in the receipt by a facility of any entry or declaration, the entrant or nominator may be required to submit evidence within a reasonable time of the filing of the entry or the declaration. Individuals who hold a jockey agent license, regardless of other licenses held, are not permitted to make entries after a time set by the stewards.

b. Upon the closing of entries the racing secretary will promptly compile a list of entries and cause it to be conspicuously posted.

c. Coupling. There will be no coupled entries in any race. In races, excluding stakes races, that overfill, trainers must declare preference of runners with identical ownership at time of entry. Same-owner, second-choice horses will be least preferred. A trainer, owner or licensed designee cannot enter more than three horses in a race unless the race is split or divided.

d. Split or divided races.

(1) In the event a race is canceled or declared off, the facility may split any overnight race for which post positions have not been drawn.

(2) Where an overnight race is split, forming two or more separate races, the racing secretary will give notice of not less than 15 minutes before such races are closed to grant time for making additional entries to each split race.

(3) A trainer may enter more than the maximum number of entries allowed under paragraph 10.8(2)*"c"* if the entries are declared at time of entry as "split entry only" and preference is given by the trainer for the trainer's first three entries.

(4) The racing secretary will split an overnight race so that common ownership, identical ownership, or common trainers will divide as equally as possible between two or more races.

e. Entry weight. Owners, trainers, or any other duly authorized person who enters a horse for a race should ensure the entry is correct and accurate as to the weight allowances available and claimed for the horse under the conditions set for the race. After a horse is entered and has been assigned a weight to carry in the race, the assignment of weight will not be changed except in the case of error and with the stewards' approval. Weight allowances may be waived with the approval of the stewards.

f. Consecutive days. No horse may run twice within four consecutive calendar days. For the purpose of this rule, the day after the start is the first day.

g. Foreign entries. For the purposes of determining eligibility, weight assignments, or allowances for horses imported from a foreign nation, the racing secretary will take into account the standards established by the European Pattern Committee and the International Federation of Horseracing Authorities (IFHA).

h. Weight conversions. For the purpose of determining eligibility, weight assignments, or allowances for horses imported from a foreign nation, the racing secretary will convert metric distances to English measures by reference to the following scale:

1 sixteenth	= 100 meters
1 furlong	= 200 meters
1 mile	= 1600 meters

i. Name. The "name" of a horse means the name reflected on the certificate of registration, racing permit, or temporary racing permit issued by the breed registry. Imported horses must have a suffix, enclosed by brackets, added to their registered names showing the country of foaling. This

suffix is derived from the international code of suffixes and constitutes part of the horse's registered name. The registered names and suffixes, where applicable, will be printed in the official program.

j. Bona fide entry. No person may enter or attempt to enter a horse for a race unless that entry is a bona fide entry, made with the intention that the horse is to compete in the race for which the horse was entered.

k. Registration certificate to reflect correct ownership. Every breed registry foal certificate filed physically or digitally with the racing secretary to establish the eligibility of a horse to be entered for any race must accurately reflect the correct and true ownership of the horse. The name of the owner that is printed on the official program for the horse must conform to the ownership as declared on the certificate of registration or eligibility certificate unless a stable name has been registered with the commission for the owner or ownership.

l. Naming/engaging of riders. Riders are named at the time of entry. If, at the conclusion of the draw of a race, a trainer does not have a rider, all riders who are available will be made known to the trainer at that time via telephone or in person by the stewards or their designee. A trainer who does not name a rider prior to the conclusion of the draw of a race, and reasonable attempts have been employed to contact the trainer with no response, will have an available rider engaged at the facility placed on the horse, determination of which will be drawn by lot. Riders properly engaged as a first or second call in a race must fulfill their engagements as required in subrule 10.7(4).

m. More than one race. No horse may be entered in more than one race, with the exception of stakes races, to be run on the same day on which pari-mutuel wagering is conducted.

n. Iowa-foaled horse. An Iowa-foaled horse cannot enter a race limited to Iowa-foaled horses unless the horse is registered with and the papers are either physically or digitally stamped by the department of agriculture and land stewardship. An Iowa-foaled horse may run in an open race without the stamp but is ineligible for Iowa-bred supplement, Iowa-bred breeders awards, and Iowa-bred breeders supplement.

10.8(3) *Sweepstakes entries.*

a. Entry and withdrawal. The entry of a horse in a sweepstakes is a subscription to the sweepstakes. Before the time of closing, any entry or subscription may be altered or withdrawn.

b. Entrance money. Entrance money is paid by the nominator to a race. In the event of the death of the horse or a mistake made in the entry of an otherwise eligible horse, the nominator subscriber continues to be obligated for any stakes, and the entrance money will not be returned.

c. Quarter horse scratches and qualifiers unable to participate in finals. If a horse is scratched from the time trial finals, the horse's owner is not eligible for a refund of the fees paid. If a horse that qualified for the final is unable to enter due to racing soundness, or scratched for any reason other than a positive drug test report or a rule violation, the horse will be deemed to have earned, and the owner will receive, last place money. If more than one horse is unable to enter due to racing soundness, or is scratched for any reason other than a positive drug test report or a rule violation, then those purse moneys will be added together and divided equally among the horse owners.

10.8(4) *Closing of entries.*

a. Overnight entries. The racing secretary will close entries for overnight racing at 10 a.m. unless the racing secretary establishes or the stewards approve a later closing.

b. Sweepstakes entries. If an hour for closing is designated, entries and declarations for sweepstakes cannot be received thereafter. However, if a time for closing is not designated, entries and declarations may be mailed or faxed until midnight of the day of closing, if they are received in time to comply with all other conditions of the race. In the absence of notice to the contrary, entries and declarations for sweepstakes that close during or on the day preceding a race meeting will close at the office of the racing secretary in accordance with any requirements the secretary sets. Closing for sweepstakes not during race meetings will be at the office of the facility.

c. Exception. Nominations for stakes races will not close, nor will any eligibility payment be due, on a day when the United States Postal Service is not operating.

10.8(5) *Prohibited entries.*

a. Entry by disqualified person. An entry made by a disqualified person or the entry of a disqualified horse is void. Any money paid for the entry will be returned, if the disqualification is disclosed at least 45 minutes before post time for the race. Otherwise, the entry money will be paid to the winner.

b. Limited partner entry prohibited. No person other than a managing partner of a limited partnership or a person authorized by the managing partner may enter a horse owned by that partnership.

c. Altering entries prohibited. No alteration may be made in any entry after the closing of entries, but the stewards may permit the correction of an error in an entry.

d. Limitation on overnight entries. If the number of entries to any purse or overnight race is in excess of the number of horses that may be accommodated due to the size of the track, the starters for the race and their post positions will be determined by lot conducted in public by the racing secretary.

e. Stake race entry limit. In a stake race, the number of horses that may compete is limited only by the number of horses nominated and entered. In any case, the facility's lawful race conditions govern.

f. Stewards' denial of entry. The stewards may, after notice to the entrant, subscriber, or nominator, deny entry of any horse to a race if the stewards determine the entry to be in violation of these rules or the laws of this state or to be contrary to the interests of the commission in the regulation of pari-mutuel wagering or to public confidence in racing.

10.8(6) *Preferences and eligibles.*

a. Also eligible. A list of no more than eight names may be drawn from entries filed in excess of positions available in the race. These names will be listed as "also eligible" to be used as entries if originally entered horses are withdrawn. Any owner, trainer, or authorized agent who has entered a horse listed as an "also eligible" and who does not wish to start will file a scratch card with the secretary not later than the scratch time designated for that race. "Also eligibles" have preference to scratch.

b. Preference system. A system using dates or stars will be used to determine preference for horses being entered in races. The system used is at the option of the racing secretary and approved by the stewards. A preference list will be kept current by the racing secretary and made available to horsemen upon request.

c. Disputed decision. When the decision of a race is in dispute, all horses involved in the dispute, with respect to the winner's credit or earnings, are liable to all weights or conditions attached to the winning of that race until a winner has been finally adjudged.

10.8(7) *Post positions.* Post positions will be determined by the racing secretary publicly and by lot. Post positions will be drawn from "also eligible" entries at scratch time. In all races, horses drawn into the race from the "also eligible" list take the outside post positions, except in straightaway quarter horse racing. In straightaway quarter horse racing, the post position of the scratched horse is assigned to the horse "drawing in." If there is more than one scratch, the post positions will be assigned by lot.

10.8(8) *Scratch; declaring out.*

a. Notification to the secretary. No horse is considered scratched, declared out, or withdrawn from a race until the owner, agent, or other authorized person has given notice in writing to the racing secretary before the time set by the facility as scratch time. All scratches must be approved by the stewards.

b. Declaration irrevocable. Scratching or the declaration of a horse out of an engagement for a race is irrevocable.

c. Limitation on scratches. No horse may be scratched from a race if the horses remaining in the race number fewer than seven betting interests, unless the stewards permit a lesser number. When the number of requests to scratch would, if granted, leave a field of fewer than seven, the stewards will determine by lot which entrants may be scratched and permitted to withdraw from the race. Veterinarian scratches will be preferred and accepted without regard to the number of entries.

d. Scratch time. Unless otherwise set by the stewards, scratch times are as follows:

(1) Stakes races. Scratch time will be at least 45 minutes before post time.

(2) Other races. Scratch time will be set by the stewards prior to the start of the meet.

10.8(9) *Workouts.*

a. Thoroughbreds, when required.

(1) No horse may start unless the horse has raced in an official race or has had an approved official timed workout satisfactory to the stewards, and adheres to the following for horses that are not first-time starters:

1. A horse that has not started for a period of 60 days or more must have had an official workout satisfactory to the stewards prior to the day of the race in which the horse started, and the horse must have had an official workout within the previous 30 days.

2. A horse that has not started for a period of 180 days or more must have had two official workouts, one of which must have occurred within the previous 30 days prior to the day of the race in which the horse started.

3. A horse that has not started for a period of 365 days or more must fulfill the following requirements before being allowed to start:

- The horse must have had three official workouts.
- One of the three official workouts must have been from the starting gate going at least one-half mile, within 60 days of starting.

(2) No first-time starter may race unless it has had three official workouts, with one having occurred from the gate within the previous 60 days, and is approved to start from the gate by the starter.

b. Quarter horses, when required.

(1) No horse may start unless the horse has raced in an official race or has had an approved official timed workout satisfactory to the stewards, and adheres to the following for horses that are not first-time starters:

1. A horse that has not started for a period of 60 days or more is ineligible to race until it has had an official workout satisfactory to the stewards prior to the day of the race in which the horse started, and the horse must have had an official workout within the previous 60 days.

2. A horse that has not started for a period of 180 days or more must have had two official workouts, one of which must have occurred within the previous 60 days.

3. A horse that has not started for a period of 365 days or more must fulfill the following requirements before being allowed to start:

- The horse must have had two official workouts.
- One of the two official workouts must have been from the starting gate within 60 days of starting.

(2) No first-time starter may race unless it has had two official workouts, with one having occurred from the gate within the previous 60 days, and is approved to start from the gate by the starter.

c. Counting of days. For the purpose of counting the number of days a horse is ineligible to start, the day after the workout is the first day.

d. Identification. The timer or the stewards may require licensees to identify a horse in their care being worked. The owner, trainer, or jockey may be required to identify the distance the horse is to be worked and the point on the track where the workout will start.

e. Information dissemination. If the stewards approve the timed workout so as to permit the horse to run in a race, they will require this information to be furnished to the public in advance of the race, including but not limited to the following means:

(1) Announcement over the facility's public address system;

(2) Transmission on the facility's message board;

(3) Posting in designated conspicuous places in the racing enclosure; and

(4) Exhibit on track TV monitors at certain intervals if the track has closed circuit TV. If the workout is published prior to the race in either the Daily Racing Form or the track program, then it is not necessary to make the announcements set forth above.

f. Restrictions. No horse may be taken onto the track for training or a workout except during hours designated by the facility.

10.8(10) *Equipment.*

a. Whip and bridle limitations. Unless permitted by the stewards, no whip or substitute for a whip may exceed one pound or 30 inches, and no bridle may exceed two pounds.

b. Equipment change. No licensee may change the equipment used on a horse from that used in the horse's last race, unless with permission of the stewards. No licensee may add blinkers or cheek pieces to a horse's equipment, or discontinue their use, without the prior approval of the starter. First-time starters must race with or without blinkers or cheek pieces in accordance with the gate approval card issued by the starter. In the paddock prior to a race, a horse's tongue may be tied down with clean bandages, clean gauze, or with a tongue strap.

10.8(11) *Racing numbers and silks.*

a. Number display. Each horse in a race will carry a conspicuous saddle cloth number corresponding to the official number given that horse on the official program.

b. Field horses. In a combined field of horses, each horse in the field will carry a separate number.

c. Racing silks. Racing silks are turned in to the racing office or jockey room custodian upon arrival to the facility.

(1) All horses running in a race must race in an owner's silk or trainer's silk.

(2) In the case of a partnership, the horse will run with a managing partner's silk or a trainer's silk if no partnership silk is available.

(3) Under special circumstances, the stewards in their discretion may permit a horse to run in a house silk.

10.8(12) *Dead heats.*

a. When two horses run a dead heat for first place, all purses or prizes to which first and second horses would have been entitled will be divided equally between them; this applies in dividing all purses or prizes whatever the number of horses running a dead heat and whatever places for which the dead heat is run.

b. In the event of a dead-heat finish for second place and thereafter, when an objection to the winner of the race is sustained, the horses in the dead heat are considered to have run a dead heat for first place.

c. If a prize includes a cup, plate, or other indivisible prize, owners will draw lots for the prize in the presence of at least two stewards.

10.8(13) *Equine infectious anemia (EIA) test.*

a. Certificate required. No horse may start or be stabled on the premises of the facility unless a valid negative Coggins test or other laboratory-approved negative EIA test certificate is on file with the racing secretary.

b. Trainer responsibility. In the event of claims, sales, or transfers, it is the new trainer's responsibility to ascertain the validity of the certificate for the horse within 24 hours. If the certificate is either unavailable or invalid, the previous trainer is responsible for any reasonable cost associated with obtaining a negative EIA laboratory certificate.

c. Positive test reports. Whenever any owner or trainer is furnished a positive Coggins test or positive EIA test result, the horse must be removed by the owner or trainer from facility premises or approved farms within 24 hours of actual notice to the owner or trainer of the infection.

10.8(14) *Race procedures.*

a. Full weight. Each horse must carry the full weight assigned for that race from the paddock to the starting point and will parade past the stewards' stand, unless excused by the stewards.

b. Touching and dismounting prohibited. After the horses enter the track, jockeys cannot dismount or entrust their horse to the care of an attendant unless due to an accident occurring to the jockey, the horse, or the equipment, and then only with the prior consent of the starter. During any delay during which a jockey is permitted to dismount, all other jockeys may dismount and their horses may be attended by others. After the horses enter the track, only the hands of the jockey, the starter, the assistant starter, the commission veterinarian, an outrider on a lead pony, or persons approved by the stewards may touch the horse before the start of the race. If a horse throws its jockey on the way from the paddock to the post, the horse must be returned to the point where the jockey was thrown, where the horse will be remounted and then proceed over the route of the parade to the post. The horse must carry its assigned weight from paddock to post and from post to finish.

c. Jockey injury. If a jockey is seriously injured on the way to the post, the horse will be returned to the paddock, a replacement jockey obtained, and both the injured jockey and the replacement jockey will be paid by the owner.

d. Twelve-minute parade limit. After entering the track, all horses will proceed to the starting post in not more than 12 minutes unless approved by the stewards. After passing the stewards' stand in parade, the horses may break formation and proceed to the post in any manner. Once at the post, the horses will be started without unnecessary delay. All horses must participate in the parade carrying their weight and equipment from the paddock to the starting post, and any horse failing to do so may be disqualified by the stewards. A lead pony leading a horse in the parade cannot obstruct the public's view of the horse being led except with permission of the stewards.

e. Striking a horse prohibited. In assisting the start of a race, no person other than the jockey, starter, assistant starter, or veterinarian may strike a horse or use any other means to assist the start.

f. Loading of horses. Horses will be loaded into the starting gate in numerical order or in any other fair and consistent manner determined by the starter and approved by the stewards.

g. Delays prohibited. No person may obstruct or delay the movement of a horse to the starting post.

10.8(15) *Claiming races.*

a. Eligibility.

(1) Registered to race or open claim. No person may file a claim for any horse unless the person:

1. Is a licensed owner at the meeting who either has foal paper(s) registered with the racing secretary's office or has started a horse at the meeting; or

2. Is a licensed authorized agent, authorized to claim for an owner eligible to claim; or

3. Has a valid open claim certificate. Any person not licensed as an owner, or a licensed authorized agent for the account of the same, or a licensed owner not having foal paper(s) registered with the racing secretary's office or who has not started a horse at the current meeting may request an open claim certificate from the commission. The person must submit a completed application for a prospective owner's license to the commission. The applicant must disclose or list the name of the trainer licensed by the commission who will be responsible for the claimed horse. A nonrefundable fee must accompany the application along with any financial information requested by the commission. The names of the prospective owners will be prominently displayed in the offices of the commission and the racing secretary. The application will be processed by the commission; and when the open claim certificate is exercised, an owner's license will be issued; or

4. Is not a family member related within the second degree of affinity or consanguinity to the person or ownership entity who owns the horse. For the purpose of determining whether an ownership entity is excluded from claiming a horse or having a horse claimed, a family member within the second degree of affinity or consanguinity means a parent, child, grandparent, grandchild, sibling, or in-law who owns or controls 5 percent or more of said entity.

(2) Number of claims.

1. An ownership entity (sole owner, partnership, limited liability partnership, racing stable, corporation, limited liability corporation, or owner/trainer acting as an owner) cannot claim more than

one horse in a race. Any commonality of ownership prohibits more than one claim in a race by any of those entities.

2. An authorized agent or trainer acting on behalf of an ownership entity cannot submit more than two claims in a race with two separate ownership interests.

3. A trainer cannot receive more than two horses from any claiming race.

b. Procedure for claiming. To make a claim for a horse, an eligible person must:

(1) Deposit to the person's account with the horsemen's bookkeeper the full claiming price, as printed in the official program, and applicable taxes as established by the racing secretary's conditions.

(2) File in a locked claim box maintained for that purpose by the racing secretary the claim filled out completely in writing and with sufficient accuracy to identify the claim on forms provided by the facility at least ten minutes before the post time of the race.

c. Claim box.

(1) The claim box will be approved by the commission and kept locked until ten minutes prior to the start of the race, when it will be presented to the stewards or their representatives for opening and publication of the claims.

(2) The claim box will also include a time clock that automatically stamps the time on the claim envelope prior to its being dropped in the box.

(3) No official of a facility may give any information as to the filing of claims therein until after the race has been run.

d. Claim irrevocable. After a claim has been filed in the claim box, it cannot be withdrawn.

e. Multiple claims on single horses. If more than one claim is filed on a horse, the successful claim will be determined by lot conducted by the stewards or their representatives. After title to the claimed horse is determined by lot, all other claims on that horse are deemed null and void. If the winning claim determined by lot is subsequently ruled invalid for any reason, title to the horse will be returned to the owner of the horse prior to the lot draw. The successful claimant is responsible for all care and maintenance of the horse from the time the horse is transferred to the claimant until the time the horse is returned to the prior owner after invalidation of the claim.

f. Successful claims; later races.

(1) Sale or transfer. No successful claimant may sell or transfer a horse, except in a claiming race, for 30 days from the date of claim.

(2) Eligibility price. A horse claimed cannot start in a race in which the claiming price is less than the amount for which it was claimed. After 30 days, a horse may start for any claiming price. This provision does not apply to starter handicaps in which the weight to be carried is assigned by the handicapper or for starter allowances. No right, title, or interest for any claimed horse may be sold or transferred except in a claiming race for a period of 30 days following the date of claiming. To calculate the 30-day period, the day claimed does not count, and the following calendar day is the first day.

(3) Racing elsewhere. A horse that was claimed under these rules cannot participate at a race meeting other than that at which it was claimed until the end of the meeting, except with written permission of the stewards. This limitation does not apply to stakes races.

(4) Same management. A claimed horse cannot remain in the same stable or under the control or management of its former owner or trainer. No person may claim their own horse or cause their own horse to be claimed, directly or indirectly, for their own account.

(5) When a horse is claimed out of a claiming race, the horse's engagements are included.

g. Transfer after claim.

(1) Forms. Upon a successful claim, the stewards will issue in triplicate, on forms approved by the commission, an authorization of transfer of the horse from the original owner to the claimant. Copies of the transfer authorization will be forwarded to and maintained by the commission, the stewards, and the racing secretary.

(2) No claimed horse will be delivered by the original owner to the successful claimant until the claim is approved by the stewards. Every horse claimed races for the account of the original owner,

but title to the horse is transferred to the claimant at the moment the horse becomes a starter, and the successful claimant becomes the owner of the horse unless the claim is voided by the stewards. Only a horse that is officially a starter in the race may be claimed. A subsequent disqualification of the horse by order of the stewards has no effect upon the claim.

(3) The stewards will void the claim and return the horse to the original owner if:

1. The claimed horse suffers a fatality during the running of the race, dies, or is euthanized before leaving the track.

2. The commission veterinarian, during the veterinarian's observation of the horse coming off the track or upon its arrival to the test barn, determines the horse will be placed on the veterinarian's list. The stewards will not void the claim if, prior to the race in which the horse is claimed, the claimant elects to claim the horse regardless of whether the commission veterinarian determines the horse will be placed on the veterinarian's list. An election made under this rule will be entered on the claim form.

3. The race is called off, canceled, or declared no contest.

4. The proper credit balance has not been established with the horsemen's bookkeeper.

5. The claim is otherwise inconsistent with Iowa law and the commission's rules.

(4) Other-jurisdiction rules. The commission will recognize and be governed by the rules of any other jurisdiction regulating title and claiming races when ownership of a horse is transferred or affected by a claiming race conducted in that other jurisdiction.

(5) Determination of sex and age. The claimant, within 48 hours, is responsible for determining the age and sex of the horse claimed notwithstanding any designation of sex and age appearing in the program or in any racing publication. Horses that are spayed or gelded must be properly identified in the program. If the claimant finds that a mare is in fact spayed or that the status of a male horse is inaccurate as stated by the program, the claimant may return the horse for full refund of the claiming price.

(6) Affidavit by claimant. The stewards may, if they determine it necessary, require any claimant to execute a sworn statement that the claimant is claiming the horse for the claimant's own account or as an authorized agent for a principal and not for any other person.

(7) Delivery required. No person may refuse to deliver a properly claimed horse to the successful claimant. The claimed horse is disqualified from entering any race until delivery is made to the claimant.

(8) Obstructing the rules of claiming. No person or licensee may obstruct or interfere with another person or licensee in claiming any horse, enter into any agreement with another to subvert or defeat the object and procedures of a claiming race, or attempt to prevent any horse entered from being claimed.

h. Elimination of stable. An owner whose stable has been eliminated by claiming may claim for the remainder of the meeting at which eliminated or for 30 racing days, whichever is longer. With the permission of the stewards, stables eliminated by fire or other casualty may claim under this rule.

i. Disallowance of claim. The stewards may cancel and disallow any claim within 24 hours after a race if they determine that a claim was made upon the basis of a lease, sale, or entry of a horse made for the purpose of fraudulently obtaining the privilege of making a claim; or if an eligible claimant improperly obtains information or access to horses by being present in the paddock during the claiming race unless the claimant has a horse in that claiming race, as determined solely by the stewards. In the event of a disallowance, the stewards may further order the return of a horse to its original owner and the return of all claim moneys. To disallow a claim, it must be shown by clear and convincing evidence that there is a direct and substantial connection between the eligible claimant and the owner or owner's trainer of the horse to be claimed wherein the eligible claimant improperly gained information about the horse to be claimed and the information was otherwise unavailable to other licensed owners or ownership entities.

j. Protest of claim. A protest to any claim must be filed with the stewards before noon of the day following the date of the race in which the horse was claimed. Nonracing days are excluded from

this rule. Should the stewards void a claim for reasons other than failure to follow the procedure for claiming, when there are multiple claims on a singular horse, said claim will not be voided until after the determination by lot.

k. Waived claiming rule. At the time of entry into claiming races, the owner, trainer, or any authorized agent may opt to declare a horse ineligible to be claimed provided:

(1) The horse has not been an official starter at any racetrack for a minimum of 120 days since the horse's last race as an official starter (at time of race);

(2) The horse's last race as an official starter was one in which the horse was eligible to be claimed;

(3) The horse is entered for a claiming price equal to or greater than the claiming price at which the horse last started as an official starter;

(4) Failure of declaration of ineligibility at time of entry cannot be remedied; and

(5) Ineligibility to be claimed applies only to the horse's first start as an official starter following each such 120-day or longer layoff.

l. Eligibility of in-foal filly or mare. An in-foal filly or mare is eligible to be entered into a claiming race only if the following conditions are fulfilled:

(1) Full disclosure of such fact is on file with the racing secretary and such information is posted in the secretary's office;

(2) The stallion service certificate has been deposited with the racing secretary's office before the horse runs;

(3) All payments due for the service in question and for any live progeny resulting from that service are paid in full;

(4) The release of the stallion service certificate to the successful claimant at the time of claim is guaranteed; and

(5) The cutoff for racing is 150 days of gestation.

10.8(16) *Quarter horse time trial races.*

a. Except in cases where the starting gate physically restricts the number of horses starting, each time trial will consist of no more than ten horses.

b. The time trials will be raced under the same conditions as the finals. If the time trials are conducted on the same day, the horses with the ten fastest times qualify to participate in the finals. If the time trials are conducted on two days, the horses with the five fastest times on the first day and the horses with the five fastest times on the second day qualify to participate in the finals. When time trials are conducted on two days, the racing office should make every attempt to split owners with more than one entry into separate days so that the owner's horses have a chance at all ten qualifying positions.

c. If the facility's starting gate has fewer than ten stalls, the maximum number of qualifiers will correspond to the maximum number of starting gate post positions.

d. If only 11 or 12 horses are entered to run in time trials from a gate with 12 or more stalls, the facility may choose to run finals only. If 11 or 12 horses participate in the finals, only the first 10 finishers will receive purse money.

e. In the time trials, horses qualify on the basis of time and order of finish. The times of the horses in the time trial will be determined to the limit of the timer. The only exception is when two or more horses have the same time in the same trial heat. Then the order of finish also determines the preference in the horses' qualifying for the finals. Should two or more horses in different time trials have the same qualifying time to the limit of the timer for the final qualifying position(s), then a draw by public lot will be conducted as directed by the stewards. Under no circumstances should stewards or placing judges attempt to determine horses' qualifying times in separate trials beyond the limit of the timer by comparing or enlarging a photo finish picture.

f. Except in the case of disqualification, under no circumstances will a horse qualify ahead of a horse that finished ahead of that horse in the official order of finish in a time trial.

g. Should a horse be disqualified for interference during the running of a time trial, it will receive the time of the horse it is immediately placed behind plus one hundredth of a second, or the maximum accuracy of the electronic timing device. No adjustments will be made in the times recorded in the time trials to account for headwind, tailwind, and off track. In the case where a horse is disqualified for interference with another horse causing loss of rider or the horse not to finish the race, the disqualified horse may be given no time plus one hundredth of a second, or the maximum accuracy of the electronic timing device.

h. Should a malfunction occur with an electronic timer on any time trial, finalists from that time trial will then be determined by official hand times operated by three official and disinterested persons. The average of the three hand times will be utilized for the winning time, unless one of the hand times is clearly incorrect. In such cases, the average of the two accurate hand times will be utilized for the winning time. The other horses in that race will be given times according to the order and margins of finish with the aid of the photo finish strip, if available.

i. Unless the conditions of the stakes race provide otherwise, when there is a malfunction of the timer during the time trials, but the timer operates correctly in other time trials, the accurate electronic times should not be discarded in favor of the average of the hand times used for all time trials.

j. Where the accuracy of the electronic timer or the average of the hand times is questioned, the video of a time trial may be used to estimate the winning time by counting the number of video frames in the race from the moment the starting gate stall doors are fully open parallel to the racing track. This method is accurate to approximately .03 seconds. If the timer malfunctions and there are no hand times, the stewards have the option to select qualifiers based on the video time.

k. Should there be a malfunction of the starting gate and one or more stall doors not open or open after the exact moment when the starter dispatches the field, the stewards may declare the horses in stalls with malfunctioning doors to be nonstarters. The stewards have the option, however, to allow any horse whose stall door opened late but still ran a time fast enough to qualify to be declared a starter for qualifying purposes. If a horse breaks through the stall door or the stall door opens prior to the exact moment the starter dispatches the field, the horse will be declared a nonstarter and all entry fees refunded. If one or more, but not all, stall doors open at the exact moment the starter dispatches the field, these horses should be considered starters for qualifying purposes, and placed according to their electronic times. If the electronic timer malfunctions in this instance, the average of the hand times, or, if not available, the video time, should be utilized for the horses that were declared starters.

l. There will be an also eligible list only in the case of a disqualification for a positive drug test report, ineligibility of the horse according to the conditions of the race, or a disqualification by the stewards for a rule violation. Should a horse be disqualified for a positive drug test report, ineligibility of the horse according to the conditions of the race, or a disqualification by the stewards for a rule violation, the next fastest qualifier assumes the disqualified horse's position in the finals.

m. If a horse is scratched from the time trials, the horse's owner will not be eligible for a refund of the fees paid, and that horse will not be allowed to enter the finals under any circumstances. If a horse that qualified for the finals is unable to enter due to racing soundness or is scratched for any reason other than a positive drug test report or a rule violation, the horse is deemed to have earned, and the owner will receive, last place purse money. If more than one horse is scratched from the finals for any reason other than a positive drug test report or a rule violation, then the purse moneys will be added together and divided equally among the owners.

491—10.9(99D) Medication and administration, sample collection, chemists, and practicing veterinarian.

10.9(1) *Medication and administration.*

a. No horse, while participating in a race, may carry in its body any medication, drug, foreign substance, or metabolic derivative thereof, which is a narcotic or which could serve as a local anesthetic or tranquilizer or which could stimulate or depress the circulatory, respiratory, or central nervous system of a horse, thereby affecting its speed.

b. Any drugs or foreign substances that might mask or screen the presence of the prohibited drugs, or prevent or delay testing procedures, are also prohibited.

c. Proof of detection by the commission chemist of the presence of a medication, drug, foreign substance, or metabolic derivative thereof, prohibited by paragraph 10.9(1)*"a"* or *"b,"* in any bodily substances including but not limited to saliva, urine, blood, or hair sample duly taken under the supervision of the commission veterinarian from a horse immediately prior to or promptly after running in a race is prima facie evidence that the horse was administered, with the intent that it would carry or that it did carry in its body while running in a race, a prohibited medication, drug, or foreign substance in violation of this rule.

d. Administration or possession of drugs.

(1) No person shall administer, cause to be administered, or participate or attempt to participate in any way in the administration of any medication, drug, foreign substance, or treatment by any route to a horse registered for racing on the day of the race prior to the race in which the horse is entered.

(2) No person except a veterinarian shall have in the person's possession any prescription drug. Prescriptions must be written or dispensed or both only by duly licensed veterinarians in the context of a valid veterinarian-client-patient relationship and based upon a specific medical diagnosis. However, a person may possess a noninjectable prescription drug for animal use if all of the following are met:

1. The person actually possesses, within the racetrack enclosure, documentary evidence that a prescription has been issued to said person for such a prescription drug.

2. The prescription contains a specific dosage for the particular horse or horses to be treated by the prescription drug.

3. The horse or horses named in the prescription are in said person's care within the racetrack enclosure.

(3) No veterinarian or any other person shall have in their possession or administer to any horse within any racetrack enclosure any chemical or biological substance that:

1. Has not been approved for use on equines by the Food and Drug Administration pursuant to the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Section 301 et seq., and implementing regulations, without the prior written approval from a commission veterinarian, after consulting with the board of stewards.

2. Is on any of the schedules of controlled substances as prepared by the Attorney General of the United States pursuant to 21 U.S.C. Sections 811 and 812, without the prior written approval from a commission veterinarian after consultation with the board of stewards. The commission veterinarian will not give approval unless the person seeking the approval can produce evidence in recognized veterinary journals or by recognized equine experts that such chemical substance has a beneficial therapeutic use in horses.

(4) No veterinarian or any other person shall dispense, sell, or furnish any feed supplement, tonic, veterinary preparation, medication, or any other substance that can be administered or applied to a horse by any route, to any person within the premises of the facility unless it is labeled in conformance with this rule or is otherwise labeled as required by law. A substance does not comply with this rule if the label is missing, illegible, tampered with, or altered.

1. Labels for all substances must include the name of the substance dispensed; the name of the dispensing person; the name of the horse or horses for which the substance is dispensed; the purpose for which the substance is dispensed; the dispensing veterinarian's recommendations for withdrawal before racing, if applicable; and the name of the person to whom dispensed.

2. Labels for medications or other prescribed substances must include all items from paragraph 10.9(1)*"d"* and, in addition, the date the prescription was filled, name of the trainer or owner of the horse for whom the product was dispensed, dose, dosage, route of administration, duration of treatment of the prescribed product, and expiration date.

(5) No person shall have in the person's possession or in areas under said person's responsibility on facility premises any feed supplement, tonic, veterinary preparation, medication, or any substance

that can be administered or applied to a horse by any route unless it complies with the labeling requirements in subparagraph 10.9(1)*"d"*(4).

(6) Unless approved by the commission veterinarian, no person shall possess, use, or distribute a compounded medication within the premises of the facility if there is a Food and Drug Administration-approved equivalent of that substance available for purchase. Veterinary drugs must be compounded in accordance with all applicable state and federal laws. Compounded medication may be dispensed only by prescription issued by a licensed veterinarian to meet the medical needs of a specific horse and for use only in that specific horse. All compound medications must be labeled as required by law.

(7) Any drug or medication for horses that is used or kept on facility premises and that requires a prescription must be prescribed in compliance with applicable state law and regulations by a veterinarian who is duly licensed by the commission, the Iowa veterinary board, or the state in which the horse was located at the time of the examination, diagnosis, and prescription.

e. Any person found to have administered, or caused, participated in, or attempted to participate in any way in the administration of a medication, drug, or foreign substance that caused or could have caused a violation of this rule is subject to disciplinary action.

f. The owner, trainer, groom, or any other person having charge, custody, or care of the horse is obligated to protect the horse properly and guard it against the administration or attempted administration of a substance in violation of this rule. If the stewards find that any person has failed to show proper protection and guarding of the horse, or if the stewards find that any owner, lessee, or trainer is guilty of negligence, they will impose discipline and take other action they deem proper under any of the rules, including referral to the commission.

g. In order for a horse to be placed on the bleeder list in Iowa through reciprocity, that horse must be certified as a bleeder in another state or jurisdiction. A certified bleeder is a horse that has raced with furosemide in another state or jurisdiction in compliance with the laws governing furosemide in that state or jurisdiction.

h. The possession or use of blood doping agents, including but not limited to those listed below, on the premises of a facility under the jurisdiction of the commission is forbidden:

(1) Erythropoietin;

(2) Darbepoetin;

(3) Oxyglobin®; and

(4) Hemopure®.

i. The use of extracorporeal shock wave therapy or radial pulse wave therapy is not permitted unless the following conditions are met:

(1) Any treated horse cannot race for a minimum of ten days following treatment;

(2) The use of extracorporeal shock wave therapy or radial pulse wave therapy machines is limited to veterinarians licensed to practice by the commission;

(3) Any extracorporeal shock wave therapy or radial pulse wave therapy machines on the association grounds must be registered with and approved by the commission or its designee before use;

(4) All extracorporeal shock wave therapy or radial pulse wave therapy treatments must be reported to the official veterinarian on the prescribed form not later than the time prescribed by the official veterinarian.

j. The use of a nasogastric tube longer than six inches for the administration of any substance within 24 hours prior to the post time of the race in which the horse is entered is prohibited without the prior permission of the official veterinarian or designee.

k. Nonsteroidal anti-inflammatory drugs (NSAIDs) in thoroughbreds.

(1) The use of one of three approved NSAIDs is permitted under the following conditions, unless preempted by federal law:

1. The level does not exceed the following permitted serum or plasma threshold concentrations that are consistent with administration by a single intravenous injection at least 24 hours before the post time for the race in which the horse is entered:

- Phenylbutazone (or its metabolite oxyphenylbutazone) – 2 micrograms per milliliter;
- Flunixin – 20 nanograms per milliliter;
- Ketoprofen – 2 nanograms per milliliter.

2. The NSAIDs listed in numbered paragraph 10.9(1)*"k"*(1)"1" or any other NSAIDs are prohibited from being administered within the 24 hours before post time for the race in which the horse is entered.

3. The presence of more than one of the three approved NSAIDs, with the exception of phenylbutazone in a concentration below 0.3 micrograms per milliliter, flunixin in a concentration below 3 nanograms per milliliter, or ketoprofen in a concentration below 1 nanogram per milliliter of serum or plasma, or the presence of any unapproved NSAID in the post-race serum or plasma sample is not permitted. The use of all but one of the approved NSAIDs must be discontinued at least 48 hours before the post time for the race in which the horse is entered.

(2) Any horse to which an NSAID has been administered is subject to having a blood sample(s), urine sample(s) or both taken at the direction of the official veterinarian to determine the quantitative NSAID level(s) or the presence of other drugs that may be present in the blood or urine sample(s).

l. NSAIDs in quarter horses.

(1) "Approved NSAIDs" means only phenylbutazone (or its metabolite oxyphenylbutazone), flunixin, or ketaprofen. "Approved NSAIDs" does not include any other substance.

(2) The use of one of three approved NSAIDs is permitted under the circumstances set forth in this paragraph. The presence of more than one of the three approved NSAIDs, with the exception of phenylbutazone in a concentration below 1 microgram per milliliter of serum or plasma, is not permitted. The presence of any unapproved NSAID in the post-race serum or plasma sample is not permitted.

(3) The permissible level for approved NSAIDs cannot exceed concentrations that are consistent with administration by a single intravenous injection at least 48 hours before the post time for the race in which the horse is entered: 0.3 micrograms of phenylbutazone or oxyphenylbutazone per milliliter of serum or plasma; 5 nanograms of flunixin per milliliter of serum or plasma; or 2 nanograms of ketoprofen per milliliter of serum or plasma.

(4) Approved NSAIDs, or any other NSAIDs, cannot be administered within the 48 hours before post time for the race in which the horse is entered. Use of all but one approved NSAID must be discontinued at least 48 hours before the post time for the race in which the horse is entered.

10.9(2) *Sample collection of bodily substances.*

a. Under the supervision of the commission veterinarian, urine, blood, hair, and other bodily substances may be taken and tested from any horse that the stewards, commission veterinarian, or commission's representatives may designate. The samples will be collected by the commission veterinarian or other person or persons the commission may designate. Each sample is marked or numbered and bears information essential to its proper analysis, but the identity of the horse from which the sample was taken or the identity of its owners or trainer is not revealed to the official chemist or the staff of the chemist. The container of each sample is sealed as soon as the sample is placed therein.

b. No unauthorized person may be admitted at any time to the building or the area utilized for the purpose of collecting the required samples or the area designated for the retention of horses pending the obtaining of samples.

c. During the taking of samples from a horse, the owner, responsible trainer, or a representative designated by the owner or trainer may be present and witness the taking of the sample and so signify in writing. Failure to be present and witness the collection of the samples constitutes a waiver by the owner, trainer, or representative of any objections to the source and documentation of the sample.

d. The commission veterinarian, the board of stewards, agents of the division of criminal investigation, or a commission representative may take samples of any medicine or other materials suspected of containing improper medication, drugs, or other substance that could affect the racing condition of a horse in a race that may be found in barns or elsewhere on facility premises or in the possession of any person connected with racing, and the samples will be delivered to the official chemist for analysis.

e. Nothing in these rules is intended to prevent:

(1) Any horse in any race from being subjected by the order of a steward or the commission veterinarian to tests of bodily substances for the purpose of determining the presence of any foreign substance.

(2) The state steward or the commission veterinarian from authorizing the splitting of any sample.

(3) The commission or commission veterinarian from requiring bodily substances to be stored in a frozen state for future analysis.

f. Before leaving the racing surface, the trainer will ascertain the testing status of the horse under the trainer's care from the commission veterinarian or designated detention barn representative.

10.9(3) *Chemists or laboratory.*

a. Tests are to be under the supervision of the commission, which will employ one or more chemists or contract with one or more qualified chemical laboratories to determine by chemical testing and analysis of bodily substances whether a foreign substance, medication, drug or metabolic derivative thereof is present.

b. All bodily substance samples taken by or under direction of the commission veterinarian or commission representative will be delivered to the laboratory of the official chemist for analysis.

c. The commission chemist is responsible for safeguarding and testing each sample delivered to the laboratory by the commission veterinarian.

d. The commission chemist conducts individual tests on each sample, screening them for prohibited substances, and conducting other tests to detect and identify any suspected prohibited substance or metabolic derivative thereof with specificity. Pooling of samples is permitted only with the written approval of the administrator.

e. Upon the finding of a test negative for prohibited substances, the remaining portions of the sample may be discarded. Upon the finding of a test suspicious or positive for prohibited substances, the test will be reconfirmed and the remaining portion, if available, of the sample will be preserved and protected for one year following close of meet.

f. The commission chemist submits a written report to the commission as to each sample tested, indicating by sample tag identification number, whether the sample was tested negative or positive for prohibited substances. The commission chemist will not report test findings to any person other than commission representatives designated by the administrator.

g. If the commission chemist finds a sample suspicious for a prohibited medication, additional time for test analysis and confirmation may be requested.

h. In reporting to the commission representative a finding of a test positive for a prohibited substance, the commission chemist will present documentary or demonstrative evidence acceptable in the scientific community and admissible in court in support of the professional opinion as to the positive finding.

i. No action will be taken by the state steward until an official report signed by the chemist properly identifying the medication, drug, or other substance as well as the horse from which the sample was taken has been received.

j. The cost of the testing and analysis will be paid by the commission to the official chemist. The commission will then be reimbursed by each facility on a per-sample basis so that each facility bears only its proportion of the total cost of testing and analysis. The commission may first receive payment from funds provided in Iowa Code chapter 99D, if available.

10.9(4) *Practicing veterinarian.*

a. Prohibited acts.

(1) Ownership. A licensed veterinarian practicing at any meeting cannot hold any ownership, directly or indirectly, in any racing animal racing during the meeting.

(2) Wagering. Veterinarians licensed by the commission as veterinarians cannot place any wager of money or other thing of value directly or indirectly on the outcome of any race conducted at the meeting at which the veterinarian is furnishing professional service.

(3) Furnishing injectable materials. No veterinarian shall within the facility premises furnish, sell, or loan any hypodermic syringe, needle, or other injection device, or any drug, narcotic, or prohibited substance to any other person unless with written permission of the stewards.

(4) Contact with entered horse within 24 hours before post time. Practicing veterinarians cannot have contact with an entered horse within 24 hours before the scheduled post time of the race in which the horse is scheduled to compete unless (1) approved by the state veterinarian or (2) in the case of emergency. In case of an emergency, the state veterinarian must be notified prior to entering the stall. A documented attempt to contact the state veterinarian prior to entering the stall complies with the notification requirements of this rule. Any unauthorized contact may result in the horse being scratched from the race in which it was scheduled to compete and may result in further disciplinary action by the stewards.

b. Syringes, hypodermic needles, and infusion tubes. The use of other than single-use disposable syringes and infusion tubes on facility premises is prohibited. Whenever a veterinarian has used a hypodermic needle or syringe, the veterinarian must destroy the needle and syringe and remove the needle and syringe from the facility premises.

c. Required reports. Practicing veterinarians must submit reports to the commission veterinarian as follows:

(1) Medication and other substance reports in accordance with Iowa Code section 99D.25(10), including the racing animal; trainer; procedure; medication or other substance; dosage or quantity; route of administration; and the date and time administered, dispensed, or prescribed.

(2) A copy of an updated logbook of procedures and other professional services or treatments, as described in Iowa Code section 99D.25(10), within 24 hours after the procedure, professional service, or treatment is provided or completed.

(3) Immediately upon discovering or diagnosing any illness presenting unusual or unknown symptoms in a racing animal entrusted to the veterinarian's care.

(4) Immediately upon euthanizing any horse on facility premises.

d. Additional scope-of-practice parameters. Practicing veterinarians are subject to the professional scope and standards of practice established by the state of Iowa veterinary regulatory authority. In addition, practicing veterinarians are subject to the following scope-of-practice parameters while caring for and treating racing animals:

(1) Practicing veterinarians may have employees licensed as veterinary assistants working under their direct supervision. Activities of these employees cannot include direct treatment or diagnosis of any animal. The practicing veterinarian must be present if a veterinary assistant is to have access to injection devices or injectables. The practicing veterinarian assumes all responsibility for a veterinary assistant. A veterinary assistant cannot engage in activities that a practicing veterinarian is prohibited from engaging in, including performing other work that would put the assistant in contact with an entered horse within 24 hours before post time.

(2) Equine dentistry is considered a function of veterinary practice by the Iowa veterinary practice Act. Any dental procedures performed at the facility must be performed by a licensed veterinarian or a licensed veterinary assistant.

These rules are intended to implement Iowa Code chapter 99D.

Regulatory Analysis

Notice of Intended Action to be published: 671—Chapter 1
"Organization; State Records Manual"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 8A.104(5) and 8A.608(1)"d"

State or federal law(s) implemented by the rulemaking: Iowa Code sections 8A.601 through 8A.616

Public Hearing

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

November 18, 2025 11 a.m.	Via Google Meet Phone Number: 1.929.249.4811 PIN: 982 464 148#

Public Comment

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

Tami Wiencek
Hoover State Office Building, Third Floor
1305 East Walnut Street
Des Moines, Iowa 50319
Email: tami.wiencek@iowa.gov

Purpose and Summary

The intended purpose of these proposed rules is to update language for the State Records Commission under the Governor's Executive Order 10 and to reflect the fact the Commission is now under the purview of the Department of Administrative Services through the State Government Alignment Act, 2023 Iowa Acts, Senate File 514, which has since been codified in Iowa Code chapter 8A. The topics for this chapter include organization and the State Records Manual. The current Chapters 1 and 2 under agency number [671] are combined herein. These proposed rules remain under agency number [671] since the State Records Commission has its own rulemaking authority.

Analysis of Impact

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

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

State agencies must comply with Iowa Code section 8A.601 and bear some administrative costs of conducting State business as that pertains to records.

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

The taxpayers of Iowa ultimately benefit from this rulemaking in that efficient records organization, storage, and retrieval is an important part of the vast amount of information State government creates and retains on behalf of citizens.

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 16 cabinet-level agencies and other offices and entities within State government are affected by these rules, thus including a broad sector of government serving Iowans. Costs include tasks encompassing records management. That management is built into the cost of doing business for these agencies, offices, and entities.

- **Qualitative description of impact:**

Each State agency and the Legislature can use these rules to understand the entity created for records management and its manual created to outline policy and procedures.

3. **Costs to the State:**

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

Each agency is responsible for determining the final cost of records management as that pertains to following Commission rules. This cost can vary.

- **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:**

The benefits of the proposed rulemaking include a brief look at organization for the Commission and a more detailed outline of responsibilities for an agency head in the realm of records management. Overall, the rules help guide State agencies in maintaining records for the public and for State use as well.

The cost of inaction would be lack of this guidance. The State Records Manual alone is meant to provide policy and procedure.

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

Through research, it has been determined the Iowa records management program is one of the least restrictive of its kind in terms of bureaucratic requirements to agencies, public reporting, and audits of agency records status.

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

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

No other methods were considered.

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

Iowa law, the State Archives and Records Act, includes the creation of a State Records Commission.

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 rules are applicable to State government and do not have a direct connection to small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 671—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1
ORGANIZATION; STATE RECORDS MANUAL

671—1.1(17A,8A) Purpose.

1.1(1) *State archives and records Act.* This chapter provides an overview of the organization, responsibilities, definitions, and records manual details under the purview of the state records commission within the department of administrative services.

1.1(2) *Location.* Communication with the state records commission may be established through the State Archives and Records Bureau, Department of Administrative Services, State Historical Building, 600 East Locust Street, Des Moines, Iowa 50319.

1.1(3) *Meetings and membership.* Membership of the state records commission is outlined in Iowa Code section 8A.603. The state records commission chairperson shall be elected biennially from the membership. Iowa Code section 8A.606 references meetings for the commission. In accordance with state open meeting laws, agendas for meetings will be posted at the state historical building and on the state public meeting calendar. Two-thirds of the commission membership shall be a quorum for the purpose of conducting business. Actions of the commission shall be by simple majority of members present.

671—1.2(8A) Definitions. In addition to the definitions found in Iowa Code chapter 8A, and in particular, Iowa Code section 8A.602, the following definitions apply:

"Non-record materials" means documents and informational materials that do not meet the statutory definition of a record in Iowa Code section 8A.602(9) or that are excluded from the definition. Non-record materials include library and museum material made or acquired and preserved solely for reference or exhibition purposes, stocks of publications and unprocessed forms, and extra copies of documents made, acquired, or received only for convenience or reference purposes.

"Office of record" means the agency in which a record is created, produced, executed, or received in connection with official business of that agency. The office of record is responsible for maintenance and disposition of records in accordance with approved records series retention and disposition schedules.

"Reference copy" is a copy of a record kept for easy access to the information the record contains. A reference copy of a record may be distributed to make recipients aware of the content of the record but not to direct the recipient to take action on a matter.

"Retention" or *"retention period"* is the minimum length of scheduled time a record must be kept (either in the office or in offsite storage) because it is needed for ongoing business, to document an action, or for statutory reasons.

671—1.3(17A,305) Responsibilities.

1.3(1) *State records commission.* The responsibilities of the commission are the same as defined in Iowa Code section 8A.608.

1.3(2) *Department of administrative services.* The responsibilities of the department are the same as defined in Iowa Code section 8A.609.

1.3(3) *Agency head.* In addition to the responsibilities set forth in Iowa Code section 8A.610, an agency head will also:

a. Appoint one or more records officers to coordinate the records program or programs within the agency and to serve as liaisons to the state archives and records bureau. An agency head shall document an appointment in writing to the state archives and records bureau.

b. Maintain or cause to be maintained complete and accurate records documenting the agency's implementation of the state of Iowa records program.

c. Provide secure, environmentally appropriate storage areas for all records in the physical custody of the agency and provide public access to those records in accordance with the agency's fair information practices rules.

d. Maintain legal custody of all agency records stored in agency offsite storage and provide public access to those records in accordance with the agency's fair information practices rules.

e. Transfer legal custody of records that are transferred to the state archives of Iowa in accordance with Iowa Code section 8A.610.

671—1.4(8A) State records manual.

1.4(1) *Authority of the manual.* The state records manual is an interagency manual as defined by Iowa Code section 17A.2(11)*"c."*

1.4(2) *Content of the manual.* The commission shall, through the state archives and records bureau, create and maintain a state records manual that contains:

a. Records series retention and disposition schedules adopted by the commission.

b. Detailed procedures for agency interaction with the commission and the state archives and records bureau for such activities as the development and revision of records series and disposition schedules, transfer and storage of records, access and retrieval of records from storage, and destruction of records.

c. Guidelines adopted by the commission to assist an agency head in implementing an efficient government records program within the agency.

671—1.5(8A) Applicability of the manual. The provisions of the state records manual are applicable to all executive or legislative branch departments, offices, commissions, boards, or other units of state government unless otherwise exempted by law. However, the state records manual is not applicable to the department of transportation or agencies or institutions under the control of the state board of regents.

671—1.6(8A) Availability of the manual. The commission shall make the manual publicly available on its website at history.iowa.gov/research/state-government-record-management.

These rules are intended to implement Iowa Code sections 8A.601 through 8A.615.

Regulatory Analysis

Notice of Intended Action to be published: 671—Chapter 2
"Records Series Retention and Disposition Schedules Process"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 8A.104(5) and 8A.608(1)"d"

State or federal law(s) implemented by the rulemaking: Iowa Code sections 8A.601 through 8A.616

Public Hearing

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

November 18, 2025 11 a.m.	Via Google Meet Phone Number: 1.929.249.4811 PIN: 982 464 148#

Public Comment

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

Tami Wiencek
Hoover State Office Building, Third Floor
1305 East Walnut Street
Des Moines, Iowa 50319
Email: tami.wiencek@iowa.gov

Purpose and Summary

The purpose of these proposed rules is to provide a framework for the retention and disposition schedules of State records, to update language under the Governor's Executive Order 10, and to reflect that the Records Commission is now under the purview of the Department of Administrative Services through the State Government Alignment Act, 2023 Iowa Acts, Senate File 514, which has since been codified in Iowa Code chapter 8A.

Analysis of Impact

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

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

State agencies must comply with Iowa Code section 8A.601 and bear some administrative costs of conducting State business as that pertains to records.

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

Iowa taxpayers benefit from the rulemaking because framework for records retention is important to determine the value of records over time, maintain an organized system, and effectively manage the vast amount of records created as a result of doing business as a State.

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 process is a framework for agencies to follow and the costs to achieve those benefits are determined by the agencies themselves in compliance with the State Archives and Records Act.

- **Qualitative description of impact:**

The cost of not providing a framework for records retention would be far more expensive since retention evaluation and resulting schedules are an essential part of sound records management.

3. **Costs to the State:**

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

As stated, agencies have personnel and administrative costs for records retention. The Commission keeps the tasks as cost neutral as possible.

- **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:**

The benefits of retention management far outweigh the costs since part of that management determines disposition of records. It would take massive amounts of State resources to keep in perpetuity all records State government has ever created. That does not mean records are merely disposed of. The other benefit of a retention framework is that records are evaluated on the grounds of administrative, legal, fiscal, and historical value. There are practical and ethical focuses for evaluation.

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

Through research, it has been determined the Iowa records management program is one of the least restrictive of its kind in terms of bureaucratic requirements to agencies, public reporting, and audits of agency records status.

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

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

No other methods were considered.

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

As stated, Iowa's records program is one of the least intrusive and the framework for records retention has proven to be effective.

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 rules are applicable to State government agencies and the Legislature and do not have a direct connection to small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 671—Chapter 2 and adopt the following **new** chapter in lieu thereof:

CHAPTER 2
RECORDS SERIES RETENTION AND DISPOSITION SCHEDULES PROCESS

671—2.1(8A) Purpose. The records series retention and disposition process is designed to evaluate records to establish appropriate periods of time for holding records prior to final disposition by destruction or permanent preservation. These records are held in office or in storage areas.

671—2.2(8A) Form to use. A Records Series Inventory and Retention and Disposition Schedule Form is used for the inventorying of agency records and for the development or revision of records series retention and disposition schedules. The form is available from the state archives and records bureau of the department of administrative services.

671—2.3(8A) Agency responsibility.

2.3(1) An agency head shall maintain or cause to be maintained an inventory of records that are made, produced, executed, or received by the agency pursuant to statute in connection with the transaction of official business of state government, whether those records are created or maintained in an electronic or paper system.

2.3(2) An agency head shall initiate or cause to be initiated a new Records Series Inventory and Retention and Disposition Schedule Form for previously unscheduled records series and, when needed, for revising an existing records series retention and disposition schedule. This applies to electronic and paper records.

2.3(3) An agency head shall provide or cause to be provided complete and thorough responses to the questions on the Records Series Inventory and Retention and Disposition Schedule Form and will work with the state archives and records bureau so that the bureau can finalize the records series retention and disposition schedule recommendations for presentation to the state records commission.

671—2.4(8A) State archives and records bureau responsibility. An agency shall submit any proposed Records Series Inventory and Retention and Disposition Schedule Forms to the state archives and records bureau for review. The bureau will assist the agency in finalizing the records series retention and disposition schedule recommendations for presentation to the state records commission.

671—2.5(8A) State records commission responsibility.

2.5(1) The commission will evaluate records series retention and disposition schedule (schedule) recommendations presented by the state archives and records bureau. The commission's evaluation of the bureau's recommendations shall consider the administrative, legal, fiscal, and historical values of the records. The commission will ensure that the schedule recommendation is consistent with other adopted schedules.

2.5(2) The commission may:

a. Adopt the proposed schedule as presented.

b. Amend the proposed schedule as the commission deems appropriate.

c. Return the proposed schedule to the state archives and records bureau for additional research before the commission takes final action.

d. Return the proposed schedule to the agency for additional research with the intent that the agency will resubmit the schedule to the commission for final action.

e. Reject the proposed schedule.

671—2.6(8A) Effective date. Unless otherwise set forth by the commission, a schedule shall become effective 20 calendar days after commission approval.

671—2.7(8A) Procedures. Detailed procedures, including a sample copy of the Records Series Inventory and Retention and Disposition Schedule Form, are available in the state records manual.

These rules are intended to implement Iowa Code sections 8A.601 through 8A.615.

Regulatory Analysis

Notice of Intended Action to be published: 671—Chapters 3, 7, and 8
"Permanent Records—Transfer Process, Care, and Access"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 8A.104(5) and 8A.608(1)"d"

State or federal law(s) implemented by the rulemaking: Iowa Code sections 8A.601 through 8A.616

Public Hearing

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

November 19, 2025 11 a.m.	Via Google Meet Phone Number: 1.628.400.4549 PIN: 532 175 431#

Public Comment

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

Tami Wiencek
Hoover State Office Building, Third Floor
1305 East Walnut Street
Des Moines, Iowa 50319
Email: tami.wiencek@iowa.gov

Purpose and Summary

The intended purpose of these proposed rules is to provide framework for handling records deemed to be kept permanently. The framework includes how to transfer such records to the State archives or to store such records that will remain in agency custody. The proposed rules also reflect the fact that the Records Commission is now under the purview of DAS through the State Government Alignment Act, 2023 Iowa Acts, Senate File 514, which has since been codified in Iowa Code chapter 8A.

Analysis of Impact

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

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

State agencies and the Legislature bear administrative costs of transferring or maintaining records as a cost of doing business.

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

The records program benefits the public as it provides a framework for retaining permanent records, caring for them, and making them accessible.

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 quantitative impact is costs paid by State agencies and the Legislature in many ways, including executing methods of storage, determining places of storage, and deciding best practices

for maintaining the best condition of the records. That said, when records are transferred to the State Records Program, the historical division of DAS bears the cost of maintaining the records as part of everyday business.

- **Qualitative description of impact:**

The qualitative impact of costs amounts to public access to records that are determined to have permanent value.

3. **Costs to the State:**

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

The costs are absorbed by each State agency and the Legislature as part of doing business. When records are transferred to the State records program, the historical division of DAS bears the cost of maintaining records as part of everyday business.

- **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:**

The benefits outweigh costs of retaining and maintaining permanent State records. The Iowa Code stipulates that State records, with exceptions, are public. Maintaining records and making them accessible are part of the government's pledge of transparency to the public.

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

This is 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:**

The way historical records are maintained in Iowa is comparable to the way it is done in all other states and by the National Archives.

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 is not applicable because the law addresses requests for public records, which includes being able to charge for open records. Open records laws are also meant for government to be transparent and can thus favor small businesses as records requesters. These rules outline a framework for keeping permanent records.

Text of Proposed Rulemaking

ITEM 1. Rescind 671—Chapter 3 and adopt the following **new** chapter in lieu thereof:

CHAPTER 3
PERMANENT RECORDS—TRANSFER PROCESS, CARE, AND ACCESS

671—3.1(8A) Purpose. The department of administrative services administers the state archives of Iowa in order to preserve, protect, and make accessible those records of state government that have enduring value.

671—3.2(8A) Identification of permanent records. The state records commission shall adopt records series retention and disposition schedules in accordance with 671—Chapter 2 to identify state government records that have enduring value.

671—3.3(8A) Form to use. A Transfer of Custody of State Government Records to the State Archives of Iowa form obtained from the state archives and records bureau shall be used to transfer legal and physical custody of a record from an agency to the state archives of Iowa.

671—3.4(8A) Agency responsibility.

3.4(1) A record that is scheduled for permanent preservation in the state archives of Iowa shall be transferred to the state archives of Iowa in accordance with established records series retention and disposition schedules. An agency records officer shall review, sign, and submit a properly completed Transfer of Custody of State Government Records to the State Archives of Iowa form to the state archives and records bureau for approval prior to the physical transfer of records from the agency.

3.4(2) A record scheduled for permanent preservation in an agency shall be retained in the agency in perpetuity. The agency shall maintain such a record in a manner that will ensure the continued availability of an accurate, authentic, and reliable record in perpetuity. The record shall be available for public inspection and copying in accordance with agency fair information practice rules.

671—3.5(8A) State archives and records bureau responsibility.

3.5(1) The state archives and records bureau shall review and consider for approval a properly completed Transfer of Custody of State Government Records to the State Archives of Iowa form in a timely manner and will assist an agency in correcting an incomplete or inaccurate form.

3.5(2) After approving a form, the state archives and records bureau will arrange for physical transfer of records to the state archives of Iowa with the agency.

3.5(3) The state archives and records bureau shall establish and maintain inventory control of records transferred to the state archives of Iowa.

3.5(4) The department of administrative services shall provide a secure, environmentally appropriate storage area for all records transferred to its custody.

671—3.6(8A) Care of and access to permanent records.

3.6(1) A record with enduring value shall be transferred to the state archives of Iowa in accordance with a state records commission adopted records series retention and disposition schedule. The state archives of Iowa shall provide a secure environment for the storage and use of these records so that they may be preserved and made available to future generations of researchers in accordance with Iowa Code section 8A.609.

3.6(2) Records transferred to the state archives of Iowa shall be cared for and administered in accordance with 223—Chapter 13.

3.6(3) Records transferred to the state archives of Iowa shall be made accessible to researchers in accordance with 223—Chapter 22.

3.6(4) The state archives and records bureau, with prior approval from the state archivist, may loan an agency record from the state archives of Iowa to an authorized agency user.

These rules are intended to implement Iowa Code sections 8A.601 through 8A.615.

ITEM 2. Rescind and reserve **671—Chapter 7**.

ITEM 3. Rescind and reserve **671—Chapter 8**.

Regulatory Analysis

Notice of Intended Action to be published: 671—Chapters 4 and 14
"Development Process for Government Information Policies, Standards, and Guidelines"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 8A.104(5) and 8A.608(1)"d"

State or federal law(s) implemented by the rulemaking: Iowa Code sections 8A.601 through 8A.616

Public Hearing

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

November 19, 2025 11 a.m.	Via Google Meet Phone Number: 1.628.400.4549 PIN: 532 175 431#

Public Comment

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

Tami Wiencek
Hoover State Office Building, Third Floor
1305 East Walnut Street
Des Moines, Iowa 50319
Email: tami.wiencek@iowa.gov

Purpose and Summary

These rules are intended to provide a framework for development of information policies, standards, and guidelines. These are implemented by the Records Commission for State agencies and the Legislature. The rules include updated language pursuant to the Governor's Executive Order 10. They also reflect the fact the Commission is under the purview of the Department of Administrative Services through the State Government Alignment Act, 2023 Iowa Acts, Senate File 514, which has since been codified in Iowa Code chapter 8A.

Analysis of Impact

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

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

State agencies and the Legislature would bear the cost of records policy development as part of the cost of doing business.

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

The public benefits from records policy development since that leads to continued government records access and transparency.

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 is not applicable because most of the work of records management policy was done eight years ago. The policies in the current records manual are up to date.

- **Qualitative description of impact:**

This chapter allows the Commission to develop new policies, if necessary, for records management, thus remaining relevant as information practices evolve. For example, at one time, the email policy had to be written as the digital form of communication became commonplace. This ability allows State agencies, in particular, to stay efficient in government transparency.

3. **Costs to the State:**

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

The costs are built into the cost of doing business for State agencies and the Records Commission and Records Bureau.

- **Anticipated effect on State revenues:**

There is no effect on State revenues.

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

The benefits outweigh the costs considering that costs are built in as a part of doing business as a State and that the Commission has relied upon this chapter for updates to its records manual, to set new policy, and to allow for advisory committees when necessary.

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

Since the development rules address standard and best practices in the archive industry regarding policy development, there are no less intrusive methods to implement.

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

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

No alternative methods were considered.

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

After conducting a review, it was found there are no beneficial alternatives from other states.

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 is not applicable.

Text of Proposed Rulemaking

ITEM 1. Rescind 671—Chapter 4 and adopt the following **new** chapter in lieu thereof:

CHAPTER 4
DEVELOPMENT PROCESS FOR GOVERNMENT INFORMATION POLICIES, STANDARDS, AND GUIDELINES

671—4.1(8A) Proposal of government information policies, standards, and guidelines. An agency staff member or a member of the public may propose a topic to be developed into a government information policy, standard, or guideline by contacting the state records commission through the state archives and records bureau. A proposal may include a draft government information policy, standard, or guideline.

671—4.2(8A) Commission responsibilities.

4.2(1) In accordance with Iowa Code section 8A.608, the commission shall:

a. Develop such government information policies, standards, and guidelines as it deems appropriate;

b. Prior to final adoption, solicit agency participation in the review of government information policies, standards and guidelines;

c. Draft and file administrative rules in accordance with Iowa Code chapter 17A for all government information policies and standards; and

d. Include all government information guidelines in the state records manual.

4.2(2) The commission may:

a. Appoint advisory committees to research and analyze issues related to government information policies, standards, and guidelines; and

b. Prior to final adoption, solicit public participation in the review of government information policies, standards and guidelines.

671—4.3(8A) State archives and records bureau responsibilities. The state archives and records bureau shall provide administrative support to advisory committees appointed by the commission.

671—4.4(8A) Agency responsibilities.

4.4(1) An agency shall be in substantial compliance with government information policies and standards adopted by the commission.

4.4(2) An agency may utilize government information guidelines adopted by the commission as the agency implements the government records program within the agency.

671—4.5(8A) Advisory committees.

4.5(1) Advisory committees of the state records commission may:

a. Make recommendations to the state records commission.

b. Consist of public members and agency staff members. No more than three members of the state records commission may be members of any advisory committee.

4.5(2) Individuals may volunteer to serve on advisory committees of the state records commission by submitting a letter of application to the state archives and records bureau along with a résumé stating areas of interest and expertise.

4.5(3) The state archives and records bureau will maintain the applications of individuals who volunteer to serve as members of advisory committees of the state records commission for a two-year period following receipt of the letter of application.

These rules are intended to implement Iowa Code sections 8A.601 through 8A.615.

ITEM 2. Rescind and reserve **671—Chapter 14**.

Regulatory Analysis

Notice of Intended Action to be published: 671—Chapters 5, 6, and 15
"Temporary Records—Access Process, Destruction Process; Email Retention"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 8A.104(5) and 8A.608(1)"d"

State or federal law(s) implemented by the rulemaking: Iowa Code sections 8A.601 through 8A.616

Public Hearing

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

November 19, 2025 11 a.m.	Via Google Meet Phone Number: 1.628.400.4549 PIN: 532 175 431#

Public Comment

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

Tami Wiencek
Hoover State Office Building, Third Floor
1305 East Walnut Street
Des Moines, Iowa 50319
Email: tami.wiencek@iowa.gov

Purpose and Summary

The purpose of this rulemaking is to rescind outdated chapters under the State Records Commission rules as part of the Department's review of rules through the Governor's Executive Order 10. The Commission is now under the purview of the Department through the State Government Alignment Act, 2023 Iowa Acts, Senate File 514, which has since been codified in Iowa Code chapter 8A.

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 rulemaking.

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

Iowa taxpayers will benefit by the rescission of outdated chapters because these chapters are no longer needed for State agencies and the Legislature.

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:**

No costs are incurred by rescinding these chapters. The temporary records center has been closed, and the annual cost to maintain that was $400,000.

- **Qualitative description of impact:**

As stated, the chapters are outdated. There is no longer a temporary records center. It was closed in 2020. In addition, how to handle State emails as records is covered in policy.

3. **Costs to the State:**

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

This is not applicable.

- **Anticipated effect on State revenues:**

This is not applicable.

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

This is not applicable because the rescissions have no cost. The benefits are Iowa Administrative Code cleanup.

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

This is not applicable.

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

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

This is not applicable.

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

Rescinding these rules is the least regulatory and intrusive method of handling these rules.

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 is not applicable.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **671—Chapter 5**.

ITEM 2. Rescind and reserve **671—Chapter 6**.

ITEM 3. Rescind and reserve **671—Chapter 15**.

ARC 9649C

ECONOMIC DEVELOPMENT AUTHORITY[261]

Notice of Intended Action

Proposing rulemaking related to red tape review and providing an opportunity for public comment

The Economic Development Authority hereby proposes to rescind Chapter 31, "Economic Development Region Initiatives," Chapter 43, "Hoover Presidential Library Tax Credit," Chapter 44, "Cog Assistance," Chapter 75, "Opportunities and Threats Program," Chapter 117, "SSBCI Demonstration Fund," Chapter 165, "Allocation of Grow Iowa Values Fund," Chapter 171, "Supplemental Credit or Points," Chapter 212, "Vision Iowa Program," Chapter 213, "Enhance Iowa Board: Uniform Waiver Rules," Chapter 214, "Enhance Iowa Board," Chapter 400, "Rules Applicable to Part XII," and Chapter 401, "Administration of Financial Assistance," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 15A, 15F, and 15G; Iowa Code sections 12.72, 15.106A, 15.439, 15E.231, 15E.364, 15F.102, and 17A.9A; and 2011 Iowa Acts, House File 590, division III.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 15A, 15F, and 15G; Iowa Code sections 12.72, 15.106A, 15.439, 15E.231, 15E.364, 15F.102, 17A.9A, and 28H.1; and 2011 Iowa Acts, House File 590, division III.

Purpose and Summary

Pursuant to Executive Order 10, the Authority proposes to permanently rescind the following obsolete and unnecessary chapters:

- Chapter 31, which describes economic development region initiatives. The initiatives have been discontinued. No funds are currently available for this purpose. Additionally, the chapter implements Iowa Code sections 15E.231 through 15E.233, which are repealed by 2025 Iowa Acts, Senate File 657, effective December 31, 2025.
- Chapter 43, which describes the Hoover Presidential Library Tax Credit. The tax credit is available to taxpayers who make an unconditional charitable donation to the Hoover Presidential Foundation for the Hoover Presidential Library and Museum Renovation Project Fund. The tax credit cannot be claimed after tax years beginning on and after January 1, 2024; therefore, the authority's rules relating to the qualification and application process for tax credits are no longer needed. Tax credits are claimed pursuant to rules adopted by the Department of Revenue.
- Chapter 44, which provides grant funds to councils of governments organized pursuant to Iowa Code chapter 28H for the provision of technical assistance to political subdivisions in their service delivery areas. Funds are regularly appropriated to the Authority for this purpose, but such appropriations do not require the Authority to have rules regarding the provision of funds.
- Chapter 75, which describes the opportunities and threats program. The chapter implements Iowa Code chapter 15G, subchapter I. The subchapter was repealed in 2012.
- Chapter 117, which describes the State Small Business Credit Initiative (SSBCI) demonstration fund. The fund utilized a 2011 allocation from the SSBCI. A 2022 allocation from the SSBCI is addressed in 261—Chapter 112.
- Chapter 165, which describes rules applicable to allocation of the Grow Iowa Values Fund. The fund was repealed in 2012 by 2011 Iowa Acts, chapter 133.

- Chapter 171, which implements requirements to give additional consideration or additional points in Iowa Code sections 15.439(3), 15A.1(5), and 15A.4. Such additional consideration or points are required if a project is (i) within a brownfield site, blighted area, or distressed area; (ii) subject to a good neighbor agreement; or (iii) identified in an Iowa Great Places agreement. Iowa Code section 15.439 was repealed by 2025 Iowa Acts, House File 975. The requirements in Iowa Code chapter 15A do not require rules.
- Chapter 212, which describes the procedures and administration of the Vision Iowa Program. Rules are no longer necessary for the program because all program contracts are closed and no funding is available.
- Chapter 213, which describes the waiver process for rules issued by the Enhance Iowa Board. The Enhance Iowa Board was eliminated with the repeal of Iowa Code section 15F.102 by 2024 Acts, chapter 1170, section 368.
- Chapter 214, which describes the composition, officers, and duties of the Enhance Iowa Board. The Enhance Iowa Board was eliminated with the repeal of Iowa Code section 15F.102 by 2024 Acts, chapter 1170, section 368.
- Chapter 400, which describes rules related to the Iowa Power Fund. The chapter was enacted to allow the Authority to administer and wind down contracts entered into under the Iowa Power Fund legislation (Iowa Code chapter 469) before its repeal via 2011 Iowa Acts, House File 590. The chapter is obsolete and unnecessary.
- Chapter 401, which describes rules for the administration of the Iowa Power Fund. The Iowa Power Fund legislation (Iowa Code chapter 469) was repealed via 2011 Iowa Acts, House File 590. The chapter is obsolete and unnecessary.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 23, 2025. A public hearing was held on the following date(s):

- August 12, 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 Authority for a waiver of the discretionary provisions, if any, pursuant to 261—Chapter 199.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Authority no later than 4:30 p.m. on November 20, 2025. Comments should be directed to:

Tyler Barnard
Economic Development Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315
Phone: 515.452.0418
Email: tyler.barnard@iowafinance.com

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

November 18, 2025 9:15 a.m.	1963 Bell Avenue Des Moines, Iowa Information about virtual participation can be found at opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review
November 20, 2025 3:15 p.m.	1963 Bell Avenue Des Moines, Iowa Information about virtual participation can be found at opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review

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 Authority 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 **261—Chapter 31**.

ITEM 2. Rescind and reserve **261—Chapter 43**.

ITEM 3. Rescind and reserve **261—Chapter 44**.

ITEM 4. Rescind and reserve **261—Chapter 75**.

ITEM 5. Rescind and reserve **261—Chapter 117**.

ITEM 6. Rescind and reserve **261—Chapter 165**.

ITEM 7. Rescind and reserve **261—Chapter 171**.

ITEM 8. Rescind and reserve **261—Chapter 212**.

ITEM 9. Rescind and reserve **261—Chapter 213**.

ITEM 10. Rescind and reserve **261—Chapter 214**.

ITEM 11. Rescind and reserve **261—Chapter 400**.

ITEM 12. Rescind and reserve **261—Chapter 401**.

ARC 9645C

ECONOMIC DEVELOPMENT AUTHORITY[261]

Notice of Intended Action

Proposing rulemaking related to targeted jobs withholding tax credit program and providing an opportunity for public comment

The Economic Development Authority hereby proposes to rescind Chapter 71, "Targeted Jobs Withholding Tax Credit Program," Iowa Administrative Code, and to adopt a new Chapter 71 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 15.106A and 403.19A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 403.19A.

Purpose and Summary

Pursuant to Executive Order 10, the Authority proposes to rescind Chapter 71 and adopt a new chapter in lieu thereof. The chapter describes the policies and procedures applicable to the Targeted Jobs Withholding Tax Credit program established pursuant to Iowa Code section 403.19A. The updated chapter will be clearer and more concise throughout and will omit repetition of statutory language. Policies regarding project initiation will be incorporated into the new chapter. Additionally, job counting procedures previously addressed in 261—Chapter 188 will be included because that chapter was rescinded effective August 28, 2024.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 23, 2025. A public hearing was held on the following date(s):

- August 12, 2025

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

The program provides an incentive to businesses that create and retain jobs in the state.

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 261—Chapter 199.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Authority no later than 4:30 p.m. on November 20, 2025. Comments should be directed to:

Lisa Connell
Iowa Economic Development Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315
Phone: 515.348.6163
Email: lisa.connell@iowaeda.com

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

November 18, 2025 9 to 9:15 a.m.	1963 Bell Avenue Des Moines, Iowa Information about virtual participation can be found at opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review
November 20, 2025 3 to 3:15 p.m.	1963 Bell Avenue Des Moines, Iowa Information about virtual participation can be found at opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review

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 Authority 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 261—Chapter 71 and adopt the following **new** chapter in lieu thereof:

CHAPTER 71
TARGETED JOBS WITHHOLDING TAX CREDIT PROGRAM

261—71.1(403) Definitions.

"Authority" means the economic development authority created in Iowa Code section 15.105.

"Award date" means the date the board approved a withholding agreement.

"Base employment level" means the number of full-time equivalent positions at an employer as established by the authority and an employer using the employer's payroll records as of the date an employer applies for the program.

"Board" means the same as defined in Iowa Code section 15.102.

"Business" means the same as defined in Iowa Code section 403.19A.

"Countywide average wage" means the average that the authority calculates using the most current four quarters of wage and employment information as provided in the quarterly covered wage and employment data report as provided by the department of workforce development. Agricultural/mining and governmental employment categories are deleted in compiling the wage information.

"Created job" means a new, permanent, full-time equivalent position added to an employer's payroll in excess of the employer's base employment level.

"Employee" means the same as defined in Iowa Code section 403.19A.

"Employer" means the same as defined in Iowa Code section 403.19A.

"Employer's taxable capital investment" means a capital investment in real property, including but not limited to the purchase of land and existing buildings and building construction included in the project, that is subject to taxation by the local taxing authority.

"Full-time equivalent job" or *"full-time"* means a non-part-time position for the number of hours or days per week considered to be full-time work for the kind of service or work performed for an employer. Typically, a full-time equivalent position requires 2,080 hours of work in a calendar year, including all paid holidays, vacations, sick time, and other paid leave.

"Local financial support" or *"local match"* means the same as defined in Iowa Code section 403.19A(3)*"k"*(2). For the purposes of this definition, "cash" includes but is not limited to loans,

forgivable loans or grants. For the purposes of this definition, "in-kind contributions" means contributions directly related to the project and includes but is not limited to the construction of private or public infrastructure or other amenities and improvements.

"Pilot project city" means the same as defined in Iowa Code section 403.19A.

"Project" means an activity or set of activities directly related to the start-up, location, modernization, or expansion of a business, and proposed in an application by a business, that will result in the accomplishment of the goals of the program.

"Qualifying investment" means the same as defined in Iowa Code section 403.19A. For purposes of this definition, "long-term lease costs" means those costs incurred or expected to be incurred under a lease during the duration of a withholding agreement, provided that the cumulative cost for that period does not exceed the cost of the land and the third-party developer's costs to build or renovate the building for the approved employer.

"Retained job" means the same as defined in Iowa Code section 403.19A. For the purposes of this definition, a position "at risk of elimination" includes a position that would be relocated out of state.

"Targeted job" means the same as defined in Iowa Code section 403.19A.

"Withholding agreement" means the same as defined in Iowa Code section 403.19A.

261—71.2(403) Pilot project cities. Pursuant to Iowa Code section 403.19A(2), pilot project cities were identified by the authority based on applications received prior to October 1, 2006. The identified pilot project cities are:

1. Burlington.
2. Council Bluffs.
3. Fort Madison.
4. Keokuk.
5. Sioux City.

261—71.3(403) Withholding agreements. The authority and a pilot project city may enter into a withholding agreement pursuant to Iowa Code section 403.19A. In addition to the items described in Iowa Code section 403.19A(3)*"d,"* a withholding agreement shall contain all of the following:

71.3(1) A list of all other incentives or financial assistance the employer has requested or is receiving from other federal, state, or local economic development programs, including loans, grants, forgivable loans, and tax credits.

71.3(2) The total amount of withholding tax credits awarded.

71.3(3) The total number of created jobs and retained jobs included in the project.

71.3(4) The required countywide average wage.

71.3(5) The total qualifying investment included in the project.

71.3(6) The total required matching local financial support for the project.

71.3(7) The term of the withholding agreement.

71.3(8) Any terms deemed necessary by the authority to effect compliance with the requirements of Iowa Code section 403.19A and this chapter.

261—71.4(403) Project approval.

71.4(1) *Request for board approval form.* To request board approval of a proposed withholding agreement, an employer and pilot project city shall utilize a standardized application developed by the authority. The form will include but not be limited to the following:

a. A general description of the project, including how the pilot project city will utilize withholding funds generated by the project.

b. The employer's base employment level.

c. Information regarding the number of targeted jobs in the project, the wages of the targeted jobs, and the types of jobs created by the project.

d. A budget for the project, showing the total project cost, the amount of local matching funds committed to the project, and the amount of withholding funds the pilot project city will receive from the project.

e. A letter or resolution of support from the local government showing support for the project.

71.4(2) *Timing of submittal.* Requests for board approval of a proposed withholding agreement may be submitted at any time. The authority will review requests for approval of a proposed withholding agreement in as timely a manner as possible.

71.4(3) *Project initiation.* The authority will not accept applications for projects that have been initiated or will be initiated prior to board consideration of the employer's application for the program unless the employer establishes that not initiating the project prior to board consideration of the application would result in undue hardship or that extenuating circumstances necessitate initiating the project prior to board consideration of the employer's application for the program. Whether an undue hardship or extenuating circumstance exists will be determined by the authority.

a. Any one of the following may indicate that a project has been initiated:

(1) The start of construction of new or expanded buildings;

(2) The start of rehabilitation of existing buildings;

(3) The purchase or leasing of existing buildings; or

(4) The installation of new machinery and equipment or new computers to be used in the operation of the project.

b. The following shall not indicate a project has been initiated:

(1) The purchase of land or signing an option to purchase land;

(2) Earthmoving or other site development activities not involving actual building construction, expansion or rehabilitation; or

(3) Acquisition of a business as a going concern.

c. Any costs incurred prior to the award date are not eligible qualifying investment expenses.

71.4(4) *Board action on requests for approval.* The board, on behalf of the authority, may approve or deny a withholding agreement according to the provisions of Iowa Code section 403.19A and this chapter. A pilot project city and employer will be notified in writing of the board's decision regarding the proposed withholding agreement.

261—71.5(403) Reporting requirements.

71.5(1) The annual report required by Iowa Code section 403.19A(3)*"c"*(3) shall be submitted by the employer by September 1 covering the prior fiscal year (July 1 to June 30). The authority will verify job creation or retention using the method described in rule 261—71.6(15).

71.5(2) The authority may request additional reports from pilot project cities as necessary to determine the status of the targeted jobs withholding tax credit program.

71.5(3) The pilot project city or employer shall provide the following upon request:

a. Payroll records that correspond to the quarterly report provided by the pilot project city for the department of revenue;

b. Information substantiating the total amount of qualifying investment made in the project;

c. Information substantiating the total amount of local financial support made in the project;

d. Payments and receipts under a withholding agreement.

261—71.6(15) Job counting.

71.6(1) *Overview.* The authority will count created and retained jobs using a base employment analysis comparing the base employment level to employment at another date. The employer's base employment level will be established at the time of application for the program. The number of jobs the employer has pledged to create shall be in addition to the base employment level. Retained jobs may be included in the base employment level as established at the time of approval.

71.6(2) *Base employment level.*

a. Base employment level will include the number of full-time equivalent positions employed at the project location. If the project occurs at more than one physical location, the employer's base employment level will include the total number of full-time equivalent positions working at the identified locations. Base employment level may include the employer's full-time equivalent positions in this state as identified by the authority that are not located at the project location.

b. If an employer enters multiple withholding agreements for projects at the same location, the base employment level will be calculated by using the payroll document from the oldest withholding agreement that is open. Job obligations from each new withholding agreement will be added to this base employment level.

c. The authority will collect payroll documents to calculate and verify the base employment level used in each withholding agreement. Payroll documents must include a name or employee identification number and the hourly rate of pay for all full-time equivalent positions.

d. If the base employment level includes retained jobs, the authority will require an employer to verify that a job is at risk. Such verification may include the signed statement of an officer of the employer, documentation that the employer is actively exploring other sites for the project, or any other information the authority may reasonably require during the application review process to establish that a job is at risk.

71.6(3) *Verification.* At the project completion date, during the maintenance period, and following the maintenance period completion date, payroll documents will be used to calculate and verify compliance with job obligations. The person who submits the documents must, under penalty of perjury, verify that the information contained in the documents is true and correct.

71.6(4) *Full-time equivalent positions.* Only a full-time equivalent position filled by an individual will be considered an employee of the employer for the purpose of establishing the base employment level, retained jobs, or created jobs. The authority will not consider "job sharing" or any other means of aggregation or combination of hours worked by more than one natural person in counting jobs. The authority will verify that full-time equivalent positions constitute the employment of one person for:

a. Eight hours per day for a five-day, 40-hour workweek for 52 weeks per year, including paid holidays, vacations and other paid leave; or

b. The number of hours or days per week, including paid holidays, vacations and other paid leave, currently established by schedule, custom, or otherwise, as constituting a week of full-time work for the kind of service an individual performs for an employing unit, provided that the number of hours per week is at least 32 hours per week for 52 weeks per year, including paid holidays, vacations, and other paid leave.

c. If employees at the facility do not typically work 40 hours per week, the employer will be required to provide documentation outlining what the employer considers a full-time workweek and how the employer's interpretation fits within the norms of its industry standards. Whether to accept this interpretation is within the sole discretion of the authority.

71.6(5) *Contract employees.* An employer's leased or contract employee may be included in the base employment level, as a created job, or as a retained job only if the following requirements are met:

a. The employer has a legally binding contract with a third-party provider to provide the leased or contract employee.

b. The contract between the third-party provider and the employer specifically requires the third-party provider to pay the wages required for the time period required by the authority as conditions of the approval of a withholding agreement with the employer.

c. The contract between the third-party provider and the employer specifically requires the third-party provider to submit payroll records to the authority, in form and content and as frequently as required by the authority, for purposes of verifying the employer's job creation/retention.

d. The contract between the third-party provider and the employer specifically authorizes the authority or its authorized representatives to access the third-party provider's records related to the project.

e. The employer agrees to be contractually liable to the authority for the performance or nonperformance of the third-party provider.

71.6(6) *Remote employees.* Employees with a reasonable connection to a project location who work remotely may be included in the base employment level, as a created job, or as a retained job as established by the authority at the time of application. To determine whether employees who work remotely should be included, the authority will consider an employer's policies on establishing remote work locations for employees, reporting structures, percentage of time worked at the project location,

and the distance of employees' remote work locations from the project location. Only employees who work remotely within a defined geographic area established by the authority will be included. Whether an employee who works remotely is included in the base employment level, as a created job, or as a retained job pursuant to this subrule shall be solely within the discretion of the authority.

71.6(7) *Wages.* Jobs that are not paid the countywide average wage will not be counted toward an employer's job creation or job retention obligations. To determine the wages paid to the employees of an eligible business, the authority will include only monetary compensation, represented in terms of an hourly rate, paid by an employer to an employee for work or services provided, typically on a weekly or biweekly basis. The wage will not include nonregular forms of compensation, such as bonuses, unusual overtime pay, commissions, stock options, pensions, retirement or death benefits, unemployment benefits, life or other insurance, or other fringe benefits.

261—71.7(403) Applicability. This chapter applies to withholding agreements entered into on or after July 1, 2013. Withholding agreements entered into prior to July 1, 2013, shall be governed by this chapter as it existed prior to the enactment of 2013 Iowa Acts, Senate File 433.

These rules are intended to implement Iowa Code section 403.19A.

ARC 9648C

ECONOMIC DEVELOPMENT AUTHORITY[261]

Notice of Intended Action

Proposing rulemaking related to site development program and providing an opportunity for public comment

The Economic Development Authority hereby proposes to rescind Chapter 77, "Site Development Program," Iowa Administrative Code, and to adopt a new Chapter 77 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 15.106A and 15E.18.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 15E.18.

Purpose and Summary

Pursuant to Executive Order 10, the Authority proposes to rescind Chapter 77 and adopt a new chapter in lieu thereof. The chapter describes the policies and procedures applicable to the Site Development Program established pursuant to Iowa Code section 15E.18. The updated chapter will be clearer and more concise throughout. Language that repeats statute will be eliminated. The new chapter will include updated rules regarding application content, process, and evaluation criteria. An existing requirement that applicants enter a reimbursement agreement with the Authority for site consultation costs will be incorporated into the new chapter.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 23, 2025. A public hearing was held on the following date(s):

- August 12, 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 Authority for a waiver of the discretionary provisions, if any, pursuant to 261—Chapter 199.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Authority no later than 4:30 p.m. on November 20, 2025. Comments should be directed to:

Lisa Connell
Iowa Economic Development Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315
Phone: 515.348.6163
Email: lisa.connell@iowaeda.com

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

November 18, 2025 9 to 9:15 a.m.	1963 Bell Avenue Des Moines, Iowa Information about virtual participation can be found at opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review
November 20, 2025 3 to 3:15 p.m.	1963 Bell Avenue Des Moines, Iowa Information about virtual participation can be found at opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review

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 Authority 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 261—Chapter 77 and adopt the following **new** chapter in lieu thereof:

CHAPTER 77
SITE DEVELOPMENT PROGRAM

261—77.1(15E) Definitions.

"Applicant" means the entity that submits an application to the authority for a certificate of readiness for a site development area or areas.

"Authority" means the economic development authority established in Iowa Code section 15.105.

"Certificate of readiness" means a certificate issued to a local government or local economic development official for a site that is determined to be ready for development or redevelopment based on criteria set forth in rule 261—77.4(15E).

"Site development area" means property that is included as part of a site development plan and that is to be used or proposed to be used for development or redevelopment.

261—77.2(15E) Eligibility. Eligible applicants may apply to the authority for a certificate of readiness pursuant to Iowa Code section 15E.18.

261—77.3(15E) Application; review; approval.

77.3(1) *Application.* All requests for a certificate of readiness for a site development area shall be made using the application provided by the authority. The application shall include at least the following information:

a. Applicant information, including name, address, telephone number and contact person.

b. Legal description of the site development area(s).

c. Identification of the property owner(s) related to the site development area(s) and control of the site development area(s) for the period the certificate of readiness will be effective.

d. Detailed site development plan(s) for the site development area(s).

77.3(2) *Review.* The authority will accept applications during specified time periods. The authority and, if applicable, a contractor engaged for the purpose of evaluating sites will review applications based on the general criteria described in subrule 77.4(1). The authority will evaluate each application to identify any barriers to development or redevelopment.

77.3(3) *Approval.* The authority may approve, deny or defer applications for a certificate of readiness. If the authority approves an application for a certificate of readiness, the authority will issue a certificate of readiness in accordance with rule 261—77.5(15E).

261—77.4(15E) Evaluation criteria.

77.4(1) *General.* When evaluating applications for certificates of readiness, the authority will consider the following criteria:

a. The thoroughness and detail of the site development plan.

b. The site development plan's regard for compliance with applicable regulations, including without limitation land-use and zoning restrictions or environmental or cultural protections.

c. The presence of or planning for viable transportation infrastructure.

d. The presence of or planning for viable utility infrastructure.

e. The geologic and natural characteristics of the site development area(s), including the proximity or inclusion of any floodplains.

f. The ownership and control of the site development area(s).

g. Demonstrated support, including without limitation financial and local support, for the site development plan.

77.4(2) *Additional consideration.* In addition to the general criteria described above, the authority may consider whether a site development plan for a site development area utilizes sustainable design and practices. For purposes of this subrule, "sustainable design" means construction design intended to minimize negative environmental impacts and to promote the health and comfort of building occupants.

261—77.5(15E) Certificate of readiness.

77.5(1) *Certification.* Upon approval of an application, the authority will issue a certificate of readiness to the applicant. The certificate of readiness will include a short description of how the site development plan meets the general criteria described in subrule 77.4(1) and will include whether the site development plan meets the additional consideration described in subrule 77.4(2). The certificate of readiness will be valid for the term described on the certificate, which may vary for each site

development area depending on the nature of the development and the site characteristics. In no event shall the term of a certificate exceed ten years.

77.5(2) *Recertification.* The local government or local economic development official responsible for the site development area shall reapply for a certificate of readiness under these rules for the site to be considered for a subsequent certificate of readiness.

261—77.6(15E) Consultation. The authority may contract with third parties to provide site development consultations. The applicant will be required to enter a contract with the authority that provides for reimbursement of all or a portion of the cost of site development consultations if, during the period the certificate of readiness is effective, the owner(s) of a site or park sell(s), give(s) away, or otherwise dispose(s) of the site or park or any portion of the site development area for a purpose or use other than a purpose or use for which the site was certified.

These rules are intended to implement Iowa Code section 15E.18.

ARC 9642C

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to nursing facilities, intermediate care facilities for persons with an intellectual disability, and services in psychiatric institutions and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to amend Chapter 81, "Nursing Facilities," Chapter 82, "Intermediate Care Facilities for Persons with an Intellectual Disability," and Chapter 85, "Services in Psychiatric Institutions," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 249A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2025 Iowa Acts, House File 1049.

Purpose and Summary

This proposed rulemaking implements 2025 Iowa Acts, House File 1049, section 19, which increases the personal needs allowance described in Iowa Code chapters 81, 82, and 85 from $50 to $55.

In addition, this proposed rulemaking updates incorrect cross-references in subrule 81.13(2).

All references to Iowa Code section 249A.30A herein are to that section as amended by 2025 Iowa Acts, House File 1049.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 17, 2025. A public hearing was held on the following date(s):

- October 7, 2025

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa beyond that appropriated in the underlying legislation.

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 November 18, 2025. 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: victoria.daniels@hhs.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

November 18, 2025 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 224 106 109 665 1 Passcode: Pd9YP99Y
November 18, 2025 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 220 829 926 192 8 Passcode: My69h6Tb

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 subrule 81.13(2) as follows:

81.13(2) *State review and approval of nurse aide training and competency evaluation programs or competency evaluation programs.*

a. The department of inspections, appeals, and licensing will, in the course of all surveys, determine whether the nurse aide training and evaluation requirements of paragraph ~~81.11(19)"e"~~ 81.11(19)*"b"* and subrule ~~81.14(1)~~ 81.13(1) are met.

b. Requirements for approval of programs.

(1) Before the department of inspections, appeals, and licensing approves a nurse aide training and competency evaluation program or competency evaluation program, the department of inspections, appeals, and licensing will determine whether:

1. A nurse aide training and competency evaluation program meets the course requirements of ~~81.14(3)~~ subrule 81.13(3).

2. A nurse aide competency evaluation program meets the requirements of ~~81.14(4)~~ subrule 81.13(4).

(2) Except as provided by paragraph ~~81.14(2)*"f,"*~~ 81.13(2)*"f,"* the department of inspections, appeals, and licensing will not approve a nurse aide training and competency evaluation program or competency evaluation program offered by or in a facility that, in the previous two years:

1. to 7. No change.

c. to *e.* No change.

f. An exception to subparagraph ~~81.14(2)*"b"*(2)~~ 81.13(2)*"b"*(2) may be granted by the department of inspections, appeals, and licensing for 75-hour nurse aide training courses offered in (but not by) a facility under the following conditions:

(1) to (10) No change.

ITEM 2. Amend rule 441—81.18(249A) as follows:

441—81.18(249A) State-funded personal needs supplement. A Medicaid member living in a nursing facility who has countable income for purposes of rule 441—75.16(249A) of less than ~~$50~~ $55 per month shall receive a state-funded payment from the department for the difference between that countable income and ~~$50~~ $55 if the legislature has appropriated funding specifically for this purpose. This payment shall not be considered a benefit under Title XIX of the Social Security Act (as amended to August 1, 2024).

This rule is intended to implement Iowa Code section 249A.30A.

ITEM 3. Amend rule 441—82.16(249A) as follows:

441—82.16(249A) State-funded personal needs supplement. A Medicaid member living in an intermediate care facility for persons with an intellectual disability who has countable income for purposes of rule 441—75.16(249A) of less than ~~$50~~ $55 per month will receive a state-funded payment from the department for the difference between that countable income and ~~$50~~ $55 if the legislature has appropriated funding specifically for this purpose. This payment shall not be considered a benefit under Title XIX of the Social Security Act (as amended to August 1, 2024).

This rule is intended to implement Iowa Code section 249A.30A.

ITEM 4. Amend rule 441—85.20(249A) as follows:

441—85.20(249A) State-funded personal needs supplement. A Medicaid member living in an intermediate care facility for persons with mental illness who has countable income for purposes of rule 441—75.16(249A) of less than ~~$50~~ $55 per month will receive a state-funded payment from the department for the difference between that countable income and ~~$50~~ $55 if the legislature has appropriated funding specifically for this purpose. This payment shall not be considered a benefit under Title XIX of the Social Security Act (as amended to August 1, 2024).

This rule is intended to implement Iowa Code section 249A.30A.

ARC 9641C

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to student abuse reports and investigations and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to adopt new Chapter 174, "Student Abuse Reports and Investigations," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in 2025 Iowa Acts, Senate File 659.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2025 Iowa Acts, Senate File 659.

Purpose and Summary

This proposed rulemaking implements 2025 Iowa Acts, Senate File 659, division VI, which establishes new Iowa Code chapter 232E.

This new Iowa Code chapter tasks the Department with the investigation of alleged cases of student abuse involving a public or nonpublic school employee.

All references to Iowa Code chapter 232E herein are to that chapter as enacted by 2025 Iowa Acts, Senate File 659.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 17, 2025. A public hearing was held on the following date(s):

- October 7, 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 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 November 18, 2025. 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: victoria.daniels@hhs.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

November 18, 2025 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 224 106 109 665 1 Passcode: Pd9YP99Y
November 18, 2025 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 220 829 926 192 8 Passcode: My69h6Tb

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. Adopt the following **new** 441—Chapter 174:

CHAPTER 174
STUDENT ABUSE REPORTS AND INVESTIGATIONS

441—174.1(232E) Application—not exclusive.

174.1(1) Iowa Code chapter 232E applies only to reports of alleged student abuse received on or after July 1, 2025, and only if the report is made within three years from the date of the occurrence of the incident alleged in the report.

174.1(2) Iowa Code chapter 232E does not provide an exclusive process or remedy for addressing any abuse involving students and does not preclude or replace other available forms of reporting, investigation, or disciplinary action.

441—174.2(232E) Definitions.

"Board of educational examiners" means the same as defined in Iowa Code chapter 232E.

"Credible report" means a report of alleged student abuse that is deemed by the department to be both investigable and complete and is an accepted report for the purposes of an investigation under Iowa Code chapter 232E.

"Department policies and procedures" means the written guidelines formulated by the department to be used by department personnel involved in the reporting and investigation of allegations of student abuse.

"Disposition data and information," for the purposes of disclosure of such data and information to a school employee under paragraph 174.9(2)*"b"* and as specified under subrule 174.10(3), means materially relevant data and information pertaining to the department's determination that the allegation of student abuse is substantiated.

"Identifiable," relative to an allegedly abused student or to a school employee allegedly involved in an incident, means an individual who is not anonymous and who may be identified by specific factors, such as name, age, address, or birth date.

"Identifiable source," with reference to the reporter of an allegation of student abuse, means an individual who is not anonymous; who may be identified by specific factors, such as name, age, address, or birth date; and who is available to sign the written report of alleged student abuse.

"Incident" means an occurrence of behavior that meets the definition of student abuse.

"Inconclusive," with reference to a credible report of student abuse that has been referred to law enforcement, means that, because the joint investigation has not yet been concluded, there is not sufficient evidence to determine whether the incident occurred.

"Injury" means bodily injury for which evidence of the injury is still apparent at least 24 hours after an incident.

"Investigation" means the same as defined in Iowa Code chapter 232E.

"Investigation report data and information," for the purposes of disclosure of such data and information to a school employee under paragraph 174.9(2)*"b"* and as specified under subrule 174.10(3), means materially relevant data and information pertaining to an investigation of an allegation of student abuse based upon which the department determines the alleged student abuse is substantiated.

"Investigator" means personnel of the department to whom a credible report is assigned for investigation.

"Model policy" means the policy and procedures formulated by the department of education in consultation with the department to be used in the reporting and investigating of an allegation of student abuse under Iowa Code chapter 232E.

"Nonpublic school" means the same as defined in Iowa Code chapter 232E.

"Preponderance of the evidence" means reliable, credible evidence that is of greater weight than evidence offered in opposition to it.

"Public school" means the same as defined in Iowa Code chapter 232E.

"Public school district" means the same as defined in Iowa Code chapter 232E.

"Receipt of a report" or *"receipt of a credible report"* occurs on the date of the business day on which a credible report is initially assigned to an investigator.

"School employee" means the same as defined in Iowa Code chapter 232E.

"School time" means the hours of a regular school day as specified by the board of directors of a public school district or by the authorities in charge of a nonpublic school.

"Student" means the same as defined in Iowa Code chapter 232E.

"Student abuse" means the same as defined in Iowa Code chapter 232E.

"Substantiated," with reference to a credible report of student abuse, means that, based on the investigation, there is a preponderance of the evidence indicating the incident occurred.

"Unsubstantiated," with reference to a credible report of student abuse, means that, based on the investigation, there is not a preponderance of the evidence indicating the incident occurred.

441—174.3(232E) Child abuse intake process—report of alleged student abuse.

174.3(1) If, during the child abuse intake process under Iowa Code chapter 232, subchapter III, part 2, an identifiable source reports information that the department, in accordance with department policies and procedures, determines may constitute an allegation of student abuse, the identifiable source shall be referred to the student abuse intake process.

174.3(2) If, during the child abuse intake process under Iowa Code chapter 232, subchapter III, part 2, the department determines the information reported by an identifiable source does not constitute an allegation of student abuse subject to investigation by the department, the department shall reject the report and may inform the identifiable source of all the following:

a. The report is rejected and the basis for the rejection.

b. Iowa Code chapter 232E does not provide an exclusive remedy for the reporting of allegations of student abuse. Rejection of a report of alleged student abuse does not preclude other available forms of reporting, investigation, or disciplinary action.

c. Options remaining for the identifiable source to pursue may include:

(1) Contacting law enforcement.

(2) Contacting the county attorney.

(3) Contacting private counsel for the purpose of filing a civil suit or complaint.

(4) Filing a complaint with the board of directors of the public school district or the authorities in charge of the nonpublic school associated with the school employee allegedly involved in the incident or contacting the board of educational examiners, as applicable.

441—174.4(232E) Student abuse intake process—credible reports.

174.4(1) Following the referral of an identifiable source of a report of alleged student abuse to the student abuse intake process, the department will do all the following:

a. Assist the identifiable source in making a report of alleged student abuse. Reports shall be made in a manner similar to that specified in Iowa Code section 232.70 as adapted for application to student abuse reports in department policies and procedures.

b. Determine if the report of alleged student abuse is a credible report.

c. If the report of alleged student abuse is determined to be a credible report, refer the credible report to an investigator for investigation.

174.4(2) Credible reports. To be a credible report, a report of alleged student abuse must be deemed to be both investigable and complete by the department.

174.4(3) Investigable reports.

a. To be deemed investigable, a report of alleged student abuse must provide all the following details as specified in department policies and procedures:

(1) The person allegedly responsible for the act or omission is identifiable, was a school employee at the time of the alleged incident, and remains a school employee at the time the alleged abuse is reported.

(2) The alleged act or omission of the school employee is alleged to have occurred on school grounds during school time or on or at a school-related curricular or extracurricular activity.

(3) The alleged act or omission of the school employee resulted in injury or otherwise meets the definition of student abuse.

(4) The allegedly abused student is identifiable and is a student or was a student at the time of the alleged incident.

b. If the report of alleged student abuse is deemed not to be investigable, the report will be dismissed for lack of jurisdiction.

c. Not physical abuse.

(1) For the purposes of determining whether the alleged act or omission of a school employee constitutes physical abuse that meets the definition of student abuse under subparagraph 174.4(3)*"a"*(3), the following do not constitute physical abuse, and no school employee is prohibited from:

1. Using reasonable and necessary force, not designed or intended to cause pain:

- To quell a disturbance or prevent an act that threatens physical harm to any person.
- To obtain possession of a weapon or other dangerous object within a student's control.
- For the purposes of self-defense or defense of others as provided for in Iowa Code section 704.3.
- For the protection of property as provided for in Iowa Code section 704.4 or 704.5.
- To remove a disruptive student from class, any area of school premises or school-sponsored activities off school premises.
- To prevent a student from the self-infliction of harm.
- To protect the safety of others.

2. Using incidental, minor, or reasonable physical contact to maintain order and control.

(2) In determining the reasonableness of the contact or force used under subparagraph 174.4(3)*"c"*(1), the following factors will be considered:

1. The nature of the misconduct of the student, if any, precipitating the physical contact by the school employee.
2. The size and physical condition of the student.
3. The instrumentality used in making the physical contact.
4. The motivation of the school employee in initiating the physical contact.
5. The extent of injury to the student resulting from the physical contact.

174.4(4) Complete reports.

a. To be deemed complete, a report of alleged student abuse must meet all the following conditions as specified in department policies and procedures. The report must:

(1) Contain information regarding the identifiable source making the allegation of student abuse; the student allegedly abused; the school employee allegedly involved in the alleged incident; any witnesses to the alleged incident; and any person who examined, counseled, or treated the student for the alleged abuse.

(2) Include a concise statement of the facts surrounding the alleged incident, including the date, time, and place of occurrence, if known.

(3) Be reduced to writing, signed by the identifiable source, and witnessed by a person of majority age.

b. If a report of alleged student abuse is deemed incomplete by the department, the report will not be rejected unless either of the following conditions apply:

(1) The reporter of the alleged student abuse is not an identifiable source and does not sign the written report, and the report is not witnessed by a person of majority age.

(2) A reasonable person would conclude that the absence of the information missing from the report of alleged student abuse would render an investigation of the report futile or impossible.

441—174.5(232E) Options if report dismissed or rejected during student abuse intake. If the report of alleged student abuse is dismissed as not being investigable for lack of jurisdiction or rejected as incomplete, the department may inform the identifiable source of all the following:

174.5(1) The report is being dismissed or rejected and the basis for the dismissal or rejection.

174.5(2) Iowa Code chapter 232E does not provide the exclusive remedy for the reporting of allegations of student abuse. Dismissal or rejection of the report of alleged student abuse does not preclude other available forms of reporting, investigation, or disciplinary action.

174.5(3) Options remaining for the reporter of alleged abuse to pursue may include:

a. Contacting law enforcement.

b. Contacting the county attorney.

c. Contacting private counsel for the purpose of filing a civil suit or complaint.

d. Filing a complaint with the board of directors of the public school district or the authorities in charge of the nonpublic school associated with the school employee allegedly involved in the incident or contacting the board of educational examiners, as applicable.

441—174.6(232E) Notification of school authorities and identifiable source regarding credible reports. The department, in accordance with department policies and procedures, will notify all the following when a report of alleged student abuse is determined to be a credible report:

174.6(1) The board of directors of the public school district or the authorities in charge of the nonpublic school associated with the school employee allegedly involved in the incident and the board of educational examiners, as applicable. The department of education shall cooperate with the department in completing the required notifications under this paragraph and shall provide the department with access to school contact information through the Iowa education portal to ensure the accuracy of the notifications.

174.6(2) The identifiable source.

441—174.7(232E) Investigation—duties of an investigator and school authorities.

174.7(1) *Duties of an investigator.* An investigator will do all the following:

a. Commence an investigation within 24 hours of the receipt of a credible report.

b. Based on a credible report received, if an investigator determines the alleged student abuse constitutes a criminal act:

(1) Refer the matter to law enforcement, defer the department's investigation, and work jointly with law enforcement in law enforcement's investigation. The investigator may share with law enforcement information collected by the department during the joint investigation.

(2) If the investigation is deferred under this paragraph, resume the deferred investigation following completion of the joint investigation if the investigator determines information collected during the joint investigation warrants further investigation. The investigator will complete the resumed investigation within 30 business days of its commencement and will submit a written investigation report to the entities as specified under this rule upon the completion of the resumed investigation.

c. During the investigation:

(1) Interview the allegedly abused student, any witnesses or persons who may have knowledge of the circumstances contained in the credible report, and the school employee allegedly involved in the incident identified in the credible report.

(2) Conduct the interview of the allegedly abused student and any other student in a manner similar to that specified in Iowa Code section 232.71B(7), relating to child abuse assessment interviews conducted in facilities or schools as adapted for application to student abuse interviews in department policies and procedures.

(3) Provide notification to the parent or guardian of the allegedly abused student in a manner similar to that specified in Iowa Code section 232.71B(2), relating to the notification of parents regarding a child abuse assessment as adapted for application to student abuse investigations in department policies and procedures.

(4) Provide notification to the school employee allegedly involved in the incident in a manner similar to that specified in Iowa Code section 232.71B(4), relating to the notification of a person alleged to have committed child abuse as adapted for application to student abuse investigations in department policies and procedures.

d. Complete the investigation within 30 business days of the date of receipt of the credible report unless the investigation is deferred.

e. Include in the written investigation report the information specified in department policies and procedures. At a minimum, the written investigation report will include all of the following:

(1) A general overview of the investigation.

(2) If the matter was not referred to law enforcement and the department's investigation was not deferred, a statement that, in the investigator's opinion, the allegations in the credible report are either substantiated or unsubstantiated.

(3) If the matter was referred to law enforcement, the department's investigation was deferred, and the joint investigation has not been completed, a statement that the allegations in the credible report are inconclusive pending the results of the joint investigation.

(4) Any alternative status or disposition of the investigation.

(5) Any other information relevant to the investigation and the department's determination relating to the allegation of student abuse.

174.7(2) *Duties of school authorities.*

a. Granting access and immunity.

(1) The board of directors of a public school district or the authorities in charge of a nonpublic school shall cooperate with the investigator by providing confidential access to the allegedly abused student named in the credible report for the purpose of interviewing the student and shall allow the investigator confidential access to other students for the purpose of conducting interviews to obtain relevant information.

(2) The immunity granted by Iowa Code section 232.73 applies to participation in good faith by boards of directors of a public school district and the authorities in charge of nonpublic schools, the facilities of a public school or nonpublic school, and public school districts in an investigation and when providing confidential access to a student.

b. The board of directors of a public school district or the authorities in charge of a nonpublic school shall provide an investigator access to an allegedly abused student's education records pursuant to 34 CFR §99.31 as amended to August 1, 2025.

441—174.8(232E) School employee resignation during pendency of investigation. Following a determination by the department that a report of alleged student abuse is a credible report, the department will complete the investigation of the credible report in accordance with rule 441—174.7(232E), whether the school employee allegedly involved in the incident resigns any time prior to or at the time of the submission of the written investigation report.

441—174.9(232E) Substantiated report—right of school employee to contested case proceedings and further review.

174.9(1) At the time the written investigation report is submitted to the board of directors of the public school district, the authorities in charge of the nonpublic school, or the board of educational examiners, as applicable, under paragraph 174.7(1)*"e,"* the department will provide notice of the department's determination regarding the allegation of student abuse to the school employee who is the subject of the investigation pursuant to 441—Chapter 16.

174.9(2) If the notice of determination includes a statement that the allegation of student abuse is substantiated, the notice of determination will also inform the school employee who is the subject of the investigation of:

a. The school employee's right to contested case proceedings and further review pursuant to 441—Chapter 7; and

b. The right and process to request additional investigation report data and information and disposition data and information as specified in department policies and procedures.

174.9(3) The department will notify the board of directors of the public school district, the authorities in charge of the nonpublic school, or the board of educational examiners, as applicable, of the following:

a. If the school employee requests contested case proceedings under 441—Chapter 7.

b. The proposed decision of the contested case.

c. If the school employee requests director's review pursuant to rule 441—7.11(17A).

d. The final decision of the contested case.

174.9(4) Any disciplinary, employment, or other action that may be taken in response to an investigation report by the directors of a public school district, the authorities in charge of a nonpublic school, or the board of educational examiners, as applicable, is stayed during the pendency of the proceedings under subrule 174.9(2).

441—174.10(232E) Case record retention—protection of identifiable source—disclosure limitations.

174.10(1) The department will retain the case record, including the intake report, the written investigation report, and all related supporting documentation, for three years from the date the written investigation report is submitted pursuant to paragraph 174.7(1)*"e"* to the director of the public school district, the authorities in charge of the nonpublic school, or the board of educational examiners, as applicable.

174.10(2) The name and identity of the identifiable source of a report of alleged student abuse will not be disclosed with the following exceptions:

a. To department personnel and law enforcement involved in, and as necessary to perform official duties related to, the reporting and investigation of a specific allegation of student abuse.

b. To the board of educational examiners if the allegation of student abuse involves a school employee who is licensed, certified, or authorized by the board of educational examiners, or who holds an active statement of recognition issued by the board of educational examiners, as necessary to perform official duties related to the specific allegation of student abuse.

c. To other persons for good cause as determined by the department based on criteria specified in department policies and procedures.

174.10(3) Student abuse information.

a. Student abuse information is confidential and shall not be a public record under Iowa Code chapter 22. The confidentiality of all student abuse information will be maintained, except as specifically provided in these rules and department policies and procedures.

b. Student abuse information may be shared with department personnel as necessary to perform official duties.

c. With the exception of the name and identity of the identifiable source, the disclosure of which is subject to subrule 174.10(2), any investigation report data and information and disposition data and

information, as specified by department policies and procedures, may be disclosed, upon request, only to the following:

(1) The student named in the report of student abuse as the victim or the student's attorney or guardian ad litem.

(2) The parent or guardian or the attorney for the parent or guardian of the student named in the report of student abuse as the victim.

(3) A person or the attorney for the person named in a report as having abused the student.

(4) Law enforcement involved in the investigation of the report of student abuse.

(5) The board of directors of the public school district, the authorities in charge of the nonpublic school, or the board of educational examiners, as applicable, that received the written investigation report.

(6) The county attorney.

(7) The administrative law judge or court involved in a contested case proceeding or further review upon a finding that the information is necessary for the resolution of an issue arising in any phase of a case involving a determination of a substantiated allegation of student abuse.

441—174.11(232E) Substantial compliance. Because investigative procedures seldom allow for rigid observance of the protocol, substantial compliance with these rules is required with the overriding goal of reaching a fair and unbiased resolution of a report of alleged student abuse.

441—174.12(232E) Costs of student abuse reporting and investigations. The department may impose and collect a reasonable reimbursement from public schools and nonpublic schools for the costs incurred by the department in administering the student abuse reporting and investigation duties under Iowa Code chapter 232E and these rules.

These rules are intended to implement Iowa Code chapter 232E.

ARC 9640C

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to subsidized adoptions and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to amend Chapter 201, "Subsidized Adoptions," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 600.17 through 600.23.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2025 Iowa Acts, House File 1049.

Purpose and Summary

This proposed rulemaking implements 2025 Iowa Acts, House File 1049, section 22, by adding an appropriated increase in foster care and subsidized adoption rates to the Iowa Administrative Code. The Subsidized Adoption Program provides financial assistance to interested adoptive parents capable of providing suitable care but lacking in necessary economic resources.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 17, 2025. A public hearing was held on the following date(s):

- October 7, 2025

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa beyond the amount appropriated in the underlying legislation.

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 November 18, 2025. 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: victoria.daniels@hhs.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

November 18, 2025 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 224 106 109 665 1 Passcode: Pd9YP99Y
November 18, 2025 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 220 829 926 192 8 Passcode: My69h6Tb

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 paragraphs **201.5(6)"a"** and **201.5(6)"b"** as follows:

a. The maximum monthly maintenance payment for a child in subsidized adoption shall be made pursuant to the foster family care maintenance rates according to the age and special needs of the child as found in 441—subrule 156.6(1) and 441—paragraph 156.6(4)*"f"* for eligible adoptions that take place on or after July 1, ~~2024~~ 2025. Eligible subsidized and future subsidized adoptions that took place on June 30, ~~2024~~ 2025, or before will remain on the basic rate in effect on June 30, ~~2024~~ 2025.

b. Basic rate effective ~~June 30, 2024~~ July 1, 2025:

Age of child	Daily rate
0 through 5	~~$16.78~~ $18.50
6 through 11	~~$17.45~~ $19.24
12 through 15	~~$19.10~~ $21.06
16 or older	~~$19.35~~ $21.34

ARC 9646C

IOWA FINANCE AUTHORITY[265]

Notice of Intended Action

Proposing rulemaking related to mortgage credit certificates and providing an opportunity for public comment

The Iowa Finance Authority hereby proposes to rescind Chapter 10, "Mortgage Credit Certificates," Iowa Administrative Code, and to adopt a new Chapter 10 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 17A and section 16.5.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A and 26 U.S.C. Section 25.

Purpose and Summary

Pursuant to Executive Order 10, the Authority proposes to rescind Chapter 10 and adopt a new chapter in lieu thereof. The proposed chapter eliminates language that is duplicative of statutory language, eliminates unnecessary and inconsistent language, removes unnecessarily restrictive terms, and updates outdated language. The proposed chapter also includes a statement on the availability of acquiring a reissued mortgage credit certificate (MCC) upon the refinancing of the original mortgage. The proposed chapter also includes a new rule designating references to certain Authority internal program documents.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 20, 2025. A public hearing was held on the following date(s):

- September 9, 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 Authority for a waiver of the discretionary provisions, if any, pursuant to 265—Chapter 18.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Authority no later than 4:30 p.m. on November 20, 2025. Comments should be directed to:

Tyler Barnard
Iowa Finance Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315
Email: tyler.barnard@iowafinance.com

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

November 18, 2025 9:15 a.m.	1963 Bell Avenue Des Moines, Iowa Information about virtual participation can be found at opportunityiowa.gov/about/iowa-finance-authority/ifa-red-tape-review
November 20, 2025 3:15 p.m.	1963 Bell Avenue Des Moines, Iowa Information about virtual participation can be found at opportunityiowa.gov/about/iowa-finance-authority/ifa-red-tape-review

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 Authority 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 265—Chapter 10 and adopt the following **new** chapter in lieu thereof:

CHAPTER 10
MORTGAGE CREDIT CERTIFICATES

265—10.1(16) General.

10.1(1) *Authorization.* Mortgage credit certificates (MCCs) were authorized by Congress in the 1984 Tax Reform Act as a new concept for providing housing assistance. The Iowa finance authority

(authority) may elect to allocate a portion of its mortgage revenue bonding authority for single-family housing toward an MCC program. The program will be made available to home buyers through participating Iowa lenders on a first-come, first-served basis.

10.1(2) *Federal income tax credit.* An MCC operates as a federal income tax credit. The MCC tax credit will reduce the federal income taxes of qualified home buyers purchasing qualified residences, in effect assisting buyers with their house payments.

10.1(3) *Application timing.* A purchaser of a new or existing single-family residence may apply for an MCC through a participating lender at the time of purchasing a home and obtaining financing through the lender. An MCC cannot be issued to a home buyer who is refinancing an existing mortgage or land contract nor can it be used in conjunction with a mortgage financed through a mortgage subsidy bond. MCCs will be made available to home buyers with generally the same noncredit eligibility requirements as are in effect for the authority's single-family mortgage program.

265—10.2(16) Participating lenders.

10.2(1) Any lending institution as defined in Iowa Code section 16.1 may become a participating lender by entering into an MCC lender participation agreement with the authority. All other participating lenders may take applications for MCCs on loans closed after the effective date of the participation agreement.

10.2(2) The annual participation fee shall be:

a. $0 for a lender currently participating in the authority's first mortgage program.

b. $500 for a lender not participating in the authority's first mortgage program and with one to five branches listed on the authority's website.

c. $1,000 for a lender not participating in the authority's first mortgage program and with six or more branches listed on the authority's website.

265—10.3(16) Eligible borrowers.

10.3(1) To be eligible to receive a mortgage credit certificate, an eligible borrower must, on the date the loan is closed:

a. Be a resident of Iowa.

b. Be a purchaser of a single-family residence who will occupy the single-family residence as a permanent, primary, principal residence located within the state.

c. Have the legal capacity to incur the obligations of the loan.

d. Agree not to rent the single-family residence any time during the term of the loan.

10.3(2) To the extent determined by the authority to ensure its MCCs will be qualified MCCs pursuant to a qualified MCC program, the authority shall require that the eligible borrower meet the requirements of 26 U.S.C. §25 and the rules and regulations promulgated thereunder, as well as the requirements set forth in the MCC program guide. Copies of the program guide are available from the authority.

265—10.4(16) MCC procedures.

10.4(1) Applications for MCCs may be made with any participating lender. The applicant shall provide the lender with all information that is necessary to secure a mortgage loan and an MCC. An applicant must meet the eligibility requirements set out in rule 265—10.3(16). If the eligibility requirements are met, the participating lenders may nonetheless deny a loan, subject to all reporting and disclosure requirements of applicable state and federal law, for any reason premised on sound lending practices, including underwriting risk evaluation, portfolio diversification, and limitations on restrictions on investments or available funds.

10.4(2) If the loan is approved, the terms of the loan, including interest rate, length of loan, down payment, fees, origination charge and repayment schedule, shall not be greater than those available to similar customers that do not make application for an MCC. However, the lender may collect a one-time MCC commitment fee, which may be paid by the borrower, the lender, or any other party. An MCC program application fee must accompany the MCC application and be submitted to the authority by the

lender. The amount of the maximum allowable MCC commitment fee shall be $250, and the amount of the MCC program application fee shall be:

a. $0 if the borrower currently uses an authority first mortgage product.

b. $500 if the borrower does not currently use an authority first mortgage product.

10.4(3) No MCC will be issued unless the requirements and procedures set out in the MCC program guide are complied with by all parties to the home sale and financing.

10.4(4) An MCC may be reissued at the sole discretion of the authority if the mortgagor refinances; however, the credit cannot be taken beyond the term of the original mortgage. No MCC shall be reissued unless:

a. The borrower uses or continues to use the residence as its permanent, primary, principal residence; and

b. All other requirements and procedures set out in the authority's MCC reissuance instructions are complied with, which reissuance instructions shall be posted on the authority's website.

265—10.5(16) References. All references to the United States Code in this chapter are to the laws as in effect [effective date of this rulemaking]. All references to the MCC program guide are to the MCC program section within the authority's Procedural Guide (The Single Family Department) dated March 2018. All references to the MCC reissuance instructions are to the Instructions for Requesting Reissuance of Mortgage Credit Certificates dated March 2019.

These rules are intended to implement Iowa Code section 16.5(1)*"e," "i,"* and *"t."*

ARC 9650C

IOWA FINANCE AUTHORITY[265]

Notice of Intended Action

Proposing rulemaking related to water quality financial assistance program and providing an opportunity for public comment

The Iowa Finance Authority hereby proposes to rescind Chapter 33, "Water Quality Financial Assistance Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 16.5 and 2009 Iowa Acts, Senate File 376, section 13.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2009 Iowa Acts, Senate File 376, section 13.

Purpose and Summary

Pursuant to Executive Order 10, the Authority proposes to permanently rescind Chapter 33, which describes the policies and procedures applicable to a water quality financial assistance program created by 2009 Iowa Acts, Senate File 376, section 13. The funds allocated by the legislation have been expended, making the chapter obsolete.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 23, 2025. A public hearing was held on the following date(s):

- August 12, 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 Authority for a waiver of the discretionary provisions, if any, pursuant to 265—Chapter 18.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Authority no later than 4:30 p.m. on November 20, 2025. Comments should be directed to:

Tyler Barnard
Iowa Finance Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315
Email: tyler.barnard@iowafinance.com

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

November 18, 2025 9:15 a.m.	1963 Bell Avenue Des Moines, Iowa Information about virtual participation can be found at opportunityiowa.gov/about/iowa-finance-authority/ifa-red-tape-review
November 20, 2025 3:15 p.m.	1963 Bell Avenue Des Moines, Iowa Information about virtual participation can be found at opportunityiowa.gov/about/iowa-finance-authority/ifa-red-tape-review

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 Authority 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 **265—Chapter 33**.

ARC 9638C

LAW ENFORCEMENT ACADEMY[501]

Notice of Intended Action

Proposing rulemaking related to certification of law enforcement officers and providing an opportunity for public comment

The Law Enforcement Academy hereby proposes to amend Chapter 3, "Certification of Law Enforcement Officers," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 80B.11 and 2025 Iowa Acts, House File 901.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2025 Iowa Acts, House File 901.

Purpose and Summary

Pursuant to Iowa Code section 80B.11H as enacted by House File 901, the Academy Council proposes to amend Chapter 3. The proposed amendments describe the procedures and guidelines for reciprocity applications and alignment to eligibility for attendance at level II academies. The proposed amendments also cite newly enacted Iowa Code section 80B.11H.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 3, 2025. A public hearing was held on the following date(s):

- September 24, 2025

One public comment was received. The commenter was concerned that it is more burdensome for officers certified by another state to become certified in Iowa if they have been out of law enforcement service for more than a year than it is for a former member of the military or federal officer with the new changes. Rule 501—3.4(80B) was updated to align with the eligibility requirements required in Iowa Code section 80B.11H.

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 Academy Council for a waiver of the discretionary provisions, if any, pursuant to 501—Chapter 16.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Academy no later than 4:30 p.m. on November 25, 2025. Comments should be directed to:

Kristi Traynor
Iowa Law Enforcement Academy
P.O. Box 130
Johnston, Iowa 50131
Email: kristi.traynor@iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

November 25, 2025 9 to 9:30 a.m.	In person: 7105 NW 70th Avenue Burma Road, Building 4640 Johnston, Iowa Online: us06web.zoom.us/j/87187962836?pwd= Q6kLpcYrSlmcbj04vYVXGsNWj65j1N.1 Meeting ID: 871 8796 2836 Passcode: Rulemaking
November 25, 2025 1 to 1:30 p.m.	In person at: 7105 NW 70th Avenue Burma Road, Building 4640 Johnston, Iowa Online: us06web.zoom.us/j/82265722543?pwd= Zd86BnaYJKSNrROwnXW1Wn9H60WvIY.1 Meeting ID: 822 6572 2543 Passcode: Rulemaking

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 Council 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 501—3.3(80B) as follows:

501—3.3(80B) Standard certifying courses for approved law enforcement facilities. The academy courses of study and training programs must meet the requirements of nondegree programs under the Post-9/11 Veterans Educational Assistance Act of 2008. The standard certifying courses of study at an approved law enforcement training facility are:

1. The ~~long course~~ level I academy, consisting of at least 620 hours to be completed within a 25-week period; and
2. The ~~short course~~ level II academy, consisting of at least 400 hours to be completed within a 20-week period.

ITEM 2. Amend rule 501—3.4(80B) as follows:

501—3.4(80B) Qualifications for attendance at a ~~short course~~ level II academy. ~~In order to be eligible for enrollment in a short course, the individual officer must possess at least one of the following qualifications:~~ Individuals meeting the requirements of Iowa Code section 80B.11D(3) may apply for attendance at a level II academy. Approval may be granted when at least 20 credit hours dedicated to

police science or criminal justice coursework in which a grade no lower than C- is reflected on the submitted transcript from which a degree is awarded within three years of applying or when approved by council after consideration of a reciprocity application.

~~**3.4(1)** Have satisfactorily completed a two-year or four-year police science or criminal justice program that includes at least 20 credit hours dedicated to police science or criminal justice coursework at an accredited educational institution and documentation furnished to the academy.~~

~~**3.4(2)** Have satisfactorily completed law enforcement training in another state commensurate with basic training required in Iowa, and be able to provide verification of the same.~~

~~**3.4(3)** Have satisfactorily completed military police training and furnished documentation to the academy.~~

~~**3.4(4)** Have satisfactorily completed the Federal Bureau of Investigation new agent training course, or similar course of instruction, and be able to provide verification of the same.~~

This rule is intended to implement Iowa Code ~~section 80B.11~~ sections 80B.11(1)*"a,"* 80B.11D, and 80B.11H.

ITEM 3. Amend rule 501—3.5(80B), catchwords, as follows:

501—3.5(80B) Curriculum for ~~long course~~ level I academy.

ITEM 4. Amend rule 501—3.6(80B), catchwords, as follows:

501—3.6(80B) Curriculum for ~~short course~~ level II academy.

ITEM 5. Adopt the following **new** rule 501—3.9(80B):

501—3.9(80B) Evaluation of applications for reciprocity. Council will evaluate an applicant's accredited police training by comparing training hours for each functional area of the academy's approved curriculum to that completed by the applicant via a training equivalency form. Course descriptions, lesson plans, curriculum overview, or any combination will be used to determine the equivalency comparison.

3.9(1) An applicant's failure to provide the necessary information for the council to determine equivalency for any training may result in credit being denied for that training.

3.9(2) An applicant approved for reciprocity will successfully complete the certification through examination process in rule 501—3.8(80B) and by successfully completing:

a. The course identified in subrule 3.8(2);

b. An in-person skills week at the academy; and

c. Any necessary retesting or training identified in subrule 3.8(6).

3.9(3) If an applicant is not approved for entry into the reciprocity program, the council will evaluate an applicant for entry into a level II academy based upon completed training and relevant experience to Iowa law enforcement practice.

This rule is intended to implement Iowa Code section 80B.11H.

ITEM 6. Amend subrule 3.12(3) as follows:

3.12(3) Application for a ~~short course of study~~ level II academy at an approved law enforcement training program. An individual applying for attendance at a ~~short course of study~~ level II academy at an approved law enforcement training program shall submit proof of successful completion of a two-year or four-year police science or criminal justice program at an accredited educational institution ~~in this state as~~ approved by the academy. The proof must include a letter from the registrar certifying the person's graduation and a certified transcript of courses taken and grades received. The proof must be submitted 30 days in advance of the course of study that the person wants to attend.

ITEM 7. Strike "short course of study" wherever it appears in rule **501—3.12(80B)** and insert "level II academy" in lieu thereof.

ARC 9637C

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to law enforcement administrator's telecommunications advisory committee (LEATAC) and providing an opportunity for public comment

The Department of Public Safety hereby proposes to rescind Chapter 15, "Law Enforcement Administrator's Telecommunications Advisory Committee (LEATAC)," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 80.29.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 80.28.

Purpose and Summary

Pursuant to Executive Order 10, this rulemaking proposes to rescind Chapter 15 in its entirety. The LEATAC no longer exists, and the Law Enforcement Administrator's Communication Network frequency was removed. The committee and network were replaced by the Iowa Statewide Interoperable Communications System (ISICS) and ISICS Board, governed 661—Chapter 600. Those entities and that chapter supplanted Chapter 15 and the need therefor.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 20, 2025. A public hearing was held on the following date(s):

- September 9, 2025

The Department received no 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 rule 661—10.222(17A).

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 November 19, 2025. Comments should be directed to:

Josie Wagler
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street
Des Moines, Iowa 50319

Phone: 515.725.6185
Email: wagler@dps.state.ia.us

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

November 18, 2025 10:30 to 11 a.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa
November 19, 2025 3 to 3:30 p.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa

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. Rescind and reserve **661—Chapter 15**.

ARC 9635C

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to reflective devices on slow-moving vehicles and providing an opportunity for public comment

The Department of Public Safety hereby proposes to rescind Chapter 23, "Reflective Devices on Slow-Moving Vehicles," Iowa Administrative Code, and to adopt a new Chapter 23 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 321.383(2).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 321.383(2).

Purpose and Summary

Pursuant to Executive Order 10, this rulemaking proposes to repromulgate Chapter 23. The purpose of this proposed chapter is to outline the standards for an alternative reflective device for a person operating a vehicle drawn by a horse or mule who objects for religious reasons to using a reflective device that complies with the standards of the American Society of Agricultural Engineers.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 20, 2025. A public hearing was held on the following date(s):

- September 9, 2025

The Department received no 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 rule 661—10.222(17A).

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 November 18, 2025. Comments should be directed to:

Josie Wagler
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street
Des Moines, Iowa 50319
Phone: 515.725.6185
Email: wagler@dps.state.ia.us

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

November 18, 2025 11 to 11:30 a.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa
November 19, 2025 3:30 to 4 p.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa

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. Rescind 661—Chapter 23 and adopt the following **new** chapter in lieu thereof:

CHAPTER 23
REFLECTIVE DEVICES ON SLOW-MOVING VEHICLES

661—23.1(321) Alternative reflective device. If a person operating a vehicle drawn by a horse or mule objects for religious reasons to using a reflective device that complies with the standards of the American Society of Agricultural Engineers, the vehicle may be identified by an alternative reflective device that is in compliance with the following:

23.1(1) The alternative reflective device will consist of one-inch-wide strips applied to the rear of the vehicle. The combined length of the strips will be at least 72 inches, and the strips, when applied, will approximate the outline of the vehicle.

23.1(2) The reflective material may be black, gray, silver or white in color but must reflect white when illuminated by other vehicles' headlamps.

23.1(3) The reflective material will be visible from a distance of not less than 500 feet from the rear of the vehicle when illuminated by other vehicles' headlamps.

23.1(4) The reflective material will be kept free of dirt and debris.

This rule is intended to implement Iowa Code section 321.383(2).

ARC 9636C

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Proposing rulemaking related to firefighter training and certification and providing an opportunity for public comment

The Department of Public Safety hereby proposes to rescind Chapter 251, "Firefighter Training and Certification," Iowa Administrative Code and to adopt a new Chapter 251 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 100B.10 and 2025 Iowa Acts, House File 793.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 100B and 2025 Iowa Acts, House File 793.

Purpose and Summary

Pursuant to Executive Order 10, the Department proposes rescinding Chapter 251 and adopting a new chapter in lieu thereof. The purpose of proposed Chapter 251 is to provide minimum training standards and certification standards for firefighters in Iowa. This rulemaking also incorporates an addition to the training standards pursuant to 2025 Iowa Acts, House File 793.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 3, 2025. A public hearing was held on the following date(s):

- September 23, 2025

The Department received no 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 rule 661—10.222(17A).

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 November 18, 2025. Comments should be directed to:

Josie Wagler
Department of Public Safety
Oran Pape State Office Building
215 East 7th Street
Des Moines, Iowa 50319
Phone: 515.725.6185
Email: wagler@dps.state.ia.us

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

November 18, 2025 10 to 10:30 a.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa
November 19, 2025 2:30 to 3 p.m.	First Floor Public Conference Room 125 Oran Pape State Office Building Des Moines, Iowa

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. Rescind 661—Chapter 251 and adopt the following **new** chapter in lieu thereof:

CHAPTER 251
FIREFIGHTER TRAINING AND CERTIFICATION

661—251.1(100B) Definitions. The following definitions apply to rules 661—251.1(100B) through 661—251.204(100B):

"Emergency incident" means any incident involving a fire or other hazardous situation to which personnel of a fire department respond.

"NFPA" means the National Fire Protection Association.

"Structural firefighting" means firefighting in a hazardous environment that requires the use of self-contained breathing apparatus.

661—251.2 to **251.100** Reserved.

MINIMUM TRAINING STANDARDS

661—251.101(100B) Minimum training standard. Any member of a fire department will have completed the training requirements identified in the job performance requirements for the firefighter I classification in NFPA 1010 – 2024 edition, Standard on Professional Qualifications for Fire Fighters, based on the current edition adopted by the fire service training bureau, prior to the member's engaging in structural firefighting. Each fire department will identify its members who are or will be engaged in structural firefighting and ensure that any member engaged in structural firefighting has completed the training requirements specified in this rule prior to the member's engaging in structural firefighting.

NOTE: A firefighter is not required to be certified to meet this requirement. Training to meet this requirement may be provided by the fire service training bureau, a community college, a regional fire training facility, a local fire department, or any combination thereof.

EXCEPTION 1: A firefighter who received training that complied with the job performance requirements for the firefighter I classification contained in an earlier edition of NFPA 1001 is deemed to have met this requirement, provided that records documenting the training are maintained in accordance with rule 661—251.104(100B).

EXCEPTION 2: The chief or the training officer of any fire department may apply to the state fire marshal by June 1 of any year for an extension of the deadline to meet the training requirement for members of the department engaged in structural firefighting. Any such extension will be for one year and may be renewed annually upon application. An extension will be granted only if the department has requested training required under this rule, with training costs to be offset through funding from the firefighting training and equipment fund, pursuant to 661—Chapter 259, and funds to offset the cost of the training have not been available or have been inadequate to fully offset the cost of the training. The extension may be for all or some of the firefighters in the department. The application is to be in a form specified by the state fire marshal and will list by name each firefighter for whom an extension is requested. The extension, if granted, will list by name the firefighters to whom the extension applies and will apply only to those listed.

661—251.102(100B) Other training. Any member of a fire department who serves in a capacity other than structural firefighting at an emergency incident will have received training based on the duties the member might perform at an emergency incident. Training to meet this requirement may be provided by the fire service training bureau, a community college, a regional fire training facility, or a local fire department, or any combination thereof.

661—251.103(100B) Continuing training. Fire department members will participate in at least 24 hours of continuing training annually, which may include but is not limited to the following subject matter areas:

1. Personal protective equipment and respiratory protection.
2. Structural firefighting techniques, including standard operating policies and procedures or standard operating guidelines.
3. Ground ladders.
4. Hose and hose appliances.
5. Ventilation.

6. Forcible entry.
7. Search and rescue techniques.
8. Firefighter safety.
9. National Incident Management System or Incident Command System.
10. Emergency vehicle driver-operator.
11. Hazardous materials first responder—operations level.
12. Emergency medical service (EMS) training.
13. Additional training based on standard operating policies and procedures or standard operating guidelines.
14. Occupational Safety and Health Administration (OSHA)-related training, such as bloodborne pathogen protection.
15. Specialty training such as confined space entry, vehicle extrication, rescue techniques, wildland or agricultural firefighting techniques.
16. Emergency response to terrorism.
17. Any other training designed to meet local training needs.

NOTE: Training to meet this requirement may be provided by the fire service training bureau, a community college, a regional fire training facility, or a local fire department, or any combination thereof.

661—251.104(100B) Recordkeeping. Each fire department will maintain training records for each individual member of the department who participates in emergency incidents. These training records will identify, for all training completed by the individual firefighter, the person or persons who provided the training, the dates during which the training was completed, the location or locations where the training was delivered, and a description of the content of the training.

661—251.105 to **251.200** Reserved.

FIREFIGHTER CERTIFICATION

661—251.201(100B) Firefighter certification and accreditation program. There is established within the fire service training bureau of the state fire marshal division a firefighter certification program for the state of Iowa, known as the certification and accreditation program. The certification and accreditation program is accredited by the National Board on Fire Service Professional Qualifications (Pro Board) and the International Fire Service Accreditation Congress (IFSAC) to certify fire service personnel to accepted national standards. All certifications issued by the certification and accreditation program will be based upon nationally accepted standards.

NOTE 1: Participation in the certification and accreditation program is voluntary, and state law does not require certification to work or volunteer as a firefighter in Iowa. However, some fire departments within the state require certification for continued employment or promotion. Inquiries regarding such requirements should be directed to the hiring or employing department.

NOTE 2: Inquiries and requests regarding the certification and accreditation program should be directed to the fire service training bureau.

251.201(1) *Eligibility.* Any person seeking certification through the certification and accreditation program will be a current member of a fire, emergency, or rescue organization within the state of Iowa or enrolled in a fire science program within the Iowa college system and at least 18 years of age.

EXCEPTION: Persons not meeting the requirement of membership in a fire, emergency, or rescue organization may be granted exceptions to this requirement on an individual basis. Individuals seeking such exceptions will address these requests to the fire service training bureau.

251.201(2) *Registration.* Registration forms for each level of firefighter certification may be obtained from the fire service training bureau. In order to enter the certification and accreditation program, a candidate will submit a completed registration, accompanied by the required fee, to the fire service training bureau. The registration and fee will be submitted no less than two weeks prior to the date of any examination in which the candidate wishes to participate.

661—251.202(100B) Certification standards. Standards for the certification and accreditation program are based upon nationally recognized standards established by the NFPA. Certification at each level in the Iowa fire service certification system results in national certification.

251.202(1) *Firefighter.*

a. Firefighter I. Certification as a firefighter I is based upon the requirements for firefighter I certification established in NFPA 1010 – 2024 edition, "Standard on Professional Qualification for Fire Fighters."

b. Firefighter II. Firefighter II. Certification as a firefighter II is based upon the requirements for firefighter II certification established in NFPA 1010 – 2024 edition, "Standard on Professional Qualifications for Fire Fighters."

251.202(2) *Driver/operator.*

a. Driver/operator (pumper). Certification as a driver/operator (pumper) is based upon the requirements for fire department vehicle driver/operator (pumper) certification established in NFPA 1010 – 2024 edition, "Standard on Professional Qualification for Fire Fighters."

b. Driver/operator (aerial). Certification as a driver/operator (aerial) is based upon the requirements for fire department vehicle driver/operator (aerial) certification established in NFPA 1010 – 2024 edition, "Standard on Professional Qualifications for Fire Fighters."

251.202(3) *Fire officer.*

a. Fire officer I. Certification as a fire officer I is based upon the requirements for fire officer I certification established in NFPA 1021 – 2020 edition, "Standard for Fire Officer Professional Qualifications."

b. Fire officer II. Certification as a fire officer II is based upon the requirements for fire officer II certification established in NFPA 1021 – 2020 edition, "Standard for Fire Officer Professional Qualifications."

251.202(4) *Fire inspector.* Certification as a fire inspector is based upon the requirements for certification as a fire inspector established in NFPA 1030 – 2024 edition, "Standard for Professional Qualifications for Fire Prevention Programs."

251.202(5) *Fire investigator.* Certification as a fire investigator is based upon the requirements for certification as a fire investigator established in NFPA 1033 – 2022 edition, "Standard for Professional Qualifications for Fire Investigator."

251.202(6) *Fire and emergency services instructor.*

a. Fire and emergency services instructor I. Certification as a fire and emergency services instructor I is based upon the requirements for certification as a fire and emergency services instructor I established in NFPA 1041 – 2019 edition, "Standard for Fire and Emergency Services Instructor Professional Qualifications."

b. Fire and emergency services instructor II. Certification as a fire and emergency services instructor II is based upon the requirements for certification as a fire and emergency services instructor II established in NFPA 1041 – 2019 edition, "Standard for Fire and Emergency Services Instructor Professional Qualifications."

251.202(7) *Live fire instructor.*

a. Live fire instructor. Certification as a live fire instructor is based upon the requirements for certification as a live fire instructor established in NFPA 1041 – 2019 edition "Standard for Fire and Emergency Services Instructor Professional Qualifications."

b. Live fire instructor in charge. Certification as a live fire instructor in charge is based upon the requirements for certification as a live fire instructor in charge established in NFPA 1041 – 2019 edition "Standard for Fire and Emergency Services Instructor Professional Qualifications."

251.202(8) *Responder to hazardous materials incidents.*

a. Responder to hazardous materials incidents at the awareness level. Certification as a responder to hazardous materials incidents (awareness) is based on the requirements established in NFPA 470 – 2022 edition, "Hazardous Materials/Weapons of Mass Destruction (WMD) Standard for Responders."

b. Responder to hazardous materials incidents at the operations level. Certification as a responder to hazardous materials incidents (operations) is based upon the requirements established in NFPA 470 – 2022 edition, "Hazardous Materials/Weapons of Mass Destruction (WMD) Standard for Responders."

661—251.203(100B) Fees.

251.203(1) The fee for each certification is $50. These fees can be found on the fire service training bureau's website and also within the publication Certification Procedures Guide for each level of certification, published by the fire service training bureau. The information in each guide is effective upon publication until superseded by publication of a later edition. Prospective candidates who are considering application for a particular level of certification should contact the fire service training bureau for the latest date of publication of the Certification Procedures Guide.

251.203(2) Fees may be paid by personal credit card or check made payable to Iowa Department of Public Safety—Fire Service Training Bureau, credit card or check from a public agency or private organization, or money order. The check, credit card information, money order or draft will be submitted with the application.

661—251.204(100B) Certification, denial, and revocation of certification.

251.204(1) *Certification.* Upon completion of the requirements for certification, the applicant's name will be entered into the Iowa certification database maintained by the fire service training bureau for the respective level of certification and into the certification databases maintained by the Pro Board and the IFSAC. Individuals who successfully complete the certification requirements will receive an individualized certificate awarding national certification from the fire service training bureau, which will bear numbered seals from the Pro Board and the IFSAC, and additional insignia from the fire service training bureau.

251.204(2) *Denial of certification.* Certification will be denied to any applicant who fails to meet all of the requirements for the type of certification, who knowingly submits false information to the fire service training bureau, or who engages in fraudulent activity during the certification process.

251.204(3) *Revocation.* The fire service training bureau may revoke the certification of any individual who is found to have knowingly provided false information to the fire service training bureau during the certification process or to have engaged in fraudulent activity during the certification process. In addition, certification may be revoked by the fire service training bureau if an individual was found to have engaged in and been convicted of a felony-level crime, including but not limited to murder, arson, sexual assault, physical assault, embezzlement, and crimes committed against a fire department or its respective association.

251.204(4) *Appeals.* Any person who is denied certification or whose certification is revoked may appeal the denial or revocation. An appeal of a denial or revocation of certification will be made to the commissioner of public safety within 30 days of the issuance of the denial or revocation using the contested case procedures specified in rules 661—10.301(17A) through 661—10.332(17A).

251.204(5) *Sex offender registry.* Pursuant to 2025 Iowa Acts, House File 793, a person who has committed any crime as an adult that resulted in the requirement that the person be listed on a sex offender registry will not be certified as a firefighter and will not serve as a noncertified or volunteer firefighter.

These rules are intended to implement Iowa Code chapter 100B.

ARC 9644C

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Notice of Intended Action

Proposing rulemaking related to definitions and providing an opportunity for public comment

The Workforce Development Department hereby proposes to adopt new Chapter 48, "Definitions," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 17A and 84A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A and 84A.

Purpose and Summary

The purpose of this proposed chapter is to define terms used in the Department's rules.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 17, 2025. A public hearing was held on the following date(s):

- October 7, 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 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 November 18, 2025. Comments should be directed to:

Brooke Axiotis
Iowa Workforce Development
Des Moines, Iowa 50319
Phone: 515.802.9245
Email: brooke.axiotis@iwd.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

November 18, 2025 9:30 to 10 a.m.	Microsoft Teams Join the meeting now Meeting ID: 294 216 350 141 6 Passcode: MT7Sr6Ei Dial: 1.469.998.6043 Find a local number Phone conference ID: 770 071 211#
November 18, 2025 1:30 to 2 p.m.	Microsoft Teams Join the meeting now Meeting ID: 217 911 222 523 4

Passcode: 78vB2YY9
Dial: 1.469.998.6043
Find a local number
Phone conference ID: 382 567 710#

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 515.802.9425 or via email at brooke.axiotis@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).

The following rulemaking action is proposed:

ITEM 1. Adopt the following **new** 871—Chapter 48:

CHAPTER 48
DEFINITIONS

871—48.1(84A,84B) Definitions.

"CFR" means Code of Federal Regulations.

"Chief elected official" means designated representative of the units of local government joining through a 28E agreement, pursuant to Section 107(c)(1)(B) of the federal Workforce Innovation and Opportunity Act (WIOA), for the purpose of sharing liability and responsibility in accordance with Title I of the WIOA. The chief elected official is the chair of the county board of supervisors or a designee from within the county board of supervisors for each county.

"Department" means the department of workforce development, which has been designated as the state workforce agency on behalf of the governor.

This rule is intended to implement Iowa Code chapters 84A and 84B.

ARC 9647C

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Notice of Intended Action

Proposing rulemaking related to employment and training services division and providing an opportunity for public comment

The Workforce Development Department hereby proposes to adopt new Chapter 49, "Employment and Training Services Division," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 17A and 84A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A and 84A.

Purpose and Summary

The purpose of these proposed rules is to inform the public of the mission and structure of the Employment and Training Division of the Department.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 17, 2025. A public hearing was held on the following date(s):

- October 7, 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 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 November 18, 2025. Comments should be directed to:

Brooke Axiotis
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319
Phone: 515.802.9245
Email: brooke.axiotis@iwd.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

November 18, 2025 10 to 10:30 a.m.	Microsoft Teams Join the meeting now Meeting ID: 298 184 880 669 9 Passcode: VR2yj6QZ Dial: 1.469.998.6043 Find a local number Phone conference ID: 737 643 192#
November 18, 2025 2 to 2:30 p.m.	Microsoft Teams Join the meeting now Meeting ID: 264 825 289 662 0 Passcode: Xb3SG6sP Dial: 1.469.998.6043 Find a local number Phone conference ID: 428 863 886#

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 515.802.9425 or via email at brooke.axiotis@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).

The following rulemaking action is proposed:

ITEM 1. Adopt the following **new** 871—Chapter 49:

CHAPTER 49
EMPLOYMENT AND TRAINING SERVICES DIVISIONS

871—49.1(84A,84B) Mission and organization.

49.1(1) *Mission.* The employment and training services division's work is to provide reemployment services to Iowa job seekers and employers through various federal and state workforce programs.

49.1(2) *Operation and administration.* Divisions are under the direction of a division administrator who reports to the deputy director. The division administrators direct and lead the work of their respective divisions.

871—49.2(84A,84B) Complaint process. The Workforce Innovation Opportunity Act (WIOA) complaint process for all complaints and grievances filed by participants and other interested persons affected by the statewide WIOA Title I programs is accessible on the Iowa workforce development website.

These rules are intended to implement Iowa Code chapter 84A.

ARC 9643C

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Notice of Intended Action

Proposing rulemaking related to workforce investment act program and providing an opportunity for public comment

The Workforce Development Department hereby proposes to rescind Chapter 53, "Iowa Workforce Investment Act Program," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 17A and 84A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A and 96 and section 84A.1 and Executive Order 10.

Purpose and Summary

The purpose of this proposed rulemaking is to remove outdated rules from the Iowa Administrative Code.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 17, 2025. A public hearing was held on the following date(s):

- October 7, 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 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 November 18, 2025. Comments should be directed to:

Brooke Axiotis
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319
Phone: 515.802.9425
Email: brooke.axiotis@iwd.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

November 18, 2025 9 to 9:30 a.m.	Microsoft Teams Join the meeting now Meeting ID: 215 107 193 030 2 Passcode: c325iV7f Dial: 1.469.998.6043 Find a local number Phone conference ID: 939 117 521#
November 18, 2025 1 to 1:30 p.m.	Microsoft Teams Join the meeting now Meeting ID: 211 040 397 659 Passcode: sd7Rg7AG Dial: 1.469.998.6043 Find a local number Phone conference ID: 140 967 268#

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 515.802.9425 or via email at brooke.axiotis@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).

The following rulemaking action is proposed:

ITEM 1. Rescind and reserve **871—Chapter 53**.

USURY

In accordance with the provisions of Iowa Code section 535.2(3)"a," the Superintendent of Banking has determined that the maximum lawful rate of interest shall be:

November 1, 2024 — November 30, 2024	5.75%
December 1, 2024 — December 31, 2024	6.00%
January 1, 2025 — January 31, 2025	6.25%
February 1, 2025 — February 28, 2025	6.50%
March 1, 2025 — March 31, 2025	6.75%
April 1, 2025 — April 30, 2025	6.50%
May 1, 2025 — May 31, 2025	6.25%
June 1, 2025 — June 30, 2025	6.25%
July 1, 2025 — July 31, 2025	6.50%
August 1, 2025 — August 31, 2025	6.50%
September 1, 2025 — September 30, 2025	6.50%
October 1, 2025 — October 31, 2025	6.25%
November 1, 2025 — November 30, 2025	6.00%

TREASURER OF STATE

Notice—Public Funds Interest Rates

In compliance with Iowa Code chapter 74A and section 12C.6, the following interest rates of interest for public obligations and special assessments have been established. The usury rate for October is 6.25%.

INTEREST RATES FOR PUBLIC OBLIGATIONS AND ASSESSMENTS

74A.2 Unpaid Warrants . . . . . Maximum 6.0%

74A.4 Special Assessments . . . . . Maximum 9.0%

RECOMMENDED Rates for Public Obligations (74A.3) and School District Warrants (74A.7). A rate equal to 75% of the Federal Reserve monthly published indices for U.S. Government securities of comparable maturities. All Financial Institutions as defined by Iowa Code section 12C.1 are eligible for public fund deposits as defined by Iowa Code section 12C.6A.

The rate of interest has been determined to be the minimum interest rate that shall be paid on public funds deposited in approved financial institutions. To be eligible to accept deposits of public funds of the state of Iowa, a financial institution shall demonstrate a commitment to serve the needs of the local community in which it is chartered to do business. These needs include credit services as well as deposit services. All such financial institutions are required to provide the committee with a written description of their commitment to provide credit services in the community. This statement is available for examination by citizens.

New official state interest rates, effective October 9, 2025, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

TIME DEPOSITS

7-31 days	Minimum .05%
32-89 days	Minimum .05%
90-179 days	Minimum 1.80%
180-364 days	Minimum 1.65%
One year to 397 days	Minimum 1.85%
More than 397 days	Minimum 1.85%

These are minimum rates only. All time deposits are four-tenths of a percent below average rates. Public body treasurers and their depositories may negotiate a higher rate according to money market rates and conditions.

Inquiries may be sent to Roby Smith, Treasurer of State, State Capitol, Des Moines, Iowa 50319.

ARC 9651C

ECONOMIC DEVELOPMENT AUTHORITY[261]

Adopted and Filed

Rulemaking related to debarment from participation in authority programs and transactions

The Economic Development Authority hereby adopts new Chapter 2, "Debarment from Participation in Authority Programs and Transactions," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 15.106E.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 15.106E.

Purpose and Summary

The Authority has adopted a new Chapter 2 to implement Iowa Code section 15.106E as enacted by 2024 Iowa Acts, Senate File 2289. The new chapter establishes the factors the Authority will consider and the process that will be followed to prohibit bad actors from participating in Authority programs and transactions.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on August 6, 2025, as **ARC 9458C**. 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 September 19, 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 Authority for a waiver of the discretionary provisions, if any, pursuant to 261—Chapter 199.

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 December 3, 2025.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 261—Chapter 2:

CHAPTER 2
DEBARMENT FROM PARTICIPATION IN AUTHORITY PROGRAMS AND TRANSACTIONS

261—2.1(15) Definitions.

"Affiliate" means any entity that directly or indirectly through one or more intermediaries controls, is controlled by, or is under common control with another entity or person. "Control" as used in this definition means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of an enterprise through ownership, by contract or otherwise. A voting interest of 10 percent or more creates a rebuttable presumption of control.

"Authority" means the economic development authority created in Iowa Code section 15.105.

"Debar" or *"debarment"* means action taken by the authority to prohibit a person from receiving an award of financial assistance or from being selected as a vendor pursuant to Iowa Code section 15.106E and this chapter.

"Director" means the director of the authority.

"Person" means the same as defined in Iowa Code section 4.1(20).

"Principal" means an officer, director, or owner.

"Respondent" means a person the authority intends to debar or has debarred.

"Vendor" means a person who provides goods or services to the authority.

261—2.2(15) Factors considered.

2.2(1) The authority may debar a person in any of the circumstances listed in Iowa Code section 15.106E(1). The authority will consider the following factors to determine whether debarment is warranted:

a. Whether the person had effective standards of conduct and internal control systems in place at the time the cause for debarment occurred or has adopted such procedures.

b. Whether the person brought the cause for debarment to the attention of the authority in a timely manner.

c. Whether the person has fully investigated the circumstances surrounding the cause for debarment and, if so, has made the result of the investigation available to the authority.

d. Whether the person cooperated fully with the authority or other government agencies during any investigation or court or administrative action related to the cause for debarment.

e. Whether the person has paid or has agreed to pay all applicable criminal, civil, and administrative liability relating to the cause for debarment, including any investigative or administrative costs incurred by the authority, and has made or agreed to make full restitution as applicable.

f. Whether the person has taken appropriate disciplinary action against the individuals responsible for the cause for debarment.

g. Whether the person has implemented or agreed to implement remedial measures, including any identified by the authority.

h. Whether the person has had adequate time to eliminate the circumstances that led to the cause for debarment.

i. Whether the person or relevant principals in an organization recognize and understand the seriousness of the misconduct giving rise to the cause for debarment.

j. Whether the federal government, another state, or another state agency has issued a debarment or other prohibition comparable to debarment based on the same or similar conduct that constitutes cause for debarment by the authority.

k. Any other factors deemed relevant to the cause for debarment by the authority.

2.2(2) The existence or nonexistence of any mitigating factors or remedial measures, including those set forth in subrule 2.2(1), is not necessarily determinative of whether the authority will debar a person.

261—2.3(15) Debarment procedure.

2.3(1) Upon receipt of information that a person has engaged in conduct that could constitute cause for debarment, the director will determine whether to debar a person based on all information available to the authority or whether additional information is required to make such a determination.

2.3(2) If the director determines debarment is warranted, the person and any affiliates, principals, or employees to be debarred will be given prompt notice in writing of the following:

a. That the person is debarred and the identity of any affiliates, principals, or employees who are debarred;

b. The circumstance(s) in Iowa Code section 15.106E(1) relied on by the authority to impose debarment;

c. The conduct or information upon which the debarment is based;

d. The period of debarment, including effective dates; and

e. The effect of the proposed debarment, including identification of authority programs or transactions to which the debarment applies.

2.3(3) If the director determines that additional information is required, the person and any affiliates, principals, or employees who may be debarred will be given prompt notice in writing of the following:

a. That debarment is being considered;

b. The circumstance(s) in Iowa Code section 15.106E(1) relied on by the authority to propose debarment;

c. The conduct or information upon which the proposed debarment is based;

d. The period of proposed debarment, including effective dates;

e. The effect of the proposed debarment, including identification of authority programs or transactions to which the debarment may apply; and

f. The additional information sought by the authority to determine whether debarment is warranted, when the respondent must provide such information, and the effect of failure to provide such information to the satisfaction of the authority.

2.3(4) After following the procedure identified in subrule 2.3(3), the director will promptly notify in writing the person and any affected affiliates, employees, or principals whether debarment is imposed. If debarment is imposed, notification will be provided in accordance with subrule 2.3(2).

2.3(5) The authority may, in its discretion, enter into an agreement with a person establishing terms and conditions for continued or future participation in authority programs or transactions in lieu of debarment.

261—2.4(15) Period and scope of debarment.

2.4(1) Debarment will be for a period commensurate with the acts or omissions of the person to be debarred. A person will not be debarred for an initial period that exceeds three years. The authority may impose an additional period of debarment if, prior to the expiration of an initial period of debarment, the authority determines an additional period of debarment is warranted.

2.4(2) A person may be debarred from one or more authority programs or transactions or from all authority programs and transactions.

261—2.5(15) Request for review and response.

2.5(1) A person who has been debarred by the authority may request a review of the authority's determination pursuant to Iowa Code section 15.106E(3). The request may include any information relevant to demonstrate the authority's determination was based on a clear error of material fact or law or that the authority's determination was arbitrary, capricious, or an abuse of discretion.

2.5(2) The authority will issue a decision on the request for review in accordance with Iowa Code section 15.106E(3).

261—2.6(15) Request for reinstatement after debarment.

2.6(1) A person who has been debarred may submit a request for reinstatement during the period of debarment if:

a. New information becomes available that is relevant to the cause for debarment and that was not previously discoverable;

b. Criminal charges or civil or administrative actions related to the cause for debarment have been dismissed or a criminal conviction or civil judgment related to the cause for debarment has been reversed;

c. A debarment or comparable prohibition imposed by the federal government, another state, or another state agency, upon which the authority debarment was based, has been reversed;

d. A bona fide change in ownership or management of the person debarred has occurred; or

e. The person is able to supply other proof that the causes for debarment have been eliminated.

2.6(2) A request for reinstatement must be submitted to the director. The petition must be accompanied by written evidence that supports the request.

2.6(3) The authority will issue a decision on a request for reinstatement within 60 calendar days of the receipt of the request. The authority may approve, deny, or modify the debarment based on all information available to the authority and based upon the factors identified in rule 261—2.2(15). The authority shall issue its decision in writing and provide written notice of the decision to the person and any affected affiliates, principals, or employees.

261—2.7(15) Additional remedies. The authority may impose additional consequences for a cause for debarment that are allowed under any authority programs in which a debarred person is participating or any existing agreements between the authority and a debarred person.

These rules are intended to implement Iowa Code section 15.106E.

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ARC 9652C

ECONOMIC DEVELOPMENT AUTHORITY[261]

Adopted and Filed

Rulemaking related to nuisance property and abandoned building remediation assistance

The Economic Development Authority hereby rescinds Chapter 22, "Nuisance Property and Abandoned Building Remediation Assistance," Iowa Administrative Code, and adopts a new Chapter 22 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 15.106A and 15.338.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 15.338.

Purpose and Summary

Pursuant to Executive Order 10, the Authority is rescinding Chapter 22 and adopting a new chapter in lieu thereof. The chapter describes the policies and procedures applicable to the nuisance property and abandoned building remediation assistance program provided by the Authority pursuant to Iowa Code section 15.338.

The updated chapter will be more concise throughout. Unnecessary definitions, language that duplicates statute, and other redundant language have been eliminated from the chapter. Specific point totals for scoring criteria have also been removed from the chapter. A reference to the Authority's option to require recipients to use a grant administrator is included in the new chapter.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on July 23, 2025, as **ARC 9423C**. A public hearing was held on the following date(s):

- August 12, 2025
- August 14, 2025

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 September 19, 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 Authority for a waiver of the discretionary provisions, if any, pursuant to 261—Chapter 199.

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 December 3, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 261—Chapter 22 and adopt the following **new** chapter in lieu thereof:

CHAPTER 22
NUISANCE PROPERTY AND ABANDONED BUILDING REMEDIATION ASSISTANCE

261—22.1(15) Definitions. For purposes of this chapter unless the context otherwise requires:

"Abandoned building" means a building that has remained vacant and been in violation of the applicable housing code or building code for a period of six consecutive months.

"Applicant" means a city applying for financial assistance under the program.

"Authority" means the economic development authority created in Iowa Code section 15.105.

"Building" means a structure that is:

1. Used or intended to be used for commercial or industrial purposes; or

2. Used or intended to be used for residential purposes; or
3. Used or intended to be used for both commercial or industrial and residential purposes.

"Costs directly related" means expenditures that are incurred for acquisition, demolition, disposal, redevelopment, or rehabilitation of a project to the extent that they are attributable directly to the remediation or redevelopment of the property or its improvements. "Costs directly related" includes expenditures for site preparation work, surveying, construction materials, construction labor, architectural services, engineering services, building permits, building inspection fees, and interest accrued on a construction loan during the time period allowed for project completion under an agreement entered into pursuant to the program. "Costs directly related" does not include expenditures for furnishings, appliances, accounting services, legal services, loan origination and other financing costs, syndication fees and related costs, developer fees, or the costs associated with selling or renting the dwelling units whether incurred before or after completion of the project.

"Director" means the director of the authority.

"Financial assistance" means a loan or forgivable loan made by the authority to an applicant approved for funding under the program.

"Nuisance property" means a building, structure, or other real estate that is, or is likely to become, a public nuisance.

"Program" means the nuisance property and abandoned building remediation assistance program established pursuant to this chapter.

"Project" means remediation or redevelopment of nuisance properties and abandoned buildings. "Project" may include properties at multiple sites and locations, whether contiguous or not, as long as all properties to be remediated or redeveloped are included in the proposed plan upon application and as long as the proposed plan demonstrates the steps and actions necessary to further remediation and redevelopment efforts in a comprehensive and coordinated manner.

"Public nuisance" means the same as defined in Iowa Code section 657A.1 and includes buildings with blighting characteristics as described in Iowa Code section 403.2.

"Redevelopment" means development activities associated with a project that are undertaken either for the purpose of remediating nuisance properties or abandoned buildings; for constructing new buildings or improvements at a site where formerly existing buildings have been demolished; or for rehabilitating, reusing or repurposing existing buildings or improvements at a project site. "Redevelopment" typically includes projects that result in the elimination of blighting characteristics as described in Iowa Code section 403.2.

"Remediation" or *"remediating"* means the demolition, disposal, removal, repair, improvement, or rehabilitation of nuisance property or abandoned buildings at a site included in a project.

261—22.2(15) Program description.

22.2(1) *Amount, form, and timing of assistance.* The program provides financial assistance to cities for the redevelopment or remediation of nuisance properties and abandoned buildings and other structures. The amount of assistance awarded will be negotiated between each applicant and the authority based on the total amount of funds available to the authority for the program and based on the project details.

22.2(2) *Application.*

a. Each fiscal year in which funding is available, the authority will accept applications for the assistance under the program and make funding decisions on a rolling basis.

b. Information on submitting an application under the program is available on the authority's website.

22.2(3) *Use of funds.*

a. An applicant shall use funds only for purposes of the costs directly related to the project and provide documentation or other information establishing the actual costs incurred for a project. Failure to use the funds for purpose of the costs directly related to a project shall be grounds for default under the contract entered pursuant to this chapter.

b. If a city receives financial assistance under the program, the amount of any lien created for costs related to remediation of a property included in a project plan shall not include any moneys that the city received pursuant to this chapter for the remediation of the property. The contract executed pursuant to rule 261—22.4(15) will include a provision implementing this requirement.

261—22.3(15) Eligibility and funding decisions.

22.3(1) To be eligible under the program, an applicant shall be a city interested in addressing issues of slum and blight through the remediation or redevelopment of nuisance properties or abandoned buildings.

22.3(2) Scoring criteria for applications may include but are not limited to financial need, project impact, plan to address the nuisance property or abandoned building, and other criteria as determined appropriate by the authority.

22.3(3) Each eligible application will be scored by authority staff. The director will make the final funding decision on each application, taking into consideration the amount of available funding, the numerical score of the application, and the funding recommendation of authority staff. The director may approve, deny, or defer funding for any application.

261—22.4(15) Contract. Each applicant that is approved for financial assistance under the program shall enter into a contract with the authority. The contract will establish the terms on which the financial assistance is to be provided and may include any other terms necessary for administration of the program. The authority may require that an applicant utilize a grant administrator as a condition to receipt of financial assistance.

These rules are intended to implement Iowa Code section 15.338.

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ARC 9653C

ECONOMIC DEVELOPMENT AUTHORITY[261]

Adopted and Filed

Rulemaking related to Iowa export trade assistance program

The Economic Development Authority hereby rescinds Chapter 72, "Iowa Export Trade Assistance Program," and adopts a new Chapter 72, "International Trade Financial Assistance," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 15.106A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 15.108.

Purpose and Summary

Pursuant to Executive Order 10, the Authority is rescinding Chapter 72 and adopting a new chapter in lieu thereof. The current chapter describes the policies and procedures applicable to the export trade assistance program. The program promotes the development of international trade activities and opportunities for exporters in the State of Iowa through encouraging increased participation in international trade shows and trade missions. The chapter incorporates additional related opportunities for financial assistance regarding international trade. The new chapter clarifies terminology and

eligibility for the forms of financial assistance provided pursuant to the chapter. Multiple rules about the application and selection process are combined into one rule in the new chapter. Additionally, a new rule relating to administration of financial assistance combines post-award requirements that are distributed throughout the current chapter.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on July 23, 2025, as **ARC 9425C**. A public hearing was held on the following date(s):

- August 12, 2025
- August 14, 2025

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 September 19, 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 Authority for a waiver of the discretionary provisions, if any, pursuant to 261—Chapter 199.

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 December 3, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 261—Chapter 72 and adopt the following **new** chapter in lieu thereof:

CHAPTER 72
INTERNATIONAL TRADE FINANCIAL ASSISTANCE

261—72.1(15) Definitions. For purposes of this chapter unless the context otherwise requires:

"Authority" means the economic development authority established in Iowa Code section 15.105.

"Domestic trade assistance" means financial assistance for participation in a trade show in the United States with documented significant international attendance.

"Eligible applicant" means an exporter meeting the requirements of rule 261—72.2(15).

"Exporter" means a business that sells a manufactured project, a value-added product, an agricultural product, or a service outside of the United States.

"Export trade assistance" means financial assistance provided for participation in a trade show or trade mission outside the United States.

"Marketing services" means third-party services, identified as eligible expenses in subrule 72.3(3), that support international trade.

"Market trade assistance" means financial assistance provided for marketing services.

"Program" means domestic trade assistance, export trade assistance, and market trade assistance provided pursuant to this chapter.

"Sales representative" means a contracted representative of an exporter with authority to consummate a sales transaction.

"Trade mission" means a mission event led by the authority or designated representative that includes advanced operational and logistical planning, scheduled individualized appointments with prequalified prospects interested in exporters' products or services, and background information on such prospects.

"Trade show" means an event attended by an employee or sales representative of an exporter for the purposes of exhibiting the exporter's products or services to increase international sales opportunities.

261—72.2(15) Eligible applicants.

72.2(1) Financial assistance in the form of grants is available to exporters that meet all of the following criteria:

a. The exporter employs fewer than 500 individuals, 75 percent or more of whom are employed within the state of Iowa,

b. The exporter is new to exporting, targeting a new international market, or promoting a new product,

c. The exporter does not have a history of noncompliance with agreements with the authority, and

d. The exporter does not have a record of violations of the law that over a period of time tends to show a consistent pattern or that establishes intentional, criminal, or reckless conduct in violation of such laws.

72.2(2) To be eligible for domestic trade assistance or export trade assistance, exporters must meet the following additional criteria:

a. The exporter has at least one full-time employee or sales representative who will participate in a trade show or trade mission, and

b. The exporter provides proof of deposit or an executed payment agreement for a trade show or payment of a trade mission participation fee.

72.2(3) To be eligible for market trade assistance, an exporter must document intent to procure marketing services.

261—72.3(15) Eligible and ineligible expenses. Only eligible expenses identified in this rule will be reimbursed with financial assistance provided through the program.

72.3(1) *Trade shows.* The following trade show expenses are eligible for domestic trade assistance and export trade assistance:

a. Space rental.

b. Booth construction at show site.

c. Booth equipment or furniture rental.

d. Shipping costs associated with shipment of equipment or exhibit materials.

e. Booth utility costs.

f. Interpreter fees during the trade show.

72.3(2) *Trade missions.* The following trade mission expenses are eligible for domestic trade assistance and export trade assistance:

a. Mission participation fee.

b. Shipping costs associated with shipment of equipment or exhibit materials.

c. Interpreter fees, if not included in the participation fee, and as needed during the trade mission.

72.3(3) *Marketing services.* The following expenses are eligible for market trade assistance:

a. Design, translation, and localization of brochures or other product information.

b. Design, translation, and localization of international advertisement for a specific country/region.

c. Required compliance testing of an existing product for entry into an export market.

d. Website design and translation, search engine optimization, and localization for a specific international market or markets.

e. Oversight, maintenance, or monitoring fee for search engine optimization (limited to the funding period during which financial assistance is provided).

f. Development of an e-commerce platform to accept international payments.

g. International attorney fees for distributor contracts.

h. Costs for preparing an export readiness report, conducted by a contractor selected by the authority.

72.3(4) *Ineligible expenses.* The following expenses are not eligible for reimbursement through the program:

a. Travel expenses, including airfare.

b. Printing.

c. Purchased equipment.

d. Memberships or sponsorships.

e. Costs associated with attendance at conferences or virtual events.

f. Tabletop displays.

g. Materials or exhibits that are not intended to increase international sales.

261—72.4(15) Application and approval.

72.4(1) An eligible applicant shall submit an application in the form and content required by the authority. Information on submitting an application is available on the authority's website. For domestic trade assistance and export trade assistance, an eligible applicant must apply prior to trade mission participation or trade show participation. For market trade assistance, an eligible applicant must apply prior to work beginning for marketing services.

72.4(2) Complete applications will be reviewed in the order received by the authority. Eligible applicants will be funded on a first-come, first-served basis to the extent funds are available. The authority may deny applications that exceed available funds or may defer approval of an application until additional funds become available.

72.4(3) The authority will not approve financial assistance for an eligible applicant under the following circumstances:

a. More than three times total in the same fiscal year for domestic trade assistance or export trade assistance.

b. More than once in the same fiscal year for market trade assistance.

c. More than once for the same marketing services.

d. For participation in the same trade show more than two times after January 1, 2023.

261—72.5(15) Administration.

72.5(1) Eligible applicants approved for financial assistance must enter into a contract with the authority prior to participating in a trade show or trade mission or prior to incurring expenses for marketing services.

72.5(2) Payments will be made by the authority on a reimbursement basis. An exporter shall submit documentation acceptable to the authority of paid expenses. A complete report of activities the financial assistance supported shall be submitted before final reimbursement. Reimbursement shall not exceed 75 percent of eligible expenses. Total reimbursement shall not exceed $8,000 per event or marketing services project.

72.5(3) An eligible applicant that receives financial assistance shall submit any information reasonably requested by the authority in sufficient detail to verify compliance with the agreement entered pursuant to subrule 72.5(1) or to permit the authority to prepare any reports required by the authority, the general assembly, or the governor's office.

These rules are intended to implement Iowa Code section 15.108(2) and 15.108(4).

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ARC 9639C

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Adopted and Filed

Rulemaking related to local emergency management

The Homeland Security and Emergency Management Department hereby amends Chapter 7, "Local Emergency Management," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 29C.9.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 29C.9.

Purpose and Summary

The Federal Emergency Management Agency recently updated its document titled "Developing and Maintaining Emergency Operations Plans: Comprehensive Preparedness Guide (CPG) 101. Version 3.1." This version replaces and rescinds Version 2.0 from 2021. CPG 101 is adopted by reference in subrule 7.3(4). This rulemaking updates the reference with the latest version.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 3, 2025, as **ARC 9524C**. A public hearing was held on the following date(s):

- September 23, 2025
- September 24, 2025

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 October 8, 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 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 December 3, 2025.

The following rulemaking action is adopted:

ITEM 1. Amend subparagraph **7.3(4)"d"(1)** as follows:

(1) The commission shall develop a comprehensive emergency plan that is capabilities-based, multihazard and multifunctional in nature. The plan will conform to the Comprehensive Preparedness Guide 101 as established by the Federal Emergency Management Agency published ~~2021~~ 2025 with any modifications as determined and communicated by the department.

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ARC 9654C

IOWA FINANCE AUTHORITY[265]

Adopted and Filed

Rulemaking related to debarment from participation in authority programs and transactions

The Iowa Finance Authority hereby adopts a new Chapter 5, "Debarment from Participation in Authority Programs and Transactions," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 16.5E.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 16.5E.

Purpose and Summary

The Authority has adopted a new Chapter 5 to implement Iowa Code section 16.5E as enacted by 2024 Iowa Acts, Senate File 2387. The new chapter establishes the factors the Authority will consider and the process that will be followed to prohibit bad actors from participating in Authority programs and transactions.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on August 6, 2025, as **ARC 9459C**. 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 October 1, 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 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 December 3, 2025.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 265—Chapter 5:

CHAPTER 5
DEBARMENT FROM PARTICIPATION IN AUTHORITY
PROGRAMS AND TRANSACTIONS

265—5.1(16) Definitions.

"Affiliate" means any entity that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with another entity or person. "Control" as used in this definition means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of an enterprise through ownership, by contract or otherwise. A voting interest of 10 percent or more creates a rebuttable presumption of control.

"Authority" means the Iowa finance authority created in Iowa Code section 16.1A.

"Debar" or *"debarment"* means action taken by the authority to prohibit a person from receiving an award of financial assistance or from being selected as a vendor pursuant to Iowa Code section 16.5E and this chapter.

"Director" means the director of the authority.

"Person" means the same as defined in Iowa Code section 4.1(20).

"Principal" means an officer, director, or owner.

"Respondent" means a person the authority intends to debar or has debarred.

"Vendor" means a person who provides goods or services to the authority.

265—5.2(16) Factors considered.

5.2(1) The authority may debar a person in any of the circumstances listed in Iowa Code section 16.5E(1). The authority will consider the following factors to determine whether debarment is warranted:

a. Whether the person had effective standards of conduct and internal control systems in place at the time the cause for debarment occurred or has adopted such procedures.

b. Whether the person brought the cause for debarment to the attention of the authority in a timely manner.

c. Whether the person has fully investigated the circumstances surrounding the cause for debarment and, if so, has made the result of the investigation available to the authority.

d. Whether the person cooperated fully with the authority or other government agencies during any investigation or court or administrative action related to the cause for debarment.

e. Whether the person has paid or has agreed to pay all applicable criminal, civil, and administrative liability relating to the cause for debarment, including any investigative or administrative costs incurred by the authority, and has made or agreed to make full restitution as applicable.

f. Whether the person has taken appropriate disciplinary action against the individuals responsible for the cause for debarment.

g. Whether the person has implemented or agreed to implement remedial measures, including any identified by the authority.

h. Whether the person has had adequate time to eliminate the circumstances that led to the cause for debarment.

i. Whether the person or relevant principals in an organization recognize and understand the seriousness of the misconduct giving rise to the cause for debarment.

j. Whether the federal government, another state, or another state agency has issued a debarment or other prohibition comparable to debarment based on the same or similar conduct that constitutes cause for debarment by the authority.

k. Any other factors deemed relevant to the cause for debarment by the authority.

5.2(2) The existence or nonexistence of any mitigating factors or remedial measures, including those set forth in subrule 5.2(1), is not necessarily determinative of whether the authority will debar a person.

265—5.3(16) Debarment procedure.

5.3(1) Upon receipt of information that a person has engaged in conduct that could constitute cause for debarment, the director will determine whether to debar the person based on all information available to the authority or whether additional information is required to make such a determination.

5.3(2) If the director determines debarment is warranted, the person and any affiliates, principals, or employees to be debarred will be given prompt notice in writing of the following:

a. That the person is debarred and the identity of any affiliates, principals, or employees who are debarred;

b. The circumstance(s) in Iowa Code section 16.5E(1) relied on by the authority to impose debarment;

c. The conduct or information upon which the debarment is based;

d. The period of debarment, including effective dates; and

e. The effect of the proposed debarment, including identification of authority programs or transactions to which the debarment applies.

5.3(3) If the director determines that additional information is required, the person and any affiliates, principals, or employees who may be debarred will be given prompt notice in writing of the following:

a. That debarment is being considered;

b. The circumstance(s) in Iowa Code section 16.5E(1) relied on by the authority to propose debarment;

c. The conduct or information upon which the proposed debarment is based;

d. The period of proposed debarment, including effective dates;

e. The effect of the proposed debarment, including identification of authority programs or transactions to which the debarment may apply; and

f. The additional information sought by the authority to determine whether debarment is warranted, when the respondent must provide such information, and the effect of failure to provide such information to the satisfaction of the authority.

5.3(4) After following the procedure identified in subrule 5.3(3), the director will promptly notify in writing the person and any affected affiliates, employees, or principals whether debarment is imposed. If debarment is imposed, notification will be provided in accordance with subrule 5.3(2).

5.3(5) The authority may, in its discretion, enter into an agreement with a person establishing terms and conditions for continued or future participation in authority programs or transactions in lieu of debarment.

265—5.4(16) Period and scope of debarment.

5.4(1) Debarment will be for a period commensurate with the acts or omissions of the person to be debarred. A person will not be debarred for an initial period that exceeds three years. The authority may impose an additional period of debarment if, prior to the expiration of an initial period of debarment, the authority determines an additional period of debarment is warranted.

5.4(2) A person may be debarred from one or more authority programs or transactions or from all authority programs and transactions.

265—5.5(16) Request for review and response.

5.5(1) A person that has been debarred by the authority may request a review of the authority's determination pursuant to Iowa Code section 16.5E(3). The request may include any information relevant to demonstrate that the authority's determination was based on a clear error of material fact or law or that the authority's determination was arbitrary, capricious, or an abuse of discretion.

5.5(2) The authority will issue a decision on the request for review in accordance with Iowa Code section 16.5E(3).

265—5.6(16) Request for reinstatement after debarment.

5.6(1) A person that has been debarred may submit a request for reinstatement during the period of debarment if:

a. New information becomes available that is relevant to the cause for debarment and that was not previously discoverable;

b. Criminal charges or civil or administrative actions related to the cause for debarment have been dismissed or a criminal conviction or civil judgment related to the cause for debarment has been reversed;

c. A debarment or comparable prohibition imposed by the federal government, another state, or another state agency upon which the authority debarment was based has been reversed;

d. A bona fide change in ownership or management of the person debarred has occurred; or

e. The person is able to supply other proof that the causes for debarment have been eliminated.

5.6(2) A request for reinstatement must be submitted to the director. The petition must be accompanied by written evidence that supports the request.

5.6(3) The authority will issue a decision on a request for reinstatement within 60 calendar days of the receipt of the request. The authority may approve, deny, or modify the debarment based on all information available to the authority and based upon the factors identified in rule 265—5.2(16). The authority shall issue its decision in writing and provide written notice of the decision to the person and any affected affiliates, principals, or employees.

265—5.7(16) Additional remedies. The authority may impose additional consequences for a cause for debarment that are allowed under any authority programs in which a debarred person is participating or any existing agreements between the authority and a debarred person.

These rules are intended to implement Iowa Code section 16.5E.

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ARC 9655C

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Adopted and Filed

Rulemaking related to apprenticeship training program

The Workforce Development Department hereby rescinds Chapter 65, "Apprenticeship Training Program," Iowa Administrative Code, and adopts a new Chapter 65 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 84E.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 84D and 84E.

Purpose and Summary

The purpose of these rules is to clarify and implement the Apprenticeship Training Program.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 3, 2025, as **ARC 9528C**. Public hearings were held on the following date:

- September 23, 2025

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 October 8, 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 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 December 3, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 871—Chapter 65 and adopt the following **new** chapter in lieu thereof:

CHAPTER 65
APPRENTICESHIP TRAINING PROGRAM

871—65.1(84E) Authority. The authority for adopting rules establishing an apprenticeship training program is provided in Iowa Code section 84A.5(5)*"l"* and chapter 84E.

871—65.2(84E) Purpose. The purpose of the apprenticeship training program is to assist eligible apprenticeship programs by providing financial assistance in the form of training grants.

871—65.3(84E) Definitions. The following definitions apply to this chapter. Additional definitions can be found in Iowa Code section 84E.2.

"Apprentice" means a person who is at least 16 years of age, except where a higher minimum age is required by law; who is employed in an apprenticeable occupation; and who is registered in Iowa with the U.S. Department of Labor, Office of Apprenticeship, and the Iowa Office of Apprenticeship.

"Apprenticeable occupation" means an occupation approved for apprenticeship by the U.S. Department of Labor, Office of Apprenticeship, and the Iowa Office of Apprenticeship.

"Apprenticeship program" means a program registered with the U.S. Department of Labor, Office of Apprenticeship, and the Iowa Office of Apprenticeship that includes terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices, including the requirement for a written apprenticeship agreement.

"Apprenticeship sponsor" means an entity operating an apprenticeship program or an entity in whose name an apprenticeship program is being operated that is registered with or approved by the U.S. Department of Labor, Office of Apprenticeship, and the Iowa Office of Apprenticeship.

"Department" means the department of workforce development created in Iowa Code section 84A.1 (Iowa workforce development).

"Program" means the apprenticeship training program established pursuant to this chapter.

"Total instructional hours" means the total instructional hours reported by an apprenticeship sponsor or lead apprenticeship sponsor. "Total instructional hours" does not mean the minimum federal standard for instructional hours.

"Training year" means the most recent calendar year.

871—65.4(84E) Annual appropriations—amount of assistance available—standard contract—use of funds.

65.4(1) The department will provide financial assistance under the program from moneys appropriated for purposes of the program pursuant to Iowa Code section 84G.3.

65.4(2) The department will disburse funds to an apprenticeship sponsor or lead apprenticeship sponsor only after approval of a completed application and execution of a contract between the apprenticeship sponsor or lead sponsor and the department. The department shall have sole discretion in determining whether an applicant has provided all necessary information as required under this chapter. The department will prepare a standard contract for the program to be executed by each eligible applicant. Each executed contract will provide for an amount of financial assistance in the form of a training grant as determined by Iowa Code section 84E.4(2). All changes or amendments to the standard contract shall be at the department's sole discretion. All such changes shall be consistent with the requirements of Iowa Code chapter 84E and of this chapter. The department will notify apprenticeship sponsors and lead apprenticeship sponsors by the end of a calendar year of any standard contract changes for the upcoming application period.

65.4(3) Financial assistance received by an apprenticeship sponsor or lead apprenticeship sponsor under this rule shall be used only for the cost of conducting and maintaining an apprenticeship program.

The department may require an apprenticeship sponsor or lead apprenticeship sponsor to provide any information reasonably necessary to verify the use of program funds.

871—65.5(84E) Eligibility for assistance. An eligible apprenticeship sponsor or lead apprenticeship sponsor may apply to the department for assistance under the program. To be eligible, an applicant must meet all of the following requirements:

65.5(1) The applicant is an apprenticeship sponsor, or a lead apprenticeship sponsor, that conducts an apprenticeship program that is registered with the U.S. Department of Labor, Office of Apprenticeship, and the Iowa Office of Apprenticeship for apprentices who will be employed at worksites in Iowa.

65.5(2) The applicant conducts an apprenticeship program that includes a minimum of 100 contact hours per apprentice for each training year of the apprenticeship program.

65.5(3) The applicant provides all of the following information to the department:

a. The federal apprentice registration number of each apprentice in the apprenticeship program.

b. The address and a description of the physical location where in-person training is conducted.

c. A certification of the apprenticeship sponsor's training standards as most recently approved by the U.S. Department of Labor, Office of Apprenticeship, and the Iowa Office of Apprenticeship, or, in the case of a lead apprenticeship sponsor, a representative sample of participating members' training standards.

d. A certification of the apprenticeship sponsor's compliance review or quality assessment as most recently conducted by the U.S. Department of Labor, Office of Apprenticeship, and the Iowa Office of Apprenticeship unless the apprenticeship sponsor has not been subjected to a compliance review or quality assessment. In the case of a lead apprenticeship sponsor, a sampling of compliance reviews or quality assessments from participating members will be sufficient.

e. Any other information the department reasonably determines is necessary.

65.5(4) The applicant shall apply on or before February 1 of each year in which funding is available. The application submitted by the applicant should reflect program information from the prior training year. Because all applications to the program must be received in order to determine the amount of financial assistance available pursuant to rule 871—65.4(84E), the department will not accept applications on a continuous basis.

65.5(5) An apprenticeship sponsor receiving financial assistance under Iowa Code chapter 84F is ineligible for financial assistance under this chapter during the same fiscal year.

871—65.6(84E) Application submittal and review process.

65.6(1) The department will develop a standardized application and make the application available to applicants. To apply for assistance under the program, an applicant shall submit an application to the department as instructed by the Notice of Funding Opportunity.

65.6(2) The director shall have final funding authority on applications for financial assistance under this program. Applications will be reviewed and processed for eligibility by the staff of the department. The director will approve, defer or deny applications consistent with the requirements of this chapter.

871—65.7(84E) Notice and reporting.

65.7(1) *Notice of award.* Program applicants will be notified in writing of the funding decision, including any conditions and terms of the approval as may be required under the program.

65.7(2) *Reporting.* An applicant receiving assistance under the program shall submit any information reasonably requested by the department in sufficient detail to permit the department to prepare any reports required by the department, the general assembly or the governor's office.

These rules are intended to implement Iowa Code chapter 84E.

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ARC 9656C

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Adopted and Filed

Rulemaking related to future ready Iowa registered apprenticeship development fund

The Workforce Development Department hereby rescinds Chapter 66, "Future Ready Iowa Registered Apprenticeship Development Fund," Iowa Administrative Code, and adopts a new Chapter 66 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 84F.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 84D and 84F.

Purpose and Summary

The purpose of these rules is to clarify and implement the Future Ready Iowa Registered Apprenticeship Development Fund.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 3, 2025, as **ARC 9529C**. Public hearings were held on the following date:

- September 23, 2025

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 October 8, 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 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 December 3, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 871—Chapter 66 and adopt the following **new** chapter in lieu thereof:

CHAPTER 66
FUTURE READY IOWA REGISTERED APPRENTICESHIP DEVELOPMENT FUND

871—66.1(84F) Purpose. Pursuant to Iowa Code sections 84A.5 and 84F.1, the department is directed to establish a future ready Iowa registered apprenticeship development fund for the purpose of providing financial assistance to incentivize small and medium-sized apprenticeship sponsors to establish new or additional eligible apprenticeable occupations in the apprenticeship sponsor's apprenticeship program in order to support the growth of apprenticeship programs and expand high-quality work-based learning experiences in high-demand fields and careers for persons who are employed in eligible apprenticeable occupations in Iowa.

871—66.2(84F) Definitions. For purposes of this chapter, unless the context otherwise requires, the following definitions apply. More definitions can be found in Iowa Code section 84F.1.

"Agreement" means a contract for financial assistance under the program describing the terms on which the financial assistance is to be provided.

"Director" means the director of the department of workforce development.

871—66.3(84F) Program description.

66.3(1) *Amount, form, and timing of assistance.*

a. The program provides financial assistance in the form of reimbursement grants to support the costs associated with establishing a registered apprenticeship program or adding additional apprenticeable occupations to an applicant's registered apprenticeship program.

b. The maximum grant per applicant per year shall not exceed 50 percent of the apprenticeable occupation budget. The maximum amount awarded to an applicant for any one application per fiscal year shall not exceed $25,000. The aggregate maximum amount that may be awarded to any one applicant per fiscal year for an aggregate number of applications shall not exceed $50,000.

c. The applicant will apply for grant funding based on activities during the calendar year prior to the application period.

66.3(2) *Application.*

a. Forms. All applications and other filings related to the program shall be on such forms and in accordance with such instructions as may be established by the department's Notice of Funding Opportunity.

b. Application period. Each fiscal year during which funding is available, applications for financial assistance will only be accepted between January 1 and February 1 of each calendar year following the start of the fiscal year. The department may adjust these dates under extenuating circumstances and will notify affected parties. The department may add a funding window if available funds are not exhausted during the initial submission window and will publish such application dates on the department's website.

66.3(3) *Funding.* If the amount of funding requested by eligible applicants exceeds the amount of funding available to the department in any given fiscal year, department staff will make recommendations to the director as to allocation of available funding. The department may deny applications for incompleteness or because of insufficient funds.

871—66.4(84F) Program eligibility, application scoring, and awards.

66.4(1) *Program eligibility.*

a. To be considered for an award under this program, an apprenticeship program sponsor must meet the following eligibility requirements:

(1) The apprenticeship sponsor established a new eligible apprenticeable occupation or added an eligible apprenticeable occupation to the apprenticeship sponsor's existing apprenticeship program in the calendar year prior to the application period.

(2) Additional requirements as set out in Iowa Code section 84F.1(3)*"a"*(1) and *"a"*(2).

b. An apprenticeship sponsor receiving financial assistance under Iowa Code chapter 84E or section 84F.2 is ineligible for financial assistance under this chapter during the same fiscal year.

66.4(2) *Application scoring criteria.* Applications for financial assistance under the program shall be reviewed and scored as described below. To be considered eligible for funding, an application must receive a minimum score of 65 out of a possible 100 points and meet all other eligibility criteria specified in these rules. If an applicant does not meet all eligibility requirements, the application will not be scored.

a. Budget and costs. The extent to which the applicant's budget and estimated or real program costs are based on industry standards for the eligible occupation. (maximum 30 points)

b. Application of financial assistance. The applicant has provided specific details regarding the use of funding and how it will be applied. (maximum 30 points)

c. Local support. The applicant has provided documentation of local support from area partners, such as schools, local government entities, and other employers, that may benefit from the apprenticeship program. (maximum 10 points)

d. Additional funding. The department will take into consideration sources of funding for establishing an apprenticeable occupation. Scores will be based on whether the source of funding is public or private, whether the funding is repayable, and the proportion of internal funding to funding from other sources. Higher scores will be awarded if the source of funding is a private entity, if the funding is repayable, and if the amount of internal funding is more than 50 percent of funding needed to establish the apprenticeable occupation. (maximum 10 points)

e. Certification of worker safety. The applicant has not violated state or federal statutes, rules or regulations, including environmental and worker safety regulations, or if such violations have occurred, the violations have been addressed and mitigated. (maximum 10 points)

f. Certification of employment at an Iowa work site. The applicant has certified that the apprentices identified by their U.S. Department of Labor identification numbers and represented in the application are registered with the applying sponsor or lead sponsor's registered apprenticeship program and that each apprentice listed worked some time in Iowa during the prior calendar year. (maximum 10 points)

66.4(3) *Financial assistance awards.* The director will make final funding decisions after considering the recommendations of staff. Successful applicants will be notified in writing of an award of financial assistance, including the conditions and terms of approval.

a. Disbursement of funds. The department will disburse funds to a successful applicant only after approval of a completed application and execution of an agreement between the applicant and the department pursuant to this chapter. Prior to disbursement of funds, the applicant must provide the department with confirmation of expenses detailed in the applicant's budget and the department must confirm that all terms for financial assistance have been met.

b. Form of financial assistance. The department will provide financial assistance in the form of a grant to the applicant. The amount of the grant and any other terms shall be included in the agreement required pursuant to this chapter.

c. Use of funds. An applicant shall use funds only for reimbursement of the costs directly related to the project. The department may require documentation or other information establishing the actual costs incurred for a project. Failure to use the funds for reimbursement of the costs directly related to a project shall be grounds for default under the agreement required pursuant to this chapter.

871—66.5(84F) Agreement required.

66.5(1) Each applicant that is approved for financial assistance under the program shall enter into an agreement with the department for the provision of such financial assistance. The agreement will establish the terms on which the financial assistance is to be provided and may include any other terms reasonably necessary for the efficient administration of the program.

66.5(2) The department and the applicant may amend the agreement at any time upon the mutual agreement of both the department and the applicant.

66.5(3) The agreement may require an applicant that has been approved for financial assistance under the program to submit information reasonably required by the department to make reports to the governor's office or the general assembly.

These rules are intended to implement Iowa Code chapter 84F.

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ARC 9657C

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Adopted and Filed

Rulemaking related to future ready Iowa expanded registered apprenticeship opportunities program

The Workforce Development Department hereby rescinds Chapter 67, "Future Ready Iowa Expanded Registered Apprenticeship Opportunities Program," Iowa Administrative Code, and adopts a new Chapter 67 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 84D and 84F.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 84F.

Purpose and Summary

The purpose of these rules is to clarify and implement the Future Ready Iowa Expanded Registered Apprenticeship Opportunities Program.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on September 3, 2025, as **ARC 9530C**. Public hearings were held on the following date:

- September 23, 2025

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 October 8, 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 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 December 3, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 871—Chapter 67 and adopt the following **new** chapter in lieu thereof:

CHAPTER 67
FUTURE READY IOWA EXPANDED REGISTERED
APPRENTICESHIP OPPORTUNITIES PROGRAM

871—67.1(84F) Purpose. Pursuant to Iowa Code sections 84A.5(5)*"n"* and 84F.2, the department is directed to administer a future ready Iowa expanded registered apprenticeship opportunities program. The purpose of the program is to provide financial assistance to encourage apprenticeship sponsors of apprenticeship programs with 20 or fewer apprentices to maintain apprenticeship programs in high-demand occupations.

871—67.2(84F) Definitions. For purposes of this chapter, unless the context otherwise requires, the following definitions apply. Additional definitions can be found in Iowa Code section 84F.2.

"Agreement" means a contract for financial assistance under the program describing the terms on which the financial assistance is to be provided.

"Director" means the director of the department of workforce development.

871—67.3(84F) Program description.

67.3(1) *Amount, form, and timing of assistance.*

a. Financial assistance received by an apprenticeship sponsor under this chapter shall be used only for the cost of conducting and maintaining an apprenticeship program.

b. Applicants are eligible to apply for grant awards annually based on the number of apprentices in an eligible apprenticeable occupation who are active in their program or who have completed a registered apprenticeship program in the calendar year prior to the applicant window. Applicants will receive $1,000 per active or completed apprentice in their program, up to $20,000.

67.3(2) *Application.*

a. Forms. All applications and other filings related to the program shall be on such forms and in accordance with such instructions as may be established by the department's Notice of Funding Opportunity.

b. Application requirements. An apprenticeship sponsor seeking financial assistance under these rules shall provide the following information to the department:

(1) The address and federal apprentice registration number of each apprentice who was actively training in the apprenticeship program as of December 31 of the year prior to submitting the application or completed training during the calendar year prior to submitting the application.

(2) The address and a description of the physical location where in-person training is conducted.

(3) A certification of the apprenticeship sponsor's training standards as most recently approved by the United States Department of Labor, Office of Apprenticeship, and the Iowa Office of Apprenticeship.

(4) A certification of the apprenticeship sponsor's compliance review or quality assessment as most recently conducted by the United States Department of Labor, Office of Apprenticeship, and the Iowa Office of Apprenticeship unless the apprenticeship sponsor has not been subjected to a compliance review or quality assessment.

(5) A program budget including how financial assistance awarded under the program will be used.

(6) Any other information the department reasonably requires to determine eligibility and to make award determinations.

c. Application period. Each fiscal year during which funding is available, applications for financial assistance will only be accepted between January 1 and February 1 of each calendar year following the start of the fiscal year. The department may adjust these dates under extenuating circumstances and will notify affected parties. The department may add a funding window if available funds are not exhausted during the initial submission window and will publish such application dates on the department's website.

67.3(3) *Application review.* If the amount of funding requested by eligible applicants exceeds the amount of funding available to the department in any given fiscal year, department staff will make recommendations to the director as to allocation of available funding based on the scoring criteria described in subrule 67.4(2). The department may deny applications for incompleteness or because of insufficient funds.

871—67.4(84F) Program eligibility, application scoring, and awards.

67.4(1) *Program eligibility.*

a. To be considered for an award under this program, an apprenticeship program sponsor must meet the following eligibility requirements:

(1) The apprenticeship sponsor has an apprenticeship program with at least one eligible apprenticeable occupation.

(2) Additional requirements as set out in Iowa Code section 84F.1(3)*"a"*(1) and *"a"*(2).

b. An apprenticeship sponsor receiving financial assistance under Iowa Code chapter 84E or section 84F.1 is ineligible for financial assistance under these rules during the same fiscal year.

c. An apprenticeship sponsor who trains through a lead apprenticeship sponsor that qualifies for financial assistance under Iowa Code chapter 84E is ineligible to receive financial assistance under these rules.

67.4(2) *Application scoring criteria.* Applications for financial assistance under the program shall be reviewed and scored as described below. To be considered eligible for funding, an application must receive a minimum score of 65 out of a possible 100 points and meet all other eligibility criteria specified in these rules. If an applicant does not meet all eligibility requirements, the application will not be scored.

a. Budget and costs. The extent to which the applicant's budget and estimated or real program costs are based on industry standards for the eligible occupation. (maximum 30 points)

b. Application of financial assistance. The applicant has provided specific details regarding the use of funding and how it will be applied. (maximum 30 points)

c. Local support. The applicant has provided documentation of local support from area partners, such as schools, local government entities, and other employers, that may benefit from the apprenticeship program. (maximum 10 points)

d. Additional funding. The department will take into consideration sources of funding for establishing an apprenticeable occupation. Scores will be based on whether the source of funding is public or private, whether the funding is repayable, and the proportion of internal funding to funding

from other sources. Higher scores will be awarded if the source of funding is a private entity, if the funding is repayable, and if the amount of internal funding is more than 50 percent of funding needed to establish the apprenticeable occupation. (maximum 10 points)

e. Certification of worker safety. The applicant has not violated state or federal statutes, rules or regulations, including environmental and worker safety regulations, or if such violations have occurred, the violations have been addressed and mitigated. (maximum 10 points)

f. Certification of employment at an Iowa work site. The applicant has certified that the apprentices identified by their U.S. Department of Labor identification numbers and represented in the application are registered with the applying sponsor or lead sponsor's registered apprenticeship program and that each apprentice listed worked some time in Iowa during the prior calendar year. (maximum 10 points)

67.4(3) *Financial assistance awards.*

a. Director approval. The director will make final funding decisions after considering the recommendations of staff. Successful applicants will be notified in writing of an award of financial assistance, including the conditions and terms of approval.

b. Disbursement of funds. The department will disburse funds to a successful applicant only after approval of a completed application and execution of an agreement between the applicant and the department pursuant to this chapter. Prior to disbursement of funds, the applicant must provide the department with confirmation of expenses and the department must confirm that all terms for financial assistance have been met.

c. Form of financial assistance. The department will provide financial assistance in the form of a grant to the applicant. The amount of the grant and any other terms shall be included in the agreement required pursuant to this chapter.

d. Use of funds. An applicant shall use funds only for reimbursement of the costs directly related to the project. The department may require documentation or other information establishing the actual costs incurred for a project. Failure to use the funds for reimbursement of the costs directly related to a project shall be grounds for default under the agreement required pursuant to this chapter.

871—67.5(84F) Agreement required.

67.5(1) Each applicant that is approved for financial assistance under the program shall enter into an agreement with the department for the provision of such financial assistance. The agreement will establish the terms on which the financial assistance is to be provided and may include any other terms reasonably necessary for the efficient administration of the program.

67.5(2) The department and the applicant may amend the agreement at any time upon the mutual agreement of both the department and the applicant.

67.5(3) The agreement may require an applicant that has been approved for financial assistance under the program to submit information reasonably required by the department to make reports to the governor's office or the general assembly.

These rules are intended to implement Iowa Code chapter 84F.

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