



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, July 13, 2026, at 10 a.m. in Room 116, State Capitol, Des Moines, Iowa. For more information, contact Jack Ewing at jack.ewing@legis.iowa.gov. The following rules will be reviewed:

ADMINISTRATIVE SERVICES DEPARTMENT[11]

Employee paid leave, 63.3(4), 63.21 Filed **ARC 0388D** 6/24/26

APPEAL BOARD, STATE[543]

MANAGEMENT DEPARTMENT[541]"umbrella"

Contested cases, ch 2506 Notice **ARC 0341D** Filed Emergency **ARC 0340D** 6/10/26

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Description of organization, rescind ch 1 Notice **ARC 0362D** 6/10/26

Application procedures, ch 2 Notice **ARC 0361D** 6/10/26

State banking council, rescind ch 4 Notice **ARC 0363D** 6/10/26

General banking powers; approved rating services, ch 8 Notice **ARC 0360D** 6/10/26

Investment and lending powers, ch 9 Notice **ARC 0359D** 6/10/26

Regulated loans, ch 15 Notice **ARC 0358D** 6/10/26

Industrial loans, ch 16 Notice **ARC 0365D** 6/10/26

Delayed deposit services, ch 17 Notice **ARC 0364D** 6/10/26

Mortgage bankers, mortgage brokers, and real estate closing agents, ch 18 Notice **ARC 0367D** 6/10/26

Mortgage loan originators, ch 19 Notice **ARC 0366D** 6/10/26

Debt management, ch 20 Notice **ARC 0368D** 6/10/26

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Rules and operation for the state board, rescind ch 2 Filed **ARC 0345D** 6/10/26

Local foster care review boards, rescind ch 3 Filed **ARC 0346D** 6/10/26

Court appointed special advocate program, rescind ch 4 Filed **ARC 0343D** 6/10/26

CITY FINANCE COMMITTEE[545]

MANAGEMENT DEPARTMENT[541]"umbrella"

Operations of city finance committee, ch 1 Filed **ARC 0389D** 6/24/26

Budget amendments and fund transfers, ch 2 Filed **ARC 0390D** 6/24/26

Budget forms, ch 3 Filed **ARC 0391D** 6/24/26

Employee benefits, ch 4 Filed **ARC 0392D** 6/24/26

Law enforcement officer training reimbursement, adopt ch 5; rescind ch 9 Filed **ARC 0393D** 6/24/26

Tax rate suspension appeal, adopt ch 6; rescind ch 10 Filed **ARC 0394D** 6/24/26

CIVIL RIGHTS, OFFICE OF[161]

Contested cases, ch 2506 Notice **ARC 0378D** Filed Emergency **ARC 0377D** 6/24/26

CORRECTIONS DEPARTMENT[201]

Uniform rules on agency procedure, rescind ch 5; adopt chs 2501, 2504 to 2506 Notice **ARC 0329D** Filed

Emergency **ARC 0328D** 6/10/26

ECONOMIC DEVELOPMENT AUTHORITY[261]

Historic preservation tax credit, ch 49 Filed **ARC 0336D** 6/10/26

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Solid waste management, adopt ch 102; rescind chs 108, 116 to 118, 120 to 122 Amended Notice **ARC 0356D** 6/10/26

Technical standards and corrective action requirements for owners and operators of underground storage tanks,
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Historic preservation and cultural and entertainment district tax credits, rescind ch 48 Filed **ARC 0337D** 6/10/26

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Unholstered weapons detection system—transitional compliance, retroactive approval,

13.1(4), 13.2(3) Filed **ARC 0395D** 6/24/26

HUMAN RIGHTS DEPARTMENT[421]

Agency realignment, rescind chs 1, 20 to 23, 25 Notice **ARC 0382D** 6/24/26

HUMAN SERVICES DEPARTMENT[441]

Developmental disabilities basic state grant, ch 38 Filed **ARC 0347D** 6/10/26

Community services block grant (CSBG), ch 58 Notice **ARC 0381D** 6/24/26

Low-income home energy assistance program (LIHEAP), ch 59 Notice **ARC 0383D** 6/24/26

Weatherization, ch 63 Notice **ARC 0384D** 6/24/26

Individual development account (IDA), ch 64 Notice **ARC 0379D** 6/24/26

Medicaid for employed people with disabilities program—premium amounts, 75.6(6)“b”(4) Filed **ARC 0396D** 6/24/26

Family-life homes, ch 111 Filed **ARC 0348D** 6/10/26

Record check evaluations for certain employers and educational training programs, ch 119 Filed **ARC 0349D** 6/10/26

IV-A emergency assistance program, ch 133 Notice **ARC 0380D** 6/24/26

Quality improvement initiative grants, ch 166 Notice **ARC 0350D** 6/10/26

Individual and family direct support, rescind ch 184 Filed **ARC 0397D** 6/24/26

INSPECTIONS AND APPEALS DEPARTMENT[481]

Elevator safety board uniform rules on agency procedure—waivers, contested cases,

365.5 to 365.7 Notice **ARC 0371D** Filed Emergency **ARC 0372D** 6/24/26

INSURANCE DIVISION[191]

INSURANCE AND FINANCIAL SERVICES DEPARTMENT[181]“umbrella”

Contested cases, ch 2506 Notice **ARC 0386D** Filed Emergency **ARC 0385D** 6/24/26

LAW ENFORCEMENT ACADEMY[501]

Modifications to uniform rules—rule waivers, fair information practices, contested cases,

chs 2504 to 2506 Notice **ARC 0369D** Filed Emergency **ARC 0370D** 6/24/26

PUBLIC HEALTH DEPARTMENT[641]

General provisions for radiation and radiation protection standards, ch 37 Filed **ARC 0387D** 6/24/26

PUBLIC SAFETY DEPARTMENT[661]

Declaratory orders, ch 2503 Notice **ARC 0334D** Filed Emergency **ARC 0333D** 6/10/26

RECORDS COMMISSION[671]

Organization and state records manual, ch 1 Filed **ARC 0398D** 6/24/26

Records series retention and disposition schedules process, ch 2 Filed **ARC 0399D** 6/24/26

Permanent records—transfer process, care, and access, adopt ch 3; rescind chs 7, 8 Filed **ARC 0400D** 6/24/26

Development process for government information policies, standards, and guidelines, adopt ch 4; rescind

ch 14 Filed **ARC 0401D** 6/24/26

Temporary records—access process, destruction process; e-mail retention, rescind chs 5, 6, 15 Filed **ARC 0402D** 6/24/26

REVENUE DEPARTMENT[701]

Fiduciary income tax, ch 700 Filed **ARC 0403D** 6/24/26

SECRETARY OF STATE[721]

Electronic poll books—temporary certification for vendors, 22.600 to 22.603 Filed **ARC 0335D** 6/10/26

STATE PUBLIC DEFENDER[493]

INSPECTIONS AND APPEALS DEPARTMENT[481]“umbrella”

Public records and fair information practices, rescind ch 4; adopt ch 2505 Notice **ARC 0326D** Filed

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TRANSPORTATION DEPARTMENT[761]

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Motor carrier regulations—update of adoption by reference of federal regulations, 529.1 Notice **ARC 0374D** 6/24/26
 Commercial driver licensing, amendments to ch 607 Notice **ARC 0373D** 6/24/26
 Contested cases, ch 2506 Filed Emergency **ARC 0338D** 6/10/26

UTILITIES COMMISSION[199]

Uniform rules on agency procedure, amend ch 1; rescind ch 7; adopt chs 2505, 2506 Notice **ARC 0376D** Filed Emergency **ARC 0375D** 6/24/26
 Electric line franchise process; Iowa electrical safety code, 11.5(1), 25.1(4), 25.2(5), 25.6 Filed **ARC 0404D** 6/24/26

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 Iowa national service corps program, ch 14 Notice **ARC 0354D** 6/10/26

ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

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

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 Chair
 Senate District 26

Representative Chad Ingels
 Vice Chair
 House District 68

Senator Mike Bousset
 Senate District 21

Representative Austin Harris
 House District 26

Senator Dan Dawson
 Senate District 10

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Schedule for Rulemaking—2026

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

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

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

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

The 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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RA 26-110

COMMUNICATIONS NETWORK, IOWA[751]**Regulatory Analysis**

Notice of Intended Action to be published: 751—Chapter 1
“Description of Organization”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 8D

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:

July 15, 2026
1 to 2 p.m.

ICN Director’s Conference Room
Grimes State Office Building
Des Moines, Iowa

Public Comment

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

Lori Larsen
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.725.4713
Email: lori.larsen@icn.state.ia.us or lori.larsen@iowa.gov

Purpose and Summary

Pursuant to Executive Order 10, the agency proposes to rescind Chapter 1 and adopt a new chapter in lieu thereof. The chapter describes the structure and guidelines in which the statewide network is administered throughout the State. This proposed rulemaking eliminates language that is overly restrictive or obsolete and shortens the chapter.

*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 associated with the proposed rulemaking.

• Classes of persons that will benefit from the proposed rulemaking:

All individuals within the State benefit from a well-run and organized State communications network.

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; this chapter simply provides organizational structure for the agency.

• Qualitative description of impact:

The qualitative impact is positive; the rulemaking simplifies the regulatory environment by removing obsolete language and providing clearer guidance on network organizational structure.

3. Costs to the State:

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

There are no costs to the State or the agency associated with this rulemaking.

• **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues.

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

This rulemaking has no costs associated with it and ensures the agency has a basic structure.

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

The agency seeks to implement these rules in a minimally intrusive and minimally prescriptive manner while still fulfilling the responsibilities of maintaining a well-run State communications network.

6. Alternative methods considered by the agency:

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

No other methods were considered because the proposed rulemaking is necessary to comply with the Executive Order 10 mandate to streamline and modernize existing rules.

• **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?

There is no expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 751—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1
DESCRIPTION OF ORGANIZATION

751—1.1(17A,8D) Purpose. The Iowa telecommunications and technology commission and Iowa communications network manages, develops, operates, and ensures compatibility of the state communications network (network) as established by Iowa Code chapter 8D.

751—1.2(17A,8D) Organization. The commission's structure consists of five commissioners and the state auditor and the chief information officer as ex officio members. The commission has the sole authority to manage, develop, operate, and ensure compatibility of the network. The network is supervised by the commission and operated by the executive director or the director's designee.

751—1.3(17A,8D) Location of offices.

1.3(1) Main office. The main office is located in the Grimes State Office Building, 400 East 14th Street, Des Moines, Iowa 50319.

1.3(2) Network hub. The hub for the network is located in the Joint Forces Headquarters (JFHQ) Armory, 6100 NW 78th Avenue, Johnston, Iowa 50131.

751—1.4(17A,8D) Business hours. The business hours of the main office are 8 a.m. to 4:30 p.m., Monday through Friday, excluding holidays.

These rules are intended to implement Iowa Code sections 8D.1, 8D.3, and 8D.4.

RA 26-111

COMMUNICATIONS NETWORK, IOWA[751]**Regulatory Analysis**

Notice of Intended Action to be published: 751—Chapters 2 and 2505
“Public Records and Fair Information Practices”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 8D

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:

July 15, 2026
1 to 2 p.m.

ICN Director’s Conference Room
Grimes State Office Building
Des Moines, Iowa

Public Comment

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

Lori Larsen
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.725.4713
Email: lori.larsen@icn.state.ia.us or lori.larsen@iowa.gov

Purpose and Summary

Pursuant to Executive Order 10, the agency proposes to rescind Chapter 2 and move the content to a new Chapter 2505. The chapter describes the public records and fair information practices (in addition to 7—Chapter 2505) and personally identifiable information guidelines.

*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 associated with the proposed rulemaking.

• Classes of persons that will benefit from the proposed rulemaking:

All individuals within the State benefit from a well-run and organized State communications network.

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.

• Qualitative description of impact:

The qualitative impact is positive; the rulemaking simplifies the regulatory environment by removing obsolete language.

3. **Costs to the State:**

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

There are no costs to the State or the agency associated with this rulemaking.

- **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues.

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

Not applicable.

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

The agency seeks to implement these rules in a minimally intrusive and minimally prescriptive manner while still fulfilling the responsibilities of maintaining a well-run State communications network.

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

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

No other methods were considered because the proposed rulemaking is necessary to comply with the Executive Order 10 mandate to streamline and modernize existing rules.

- **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 rulemaking does not have a impact on small business. As such, the methods for reducing the impact on small business are not applicable.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **751—Chapter 2**.

ITEM 2. Adopt the following **new** 751—Chapter 2505:

CHAPTER 2505

FAIR INFORMATION PRACTICES

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

751—2505.9(8D) Additional definitions. As used in this chapter:

“*Customer proprietary network information*” or “*CPNI*” means information that relates to the quantity, technical configuration, type, destination, location, and amount of use of a telecommunications service subscribed to by any customer of a telecommunications carrier, as defined in 47 U.S.C. §222(h)(1).

“*Personally identifiable information*” or “*PII*” means information about or pertaining to an individual in a record that identifies the individual and that is contained in a record system.

751—2505.10(8D) Personally identifiable information and customer proprietary network information. This rule describes the nature and extent of personally identifiable information and CPNI that is collected, maintained, and retrieved by the agency. The commission maintains the following primary records in systems:

2505.10(1) Personnel and payroll records. The agency maintains files containing information about employees, applicants, and dependents. The files include payroll records, biographical information, medical information, and performance reviews. These records are generally confidential pursuant to Iowa Code section 22.7(11).

2505.10(2) Commission and advisory board records. These records contain information about commission and board members, including biographical and contact information. Portions of these records may be confidential.

2505.10(3) Vendor, contractor, and authorized user files. These files contain information about individuals who do business with the agency or represent authorized users, including contact information, billing records, and related correspondence.

2505.10(4) Telecommunications and network data. The agency collects and maintains CPNI to route traffic, bill for services, and manage network operations. Consistent with federal law, CPNI is strictly confidential and shall not be disclosed to the public under Iowa Code chapter 22, except as expressly authorized by the customer or required by law enforcement.

2505.10(5) Litigation, contested case, and administrative files. These files contain information regarding litigation, rate disputes, vendor appeals, or administrative claims involving the agency. These records may contain confidential information protected by attorney-client privilege or Iowa Code section 22.7.

These rules are intended to implement Iowa Code sections 8D.3 and 17A.24.

RA 26-112

COMMUNICATIONS NETWORK, IOWA[751]**Regulatory Analysis**

Notice of Intended Action to be published: 751—Chapter 5
“Purchasing”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 8D

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:

July 15, 2026
1 to 2 p.m.

ICN Director’s Conference Room
Grimes State Office Building
Des Moines, Iowa

Public Comment

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

Lori Larsen
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.725.4713
Email: lori.larsen@icn.state.ia.us or lori.larsen@iowa.gov

Purpose and Summary

Pursuant to Executive Order 10, the agency proposes to rescind Chapter 5 and adopt a new chapter in lieu thereof. The chapter describes the purchasing structure and guidelines in which the statewide network is administered throughout the State. This proposed rulemaking eliminates language that is overly restrictive or obsolete and shortens the chapter.

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 associated with the proposed rulemaking.
 - **Classes of persons that will benefit from the proposed rulemaking:**
All individuals within the State benefit from a well-run and organized State communications network.
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; this chapter simply provides purchasing structure for the agency.
 - **Qualitative description of impact:**

The qualitative impact is positive; the rulemaking simplifies the regulatory environment by removing obsolete language and providing clearer guidance on the agency's purchasing structure.

3. Costs to the State:

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

There are no costs to the State or the agency associated with this rulemaking.

• **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues.

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

This rulemaking has no costs associated with it and ensures the agency has a basic structure.

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

The agency seeks to implement these rules in a minimally intrusive and minimally prescriptive manner while still fulfilling the responsibilities of maintaining a well-run State communications network.

6. Alternative methods considered by the agency:

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

No other methods were considered because the proposed rulemaking is necessary to comply with the Executive Order 10 mandate to streamline and modernize existing rules.

• **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?

There is no expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 751—Chapter 5 and adopt the following **new** chapter in lieu thereof:

CHAPTER 5
PURCHASING

751—5.1(8D) Applicability of competitive bidding.

5.1(1) Thresholds. The commission shall use the following competitive bidding thresholds for the purchase of goods and services:

a. Direct purchasing, tier 1. The commission may purchase goods and services costing less than \$15,000 without competitive bidding, using reasonable efforts to obtain the best price and value.

b. Informal competition, tier 2. The commission shall use informal competition, soliciting quotes from at least three vendors, for purchases where:

(1) The estimated cost is between \$15,000 and \$50,000; or

(2) The estimated value of a multiyear contract in the aggregate, including renewals, does not exceed \$150,000.

c. Formal competition, tier 3. The commission shall use formal competitive bidding for purchases where:

(1) The estimated cost exceeds \$50,000; or

(2) The estimated value of a multiyear contract in the aggregate, including renewals, exceeds \$150,000.

5.1(2) *Determination of cost.* The estimated total cost of a purchase shall be the aggregate cost of the purchase, including freight and installation but excluding the cost of any existing hardware or software maintenance renewals if such renewals are sole-source by nature. Contracts shall not be artificially divided to avoid competitive bidding thresholds.

5.1(3) *Exemptions.* Competitive bidding is not required for:

a. Sole source, when the executive director or designee determines that:

(1) The goods or services are available from only a single source;

(2) Immediate action is required to prevent a service outage; protect network security; or avoid immediate threat to public health, safety, or welfare;

(3) The procurement is for the network and must be compatible with existing systems and compatibility is the overriding consideration;

(4) The procurement is for the upgrade, maintenance, or renewal of existing software or hardware;

(5) The goods or services involve work of such a specialized nature or related to a specific geographic location that only a single source, by virtue of experience, expertise, proximity to the project, or ownership of intellectual property rights, could satisfactorily provide the service;

(6) The commission is purchasing directly from the original equipment manufacturer (OEM); or

(7) The commission is hiring legal counsel, expert witnesses, or consultants to assist in legal proceedings, including testifying or assisting in the preparation of quasijudicial or judicial proceedings.

b. Shared contracts, when the commission purchases from contracts let by the department of administrative services, the department of management, the federal government, or other governmental entities.

751—5.2(8D) Methods of procurement.

5.2(1) *Informal competition.* For procurements requiring informal competition under paragraph 5.1(1)“*b*”:

a. The commission shall attempt to solicit quotes or proposals from at least three qualified vendors.

b. The solicitation may be conducted via electronic mail or telephone.

c. Public notice is not required.

5.2(2) *Formal competition.* For procurements requiring formal competition under paragraph 5.1(1)“*c*”:

a. *Notice.* The commission shall also comply with legal requirements for notifying targeted small businesses. Notice of the solicitation shall be posted on the state’s centralized bidding website or the commission’s website not less than ten days prior to the submission deadline.

b. *Evaluation.*

(1) When an Invitation to Bid is used, the contract shall be awarded to the lowest cost responsible bidder who meets the specifications.

(2) When a Request for Proposals is used, the contract shall be awarded to the vendor offering the best value based on the evaluation criteria identified in the solicitation.

c. Negotiation. The commission reserves the right to negotiate with the highest-ranked vendor or request a best and final offer (BAFO) from finalists.

5.2(3) Auctions. The commission may purchase goods or services through:

a. Electronic auctions, including reverse auctions where vendors bid down the price in real time.

b. Standard auctions, when purchasing new or used equipment or materials, provided the auction is conducted by a reputable organization.

5.2(4) Purchasing cooperatives and consortiums. The commission may join public or private purchasing cooperatives or consortiums to reduce costs for the network and authorized users. The commission may purchase goods and services through these entities without conducting a separate competitive bidding process, provided the cooperative or consortium utilized a competitive procurement procedure.

751—5.3(8D) Master agreements.

5.3(1) Purpose. To reduce administrative costs and improve efficiency, the commission may enter into master agreements (blanket purchase agreements) for goods or services that are purchased repeatedly.

5.3(2) Competition. A master agreement shall be established through any manner deemed appropriate by the commission, using the methods of procurement identified within rule 751—5.2(8D) or sole source as allowed by subrule 5.1(3).

5.3(3) Ordering. Once a master agreement is established, individual purchase orders may be issued to the contracted vendor without further competition for the duration of the agreement.

751—5.4(8D) Agency rights and vendor performance.

5.4(1) Rejection of bids. The commission reserves the right to reject any or all bids or proposals at any time prior to the execution of a contract. The commission may reject a bid for any reason, including but not limited to:

- a.* The financial insecurity of the vendor.
- b.* Failure to meet the specifications or terms of the solicitation.
- c.* Evidence of unfair bidding procedures or collusion.
- d.* Cancellation of the project or insufficient funds.
- e.* When the best interests of the commission will be served by rejection.

5.4(2) Suspension and debarment. The commission may suspend or debar a vendor from participating in future solicitations if the vendor has demonstrated a failure to perform or other serious misconduct.

a. Causes. Causes for suspension or debarment include:

- (1) Material failure to perform in accordance with the terms of a previous contract;
- (2) Failure to deliver goods or services on time;
- (3) Attempts to influence the decision of any commission employee involved in the procurement process;
- (4) Debarment by the federal government or another state agency;

b. Process. The commission shall notify the vendor of the intent to suspend or debar and provide an opportunity to respond. The suspension or debarment shall be for a specific period of time commensurate with the severity of the offense.

751—5.5(8D) Vendor appeals. 7—Chapter 2506 applies to contested case proceedings conducted by the agency, including vendor appeals.

These rules are intended to implement Iowa Code sections 8D.3(3) “b” and 8D.11.

RA 26-113**COMMUNICATIONS NETWORK, IOWA[751]****Regulatory Analysis**

Notice of Intended Action to be published: 751—Chapter 7
“Authorized Use and Users”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 8D
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:

July 15, 2026
1 to 2 p.m.

ICN Director’s Conference Room
400 East 14th Street
Des Moines, Iowa 50319

Public Comment

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

Lori Larsen
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.725.4713
Email: lori.larsen@icn.state.ia.us or lori.larsen@iowa.gov

Purpose and Summary

Pursuant to Executive Order 10, the agency proposes to rescind Chapter 7 and adopt a new chapter in lieu thereof. The chapter describes the authorized use and users of the statewide network. This proposed rulemaking eliminates language that is overly restrictive or obsolete and shortens the chapter.

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 associated with the proposed rulemaking.
 - **Classes of persons that will benefit from the proposed rulemaking:**
All individuals within the State benefit from a well-run and organized State communications network.
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; this chapter simply provides authorized use and users structure for the agency.
 - **Qualitative description of impact:**

The qualitative impact is positive; the rulemaking simplifies the regulatory environment by removing obsolete language and providing clearer guidance on authorized use and users structure.

3. Costs to the State:

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

There are no costs to the State or the agency associated with this rulemaking.

• **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues.

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

This rulemaking has no costs associated with it and ensures the agency has a basic structure.

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

The agency seeks to implement these rules in a minimally intrusive and minimally prescriptive manner while still fulfilling the responsibilities of maintaining a well-run State communications network.

6. Alternative methods considered by the agency:

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

No other methods were considered because the proposed rulemaking is necessary to comply with the Executive Order 10 mandate to streamline and modernize existing rules.

• **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?

There is no expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 751—Chapter 7 and adopt the following **new** chapter in lieu thereof:

CHAPTER 7
AUTHORIZED USE AND USERS

751—7.1(8D) Definitions. For the purposes of interpreting these rules, the following definitions are applicable.

“*Authorized facility*” means a site operated by an authorized user that is consistent with the written mission of the authorized user.

“*Authorized use*” means use of the network by an authorized user or by persons acting on behalf of an authorized user as provided in this chapter for the following purposes of the authorized user: (1) state or federal communications as defined in this chapter; (2) education or educational purposes as defined in this chapter; (3) training programs provided under state law and training programs developed by authorized users; (4) telemedicine or related purposes as defined in this chapter; (5) official governmental use by a state agency or a federal agency as defined in this chapter consistent with authorized purposes under applicable state or federal law; (6) establishing and operating a shared data only network for law enforcement, emergency management, disaster services, emergency warning and other emergency information dissemination services to federal, state and local law enforcement agencies and local emergency management offices; or (7) city of Des Moines.

“*Authorized user*” means a private or public agency as defined in Iowa Code section 8D.2.

“*Private agency*” means an accredited nonpublic school, a nonprofit institution of higher education eligible for tuition grants, a hospital licensed pursuant to Iowa Code chapter 135B, or a physician clinic to the extent provided in Iowa Code section 8D.13(13).

“*Public agency*” means a state agency, an institution under the control of the board of regents, the judicial branch as provided in Iowa Code section 8D.13(14), a school corporation, a city library, a regional library as provided in Iowa Code chapter 256, a county library as provided in Iowa Code chapter 336, or an agency of the federal government.

751—7.2(8D) Eligibility.

7.2(1) *Mission-based use.* Use of the network must be consistent with the written mission of the authorized user.

7.2(2) *Unauthorized use.* The network shall not be used for personal, commercial, or political purposes, except as specifically authorized by law.

751—7.3(8D) Authorized facility connectivity.

7.3(1) *Education.* Public and private K-12 schools, area education agencies, and higher education institutions may connect directly to the network.

7.3(2) *State agencies.* State boards, commissions or departments; the Iowa national guard; and the executive, legislative, and judicial branches may connect directly to the network.

7.3(3) *Telemedicine.* Hospitals and physician clinics (as defined in Iowa Code section 8D.13(13)) may connect for telemedicine and educational purposes.

7.3(4) *Federal.* A board, commission, department, or agency of the federal government may connect to the network as provided in Iowa Code section 8D.13(13).

These rules are intended to implement Iowa Code sections 8D.2, 8D.3(1), 8D.3(3) “b,” and 8D.13(14) through 8D.13(17).

RA 26-114

COMMUNICATIONS NETWORK, IOWA[751]**Regulatory Analysis**

Notice of Intended Action to be published: 751—Chapter 9
“Certification of Use and Waivers”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 8D

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:

July 15, 2026
1 to 2 p.m.

ICN Director’s Conference Room
Grimes State Office Building
Des Moines, Iowa 50319

Public Comment

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

Lori Larsen
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.725.4713
Email: lori.larsen@icn.state.ia.us or lori.larsen@iowa.gov

Purpose and Summary

Pursuant to Executive Order 10, the Iowa Communications Network proposes to rescind Chapter 9 and adopt a new chapter in lieu thereof. The chapter describes the certification use and waivers for use of the statewide network. This proposed rulemaking eliminates language that is overly restrictive or obsolete and shortens the chapter.

*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 associated with the proposed rulemaking.

• Classes of persons that will benefit from the proposed rulemaking:

All individuals within the State benefit from a well-run and organized State communications network.

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; this chapter simply provides network use and waivers for the Iowa Communications Network.

• Qualitative description of impact:

The qualitative impact is positive; the rulemaking simplifies the regulatory environment by removing obsolete language and providing clearer guidance on network use and waivers.

3. Costs to the State:

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

There are no costs to the State or the agency associated with this rulemaking.

• **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues.

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

This rulemaking ensures the agency provides a clear, streamlined process and has no costs associated with it.

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

The agency seeks to implement these rules in a minimally intrusive and minimally prescriptive manner while still fulfilling the responsibilities of maintaining a well-run State communications network.

6. Alternative methods considered by the agency:

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

No other methods were considered because the rules are required to establish the basic regulatory framework mandated by Iowa Code chapter 8D.

• **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?

There is no expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 751—Chapter 9 and adopt the following **new** chapter in lieu thereof:

CHAPTER 9
CERTIFICATION OF USE AND WAIVERS

751—9.1(8D) Purpose. This chapter establishes the process for a certifying user, as defined in Iowa Code section 8D.9, to request a waiver to use a telecommunications provider other than the network.

751—9.2(8D) Waiver request process.

9.2(1) *Submission.* A certifying user seeking a waiver from the use of the network shall submit a written request to the commission 15 days prior to a regularly scheduled meeting.

9.2(2) *Content.* The request must include a brief explanation of why the alternative telecommunications service is more cost-effective, is more operationally efficient, or better meets the specific technical needs of the user compared to the services available via the network.

751—9.3(8D) Review and approval.

9.3(1) The commission shall review the waiver request at a regularly scheduled meeting.

9.3(2) If the request demonstrates that the alternative service is in the best operational or financial interest of the certifying user, the commission shall grant the waiver.

9.3(3) A written determination shall be issued to the user following the commission's decision.

These rules are intended to implement Iowa Code sections 8D.3(3) "b" and 8D.9(2) "b."

RA 26-115

COMMUNICATIONS NETWORK, IOWA[751]**Regulatory Analysis**

Notice of Intended Action to be published: 751—Chapter 10
“Acceptable Use and Enforcement”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 8D
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:

July 15, 2026
1 to 2 p.m.

ICN Director’s Conference Room
Grimes State Office Building
Des Moines, Iowa

Public Comment

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

Lori Larsen
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.725.4713
Email: lori.larsen@icn.state.ia.us or lori.larsen@iowa.gov

Purpose and Summary

Pursuant to Executive Order 10, the agency proposes to rescind Chapter 10 and adopt a new chapter in lieu thereof. The chapter describes the acceptable use and enforcement of the statewide network. This proposed rulemaking eliminates language that is overly restrictive or obsolete and shortens the chapter.

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 associated with the proposed rulemaking.
 - **Classes of persons that will benefit from the proposed rulemaking:**
All individuals within the State benefit from a well-run and organized State communications network.
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; this chapter simply provides network enforcement for the agency.
 - **Qualitative description of impact:**

The qualitative impact is positive; the rulemaking simplifies the regulatory environment by removing obsolete language and providing clearer guidance on network enforcement.

3. Costs to the State:

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

There are no costs to the State or the agency associated with this rulemaking.

• **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues.

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

This rulemaking has no costs associated with it and ensures the agency has a basic structure.

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

The agency seeks to implement these rules in a minimally intrusive and minimally prescriptive manner while still fulfilling the responsibilities of maintaining a well-run State communications network.

6. Alternative methods considered by the agency:

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

No other methods were considered because the rules are required to establish the basic regulatory framework mandated by Iowa Code chapter 8D.

• **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?

There is no expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 751—Chapter 10 and adopt the following **new** chapter in lieu thereof:

CHAPTER 10
ACCEPTABLE USE AND ENFORCEMENT

751—10.1(8D) Policy and authorized use.

10.1(1) *Privilege, not a right.* The ability to use the network is a privilege conferred by law to authorized users. It is not a vested property right. The commission may suspend or revoke access for violation of these rules or applicable law.

10.1(2) *Acceptable use.* Authorized users shall ensure that their use of the network complies with all applicable state and federal laws, the written mission of the authorized user, and the commission's acceptable use policies.

751—10.2(8D) Violations. The commission may suspend, revoke, or limit services to an authorized user for any of the following reasons:

- 10.2(1)** Failure to pay for services rendered.
- 10.2(2)** Use of the network for personal, commercial, or political purposes not authorized by law.
- 10.2(3)** Allowing an unauthorized user to access the network.
- 10.2(4)** Violation of the commission's technical standards or security protocols.
- 10.2(5)** Any conduct prejudicial to the security or operation of the network.

751—10.3(8D) Enforcement procedure.

10.3(1) *Notice.* In the event of a violation, the executive director shall provide written notice to the authorized user describing the violation and requesting a remedy.

10.3(2) *Immediate suspension.* The commission may immediately suspend service without prior notice if the violation poses an immediate threat to the security or stability of the network.

10.3(3) *Decertification.* If a violation is not remedied or is habitual, the commission may revoke the user's authorization to connect to the network.

751—10.4(8D) Appeals. An authorized user aggrieved by a suspension or revocation may appeal the decision in accordance with the contested case procedures in 7—Chapter 2506.

751—10.5(8D) Privacy and content monitoring. The commission and its staff shall not monitor the content of transmissions on the network. Monitoring may only occur when necessary to effect trouble isolation and correction or to investigate a security violation or threat to the integrity of the network. Any such monitoring shall be kept to the absolute minimum necessary to resolve the issue.

These rules are intended to implement Iowa Code sections 8D.2, 8D.3(3) "b," 8D.9 and 8D.13(14) through 8D.13(17).

RA 26-116

COMMUNICATIONS NETWORK, IOWA[751]**Regulatory Analysis**

Notice of Intended Action to be published: 751—Chapter 11
“Asset Ownership and Demarcation”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 8D

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:

July 15, 2026
1 to 2 p.m.

ICN Director’s Conference Room
Grimes State Office Building
Des Moines, Iowa

Public Comment

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

Lori Larsen
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.725.4713
Email: lori.larsen@icn.state.ia.us or lori.larsen@iowa.gov

Purpose and Summary

Pursuant to Executive Order 10, the agency proposes to rescind Chapter 11 and adopt a new chapter in lieu thereof. The chapter describes the asset allocation and ownership in which the network is administered throughout the State. This proposed rulemaking eliminates language that is overly restrictive or obsolete and shortens the chapter.

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 associated with the proposed rulemaking.
 - **Classes of persons that will benefit from the proposed rulemaking:**
All individuals within the State benefit from a well-run and organized State communications network.
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; this chapter simply provides organizational structure for the agency.
 - **Qualitative description of impact:**

The qualitative impact is positive; the rulemaking simplifies the regulatory environment by removing obsolete language and providing clearer guidance on asset allocation and ownership for the network.

3. Costs to the State:

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

There are no costs to the State or the agency associated with this rulemaking.

• **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues.

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

This rulemaking has no costs associated with it and ensures the agency has a basic structure.

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

The agency seeks to implement these rules in a minimally intrusive and minimally prescriptive manner while still fulfilling the responsibilities of maintaining a well-run State communications network.

6. Alternative methods considered by the agency:

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

No other methods were considered because the rules are required to establish the basic regulatory framework mandated by Iowa Code chapter 8D.

• **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?

There is no expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 751—Chapter 11 and adopt the following **new** chapter in lieu thereof:

CHAPTER 11
ASSET OWNERSHIP AND DEMARCATION

751—11.1(8D) Asset ownership.

11.1(1) Network backbone. The network backbone (Part I) and the regional aggregation points (Part II) are the property of the state of Iowa and are managed and maintained by the commission.

11.1(2) Last mile connections. Part III connections (the “last mile” to the authorized user) may be owned by the state, leased from private telecommunications providers, or owned by the authorized user.

a. State-owned. Where the commission has constructed and owns the Part III connection, the commission is responsible for maintenance up to the demarcation point.

b. Leased. Where the commission leases the Part III connection from a third-party provider, maintenance and repair responsibilities are governed by the terms of the lease agreement between the commission and the provider.

c. User-owned. Where the authorized user owns the connection (e.g., fiber installed by a school district), the authorized user is solely responsible for maintenance and repair.

751—11.2(8D) Demarcation point.

11.2(1) Definition. The demarcation point (demarc) is the physical point where the commission’s responsibility for the network ends and the authorized user’s responsibility begins.

11.2(2) Location. Unless otherwise specified in a service agreement:

a. Fiber connections. The demarc is the termination panel or optical network terminal (ONT) installed by the commission at the authorized user’s facility.

b. Equipment. The commission retains ownership and maintenance responsibility for the electronics (routers, switches) provided by the commission to deliver service up to the hand-off port on that device.

11.2(3) Internal wiring. The authorized user is responsible for all internal building wiring, cabling, cross-connects, and power beyond the demarcation point.

751—11.3(8D) Equipment return and liability.

11.3(1) Access. Upon the termination of service, the authorized user shall permit the commission reasonable access to the premises to remove state-owned equipment.

11.3(2) Liability. The authorized user constitutes a bailee of state property located on the user’s premises. The authorized user shall be liable for the cost of repair or replacement of any state-owned equipment that is lost, stolen, or damaged due to the negligence or willful misconduct of the user or its agents.

751—11.4(8D) Surplus property. The commission shall dispose of obsolete or excess network assets in accordance with rule 751—17.3(8D).

These rules are intended to implement Iowa Code section 8D.3.

RA 26-117

COMMUNICATIONS NETWORK, IOWA[751]**Regulatory Analysis**

Notice of Intended Action to be published: 751—Chapter 12
“Rates and Rate Disputes”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 8D

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:

July 15, 2026
1 to 2 p.m.

ICN Director’s Conference Room
Grimes State Office Building
Des Moines, Iowa

Public Comment

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

Lori Larsen
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.725.4713
Email: lori.larsen@icn.state.ia.us or lori.larsen@iowa.gov

Purpose and Summary

Pursuant to Executive Order 10, the agency proposes to rescind Chapter 12 and adopt a new chapter in lieu thereof. The chapter describes the rates and rate disputes for the statewide network. This proposed rulemaking eliminates language that is overly restrictive or obsolete and shortens the chapter.

*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 associated with the proposed rulemaking.

• Classes of persons that will benefit from the proposed rulemaking:

All individuals within the State benefit from a well-run and organized State communications network.

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; this chapter simply provides organizational structure for the agency.

• Qualitative description of impact:

The qualitative impact is positive; the rulemaking simplifies the regulatory environment by removing obsolete language and providing clearer guidance on rates and rate disputes.

3. Costs to the State:

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

There are no costs to the State or the agency associated with this rulemaking.

• **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues.

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

This rulemaking has no costs associated with it and ensures the agency has a basic structure.

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

The agency seeks to implement these rules in a minimally intrusive and minimally prescriptive manner while still fulfilling the responsibilities of maintaining a well-run State communications network.

6. Alternative methods considered by the agency:

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

No other methods were considered because the rules are required to establish the basic regulatory framework mandated by Iowa Code chapter 8D.

• **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?

There is no expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 751—Chapter 12 and adopt the following **new** chapter in lieu thereof:

CHAPTER 12
RATES AND RATE DISPUTES

751—12.1(8D) Rate methodology.

12.1(1) Cost recovery. The commission shall establish rates for all services based on the actual cost of operation, maintenance, administration, and capital investment required to provide the service. Rates shall be designed to be self-sustaining and consistent with the state's financial capacity.

12.1(2) *Educational priority.* In establishing rates for educational users, the commission shall ensure that rural communities have access to services comparable to those provided in urban areas, consistent with Iowa Code section 8D.3(1)“a.”

12.1(3) *Federal and health users.* Rates for federal agencies, hospitals, and physician clinics shall be established at a level that ensures, at a minimum, there is no state subsidy related to the cost of the connection or use of the network, consistent with Iowa Code section 8D.3(3)“i.”

751—12.2(8D) Rate increase notice. The commission shall provide notice to authorized users of any general rate increase at least 30 days prior to the effective date of the increase.

751—12.3(8D) Rate dispute resolution.

12.3(1) *Review.* An authorized user who believes the user has been billed an incorrect rate or charge may request a review by the executive director. The request must be in writing and include the specific invoice and the basis for the dispute.

12.3(2) *Determination.* The executive director or designee shall review the dispute and issue a written decision to the authorized user.

12.3(3) *Appeal.* If the authorized user is dissatisfied with the executive director’s decision, the user may file a notice of appeal in accordance with the contested case procedures in 7—Chapter 2506.

These rules are intended to implement Iowa Code section 8D.3.

RA 26-118

COMMUNICATIONS NETWORK, IOWA[751]**Regulatory Analysis**

Notice of Intended Action to be published: 751—Chapters 13 and 15
 “Site Charges and Other Fees; Advisory Councils, Committees and Groups”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 8D

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:

July 15, 2026
 1 to 2 p.m.

ICN Director’s Conference Room
 Grimes State Office Building
 Des Moines, Iowa

Public Comment

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

Lori Larsen
 400 East 14th Street
 Des Moines, Iowa 50319
 Phone: 515.725.4713
 Email: lori.larsen@icn.state.ia.us or lori.larsen@iowa.gov

Purpose and Summary

Pursuant to Executive Order 10, the Iowa Communications Network proposes to rescind Chapter 13 (“Site Charges and Other Fees”) and Chapter 15 (“Advisory Councils, Committees and Groups”), which will eliminate language that is obsolete.

*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 associated with the proposed rulemaking.

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

All individuals within the State benefit from a well-run and organized State communications network.

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; the rescissions remove obsolete organizational language that no longer reflects current agency operations.

- **Qualitative description of impact:**

The qualitative impact is positive; the rulemaking simplifies the regulatory environment by removing obsolete language.

3. Costs to the State:

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

There are no costs to the State or the agency associated with this rulemaking.

• **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues.

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

This rulemaking ensures the agency removes obsolete language and has no costs associated with it.

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

The agency seeks to remove obsolete language from the rules in a minimally intrusive and minimally prescriptive manner, while still fulfilling the responsibilities of maintaining a well-run State communications network.

6. Alternative methods considered by the agency:

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

No other methods were considered because the proposed rulemaking is necessary to comply with the Executive Order 10 mandate to streamline and modernize existing rules.

• **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?

There is no expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **751—Chapter 13**.

ITEM 2. Rescind and reserve **751—Chapter 15**.

RA 26-119**COMMUNICATIONS NETWORK, IOWA[751]****Regulatory Analysis**

Notice of Intended Action to be published: 751—Chapter 14
“Access to Facilities”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 8D
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:

July 15, 2026
1 to 2 p.m.

ICN Director’s Conference Room
Grimes State Office Building
Des Moines, Iowa

Public Comment

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

Lori Larsen
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.725.4713
Email: lori.larsen@icn.state.ia.us or lori.larsen@iowa.gov

Purpose and Summary

Pursuant to Executive Order 10, the agency proposes to rescind Chapter 14 and adopt a new chapter in lieu thereof. The chapter describes the access to facilities and guidelines in which the statewide network is administered throughout the State. This proposed rulemaking eliminates language that is overly restrictive or obsolete and shortens the chapter.

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 associated with the proposed rulemaking.
 - **Classes of persons that will benefit from the proposed rulemaking:**
All individuals within the State benefit from a well-run and organized State communications network.
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.
 - **Qualitative description of impact:**

The qualitative impact is positive; the rulemaking simplifies the regulatory environment by removing obsolete language and providing clearer guidance on the access to facilities.

3. Costs to the State:

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

There are no costs to the State or the agency associated with this rulemaking.

- **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues.

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

This rulemaking has no costs associated with it and ensures the agency has a basic structure.

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

The agency seeks to implement these rules in a minimally intrusive and minimally prescriptive manner while still fulfilling the responsibilities of maintaining a well-run State communications network.

6. Alternative methods considered by the agency:

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

No other methods were considered because the proposed rulemaking is necessary to comply with the Executive Order 10 mandate to streamline and modernize existing rules.

- **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 rules govern internal facility access and do not impose requirements on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 751—Chapter 14 and adopt the following **new** chapter in lieu thereof:

CHAPTER 14
ACCESS TO FACILITIES

751—14.1(8D) Purpose and scope. The purpose of this chapter is to protect the integrity, security, and reliability of the network by regulating access to commission-owned or operated facilities, including network hubs, regeneration sites, and equipment rooms.

751—14.2(8D) Authorized access. Access to commission facilities is restricted to:

14.2(1) Commission employees and agents acting within the scope of their employment.

14.2(2) Authorized vendors and contractors who have a valid contract or service agreement with the commission.

14.2(3) Colocation partners as defined in a written colocation agreement.

14.2(4) Emergency response personnel.

751—14.3(8D) Security procedures.

14.3(1) Credentials. All individuals entering a commission facility must possess valid identification and commission-issued credentials (key card, key, or access code). Credentials are nontransferable and shall not be shared or loaned.

14.3(2) Background checks. The commission reserves the right to require criminal history background checks for any nonemployee requesting access to critical infrastructure.

14.3(3) Logs. All entry and exit from commission facilities shall be logged. Use of a monitored electronic access control system satisfies this requirement.

751—14.4(8D) Vendor and colocation access.

14.4(1) Authorization. In support of the commission, third-party vendors and colocation partners may be granted access to specific facilities for the installation, maintenance, or removal of their equipment.

14.4(2) Liability. Any vendor or colocation partner entering a commission facility assumes full liability for any damage caused to the network, the facility, or the equipment of other tenants by the vendor's or colocation partner's employees or agents.

14.4(3) Revocation. The commission may immediately revoke access privileges for any individual who violates security protocols or endangers the network.

These rules are intended to implement Iowa Code section 8D.3.

RA 26-120

COMMUNICATIONS NETWORK, IOWA[751]**Regulatory Analysis**

Notice of Intended Action to be published: 751—Chapter 17
“Miscellaneous”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 8D
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:

July 15, 2026
1 to 2 p.m.

ICN Director’s Conference Room
Grimes State Office Building
Des Moines, Iowa

Public Comment

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

Lori Larsen
400 East 14th Street
Des Moines, Iowa 50319
Phone: 515.725.4713
Email: lori.larsen@icn.state.ia.us or lori.larsen@iowa.gov

Purpose and Summary

Pursuant to Executive Order 10, the agency proposes to rescind Chapter 17 and adopt a new chapter in lieu thereof. The chapter describes the miscellaneous guidelines for specific administrative, operational, and financial functions of the statewide fiber optic network. This proposed rulemaking eliminates language that is overly restrictive or obsolete and shortens the chapter.

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 associated with the proposed rulemaking.
 - **Classes of persons that will benefit from the proposed rulemaking:**
All individuals within the State benefit from a well-run and organized State communications network.
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.
 - **Qualitative description of impact:**

The qualitative impact is positive; the rulemaking simplifies the regulatory environment by removing obsolete language and providing clearer guidance for specific administrative, operational, and financial functions of the agency.

3. **Costs to the State:**

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

There are no costs to the State or the agency associated with this rulemaking.

• **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues.

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

Not applicable.

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

The agency seeks to implement these rules in a minimally intrusive and minimally prescriptive manner while still fulfilling the responsibilities of maintaining a well-run State communications network.

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

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

No other methods were considered because the proposed rulemaking is necessary to comply with the Executive Order 10 mandate to streamline and modernize existing rules.

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

Not applicable.

Small Business Impact

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

• Establish less stringent compliance or reporting requirements in the rulemaking for small business.

• Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

• Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

• Establish performance standards to replace design or operational standards in the rulemaking for small business.

• Exempt small business from any or all requirements of the rulemaking.

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

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Rescind 751—Chapter 17 and adopt the following **new** chapter in lieu thereof:

CHAPTER 17
MISCELLANEOUS

751—17.1(8D) Purpose. This chapter outlines specific administrative, operational, and financial functions of the agency, including asset disposal, network topology definitions, shared use agreements, and billing services.

751—17.2(8D) Network parts and right-of-way. The agency shall manage and operate the state communications network, which consists of Part I, Part II, and Part III fiber optic infrastructure as defined in Iowa Code section 8D.13. To facilitate the maintenance and expansion of these network parts, the executive director may negotiate and enter into necessary space and right-of-way agreements.

751—17.3(8D) Transfer and disposal of assets.

17.3(1) The executive director may dispose of property or equipment under the agency's ownership or control when the property or equipment becomes unnecessary, obsolete, or unfit for further use.

17.3(2) The agency may dispose of unnecessary or unfit property by sale, auction, broker, trade, consignment, or any other manner that maximizes the value to the state and fairly disposes of the property. Proceeds from the disposition of the property shall be retained by the agency.

751—17.4(8D) Partnerships and shared use agreements.

17.4(1) The executive director may enter into shared use agreements or partnerships with public or private entities, including cities, municipalities, and other nonauthorized users, to maximize the operational efficiency of the network.

17.4(2) Such partnerships shall be established to facilitate shared data connectivity, emergency management interoperability, or public safety services, provided such agreements do not violate statutory prohibitions against the provision of retail commercial services.

751—17.5(8D) Billing services.

17.5(1) *Billing on behalf of an authorized user.* The agency may invoice and collect fees on behalf of an authorized user for services provided across the network.

17.5(2) *Billing for shared use and space agreements.* The agency shall possess the authority to generate invoices, collect payments, and manage financial accounts for nonauthorized users operating under a valid shared use agreement, right-of-way agreement, or space collocation agreement.

These rules are intended to implement Iowa Code sections 23A.2, 8D.3 and 8D.11.

RA 26-121**ECONOMIC DEVELOPMENT AUTHORITY[261]****Regulatory Analysis**

Notice of Intended Action to be published: 261—Chapter 410
“State Historic Preservation Office”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 15.121

State or federal law(s) implemented by the rulemaking: Iowa Code section 15.121 and 54 U.S.C. Subtitle II, Division A

Public Hearing

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

July 16, 2026
9 to 9:15 a.m.

Via Microsoft Teams
Information about Teams participation
can be found at
opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review

Public Comment

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

Lisa Connell
Iowa Economic Development Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315
Email: lisa.connell@iowaeda.com

Purpose and Summary

Pursuant to Executive Order 10, the Authority proposes to adopt a new Chapter 410. The chapter will replace 223—Chapter 35, which was adopted by the State Historic Preservation Office (SHPO) prior to its alignment with the Authority in 2023 Iowa Acts, Senate File 514. 223—Chapter 35 is proposed to be rescinded as part of a concurrent rulemaking (**RA 26-134**, IAB 6/24/26).

The new chapter describes the responsibilities and generally applicable policies of SHPO.

*Analysis of Impact***1. Persons affected by the proposed rulemaking:****• Classes of persons that will bear the costs of the proposed rulemaking:**

This proposed rulemaking does not impose any costs.

• Classes of persons that will benefit from the proposed rulemaking:

Persons interested in the responsibilities and generally applicable policies of SHPO may benefit from the improved clarity of this proposed chapter.

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

- **Quantitative description of impact:**
This proposed rulemaking does not impose any costs.
 - **Qualitative description of impact:**
Persons interested in the responsibilities and generally applicable policies of SHPO may benefit from the improved clarity of this proposed chapter.
3. **Costs to the State:**
- **Implementation and enforcement costs borne by the agency or any other agency:**
Authority staff time is required to provide the activities described in this proposed 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:**
This proposed rulemaking does not impose any costs.
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 of describing the organization of the SHPO.
6. **Alternative methods considered by the agency:**
- **Description of any alternative methods that were seriously considered by the agency:**
The Authority did not consider any alternative methods.
 - **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**
The Authority did not consider any alternative methods because the Authority did not identify a less costly or less intrusive method.

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 chapter does not have a substantial impact on small business. The proposed chapter does not establish compliance or reporting requirements and does not establish design or operational standards.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** 261—Chapter 410:

CHAPTER 410
STATE HISTORIC PRESERVATION OFFICE

261—410.1(15) Definitions. For purposes of this chapter, unless the context otherwise requires:

“*Act*” means the National Historic Preservation Act of 1966, Public Law 89-665, 54 U.S.C. Subtitle II, Division A.

“*Advisory council*” means the advisory council on historic preservation established under the Act.

“*Authority*” means the economic development authority created in Iowa Code section 15.105.

“*Certified local government*” means a unit of local government that is certified by the National Park Service to carry out the purposes of the National Historic Preservation Act in accordance with Sections 101(c), 103(c) and 301 of the Act and 36 CFR Part 61.

“*Historic preservation*” includes identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, research, interpretation, conservation, and education and training regarding the foregoing activities or any combination of the foregoing activities.

“*Investment tax credit*” means a federal income tax credit for the substantial rehabilitation of historic buildings for commercial, industrial, and rental residential and nonresidential purposes.

“*National Register of Historic Places*” means the national list of historic properties maintained by the Secretary of the Interior.

“*Section 106*” means the section of the Act that requires federal agencies to take into account the effects of the undertakings that the agencies carry out, fund, license, permit or approve on historic properties and afford the advisory council a reasonable opportunity to comment. The regulations of 36 CFR Part 800 define the process used by an agency to meet these responsibilities and the role of the state historic preservation officer in review and comment on these undertakings.

“*State historic preservation officer*” or “*SHPO*” means the officer appointed and certified pursuant to Iowa Code section 15.121.

261—410.2(15) Responsibilities. The SHPO oversees the following:

410.2(1) Certification of local governments and providing grants to certified local governments. More information can be found in 261—Chapter 417.

410.2(2) Review and evaluation of applications for investment tax credits. More information can be found in 261—Chapter 411.

410.2(3) Processing nominations for the National Register of Historic Places and state register of historic places. More information can be found in 261—Chapter 412.

410.2(4) Survey and inventory of cultural resources. More information can be found in 223—Chapter 41.

410.2(5) Review and compliance for undertakings pursuant to Section 106 and its implementing regulations at 36 CFR Part 800. More information can be found in 261—Chapter 414.

410.2(6) Technical assistance services provided for the development of skills or the provision of knowledge relative to the background, significance, operation, or implications of activities under the purview of the SHPO. More information can be found in rule 261—410.6(15).

410.2(7) Review of historical preservation districts and areas of historical significance pursuant to Iowa Code chapter 15, subchapter II, part 27.

410.2(8) Other duties identified in Iowa Code section 15.121.

261—410.3(15) Eligibility. Eligibility for financial and technical assistance under the oversight of the SHPO is determined by the terms of the source of funds for the financial assistance and by applicable federal requirements.

261—410.4(15) Contracts and grants.

410.4(1) Federal contracts and grants shall be administered pursuant to the applicable federal requirements for such contracts and grants. This includes but is not limited to terms relating to match, reporting, and auditing.

410.4(2) Applications shall be submitted on the appropriate forms and with the requested supporting materials to be considered for funding. All applications for grants or contracts must be submitted according to instructions provided by the SHPO.

410.4(3) All applications for funding shall be reviewed by a staff person. An advisory committee may be appointed to assist in the review process. All grant or contract awards shall receive the written approval of the state historic preservation officer.

410.4(4) Evaluation criteria. The following evaluation criteria shall be applied to all grant or contract applications:

- a. Compliance with state and federal standards and grant guidelines.
- b. Clearly stated or specific goals that can be realistically attained within the funding period and proposed budget.
- c. Measurable results or products (number, quality).
- d. Linkage with goals and objectives embodied in state or local preservation plans.
- e. Past grant/contract performance of applicant.

410.4(5) Appeals of final agency action by the SHPO and the authority will be governed by Iowa Code chapter 17A.

261—410.5(15) Advisory committees.

410.5(1) Advisory committees may be appointed by the state historic preservation officer for the purpose of conducting peer reviews of grant products, reviewing and rating grant applications for funding, nominating historic resources to the National Register of Historic Places, and providing other professional input.

410.5(2) Advisory committees may be permanent or temporary. The term of office on temporary advisory committees shall be determined by the state historic preservation officer.

410.5(3) Recommendations by all advisory committees shall be nonbinding on the state historic preservation officer.

410.5(4) Members of an advisory committee shall not submit an application for a grant or contract from the authority. Action by an advisory committee member shall be in accordance with Iowa Code chapter 68B. Members of an advisory committee who have a conflict of interest shall disclose the interest to the authority. The affected member shall not participate in any discussion or action by the board with and shall be disqualified from voting with respect to the subject of the conflict of interest. The quorum of the committee shall not be changed as the result of a conflict-of-interest disqualification.

410.5(5) Members of advisory committees may be reimbursed for travel, lodging, and expenses at the discretion of the state historic preservation officer.

410.5(6) An Iowa state national register of historic places nominations review committee is created as a permanent advisory committee. The committee is described in 261—Chapter 412.

261—410.6(15) Technical assistance.

410.6(1) Technical assistance is provided as resources permit. First priority is given to projects relating to the National Register of Historic Places, the Certified Local Government program, or a local preservation commission.

410.6(2) Technical assistance may be provided in these four areas:

- a. Planning assistance. On-site or other forms of consultation in the preparation and review of a community or county historic preservation plan.
- b. Project monitoring. On-site or other forms of project monitoring and facilitation.
- c. Local ordinance review and local historic district organization. In accordance with Iowa Code section 15.459(4), the local commission shall submit the draft or final ordinance for review and approval by staff. An existing commission shall similarly submit proposed local historic district designations for review and approval to staff. Comments by the appropriate staff shall be supplied within 45 days from the receipt of complete documentation.

d. General technical assistance. Technical assistance in the physical preservation of properties is provided by staff. This service is provided on an individual-request-and-time-available basis. The services provided by the staff shall not substitute for private professional services.

410.6(3) All inquiries and requests may be directed as instructed on the authority's website.

261—410.7(15) References. All references to the Act, United States Code, or Code of Federal Regulations in this chapter are to the laws as in effect on [effective date of rulemaking].

These rules are intended to implement Iowa Code section 15.121 and 54 U.S.C. Subtitle II, Division A.

RA 26-122**ECONOMIC DEVELOPMENT AUTHORITY[261]****Regulatory Analysis**

Notice of Intended Action to be published: 261—Chapter 412
“National Register of Historic Places”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 15.121

State or federal law(s) implemented by the rulemaking: Iowa Code section 15.121

Public Hearing

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

July 16, 2026
9 to 9:15 a.m.

Via Microsoft Teams
Information about Teams participation
can be found at
opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review

Public Comment

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

Lisa Connell
Iowa Economic Development Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315
Email: lisa.connell@iowaeda.com

Purpose and Summary

Pursuant to Executive Order 10, the Authority proposes to rescind Chapter 412 and adopt a new chapter in lieu thereof. This proposed chapter describes the nomination process for the National Register of Historic Places.

The updated chapter will be clearer and more concise throughout. Definitions will be added for clarity. Information about the Iowa State National Register of Historic Places Nominations Review Committee (Committee) will be added to the chapter. The Committee is currently addressed in 223—Chapter 35, which is proposed to be rescinded as part of a concurrent rulemaking (**RA 26-134**, IAB 6/24/26). A description of the relationship between the National Register of Historic Places and the State Register of Historic Places will also be added to the chapter. This information is currently noted in 261—Chapter 416, which is proposed to be rescinded as part of a concurrent rulemaking (**RA 26-123**, IAB 6/24/26).

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**
 - **Classes of persons that will bear the costs of the proposed rulemaking:**

Applicants who apply for national register nomination through the program will bear the costs of this proposed rulemaking.

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

Applicants who apply for national register nomination through the program will 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:**

Applicants interested in applying for national register nomination through the program may require staff time to gather application materials and address feedback. The cost will vary, depending on the compensation of the staff involved.

- **Qualitative description of impact:**

The addition of information currently located in other chapters will clarify the procedure for nominations.

3. Costs to the State:

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

Authority staff time is required to evaluate the nomination and provide feedback as to the feasibility of the nomination.

- **Anticipated effect on State revenues:**

This proposed rulemaking does not have any anticipated impact on State revenues.

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

The costs associated with this proposed rulemaking are necessary for the administration of the program.

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 Authority did not consider any other methods.

Small Business Impact

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

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

- Establish performance standards to replace design or operational standards in the rulemaking for small business.

- Exempt small business from any or all requirements of the rulemaking.

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

This proposed rulemaking does not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 261—Chapter 412 and adopt the following **new** chapter in lieu thereof:

CHAPTER 412
NATIONAL REGISTER OF HISTORIC PLACES AND
STATE REGISTER OF HISTORIC PLACES

261—412.1(15) Definitions. For purposes of this chapter, unless the context otherwise requires:

“*Act*” means the National Historic Preservation Act of 1966, Public Law 89-665, 54 U.S.C. Subtitle II, Division A.

“*Committee*” means the state national register of historic places review committee described in rule 261—412.3(15).

“*National Register of Historic Places*” or “*National Register*” means the federal government’s list of historic properties authorized under the Act, which is administered by the National Park Service, United States Department of the Interior.

“*State historic preservation officer*” or “*SHPO*” means the officer appointed and certified pursuant to Iowa Code section 15.121.

261—412.2(303) Regulations. The nomination process for the National Register of Historic Places shall operate in accordance with 36 CFR Part 60 (National Register of Historic Places), 36 CFR Part 63 (Determinations of Eligibility for Inclusion in the National Register of Historic Places), and 36 CFR Part 67 (Historic Preservation Certifications Under the Internal Revenue Code).

261—412.3(15) Committee. An Iowa state national register of historic places nominations review committee is a permanent advisory committee appointed by the SHPO. Members of the committee elect a chairperson and a vice chairperson annually and may elect other officers as necessary.

412.3(1) Responsibilities. The committee’s responsibilities include but are not limited to the following:

a. Review of all proposed nominations of Iowa properties to the National Register of Historic Places to determine whether a property meets the National Register criteria for evaluation and to recommend that the SHPO approve or reject nominations;

b. Review appeals to the committee of the failure or refusal of the SHPO to nominate a property to the National Register;

c. Advise the SHPO concerning grant applications, end-of-year reports, and the state comprehensive historic preservation plan;

d. Provide general advice, guidance, and professional recommendations to the SHPO in carrying out the duties and responsibilities assigned in 36 CFR Part 61 (Procedures for State, Tribal, and Local Government Historic Preservation Programs); and

e. Other duties as may be appropriate and designated by the SHPO.

412.3(2) Membership. The SHPO shall appoint members to the committee. The committee will be composed of no more than 12 voting members, all of whom are citizens of Iowa and the majority of whom are professionals in historic preservation disciplines of American history, architectural history, architecture, prehistoric and historical archaeology, or related professional disciplines. The committee may include citizen members, representatives of other preservation-related professions, and nonvoting members. Professional members of the committee shall meet the qualifications in the Secretary of Interior Professional Qualification Standards.

412.3(3) *Term of office.* The term of office for committee members is three years. The terms will be staggered to permit one-third of the appointments to be made each year. Terms of appointments begin on January 1 and are effective through December 31 three years later.

412.3(4) *Meeting procedures.*

a. Members may be reimbursed for travel, lodging, and expenses incurred in the performance of committee service.

b. Members of the committee who have a conflict of interest shall disclose the interest to the authority. The affected member shall not participate in any discussion or action by the committee and is disqualified from voting with respect to the subject of the conflict of interest. The quorum of the committee will not be changed as the result of a conflict-of-interest disqualification.

c. Committee members are to refrain from voting and commenting upon any nominated property for which the member serves as an officer, trustee, or fiduciary employee; for which the member has consulted either for remuneration or gratis in the preparation of the nomination; or for which the member has or expects to participate in the development or use of the property.

d. The committee will meet at least three times per year. Meetings of the committee may be canceled if there is no business for the committee to consider. The committee may also schedule additional meetings as necessary to carry out its business.

e. The SHPO or designee will preside at all meetings of the committee.

f. Members are permitted to miss no more than two regular meetings in a year and shall notify the SHPO at their earliest opportunity of their expected absence. If a member misses more than two regular meetings in a year, the SHPO may replace the member.

g. Meetings will be conducted in accordance with Iowa Code chapter 21 and Robert's Rules of Order, Revised Edition.

h. A majority of voting members of the committee constitute a quorum, and any committee action requires an affirmative vote by a majority of the members present. No nomination will be considered by the committee unless one committee member with professional expertise in the area of nomination is present.

i. Citizens may appear before the committee to discuss a nomination. The length of presentations may be limited by the chair.

261—412.4(303) *Nomination procedure.*

412.4(1) Individuals wishing to nominate a cultural resource to the National Register of Historic Places shall follow instructions on the authority's website for submitting a preliminary evaluation.

412.4(2) Preliminary evaluations will be reviewed by SHPO staff. Staff will review preliminary evaluations within 30 days of receipt and may advise the applicant of the need for additional information, that the cultural resource is not eligible, or that the application may proceed.

261—412.5(303) *Review of nominations.*

412.5(1) Applicants shall follow instructions on the authority's website for submitting nominations. Staff will review final nominations prior to submission to the committee for approval.

412.5(2) Property owners will be notified of pending review of a potential nomination by the committee. Property owners objecting to consideration may notify SHPO staff to terminate nomination. Inquiries and objections may be directed to the National Register Coordinator, Iowa Economic Development Authority, 1963 Bell Avenue, Suite 200, Des Moines, Iowa 50315, 515.348.6200.

412.5(3) The committee will review the nomination and recommend action to the SHPO or designee.

412.5(4) Nominations signed by the SHPO will be forwarded to the National Park Service for consideration. The National Park Service has a 45-day response period, which includes a 15-day period for public comment. The National Park Service may list the resource on the National Register of Historic Places, return the nomination for further preparation, or reject the nomination. Appeals

of National Park Service decisions may be directed to the National Park Service, Department of the Interior, National Register Office, P.O. Box 37127, Washington, D.C. 20013-7127.

412.5(5) Owners and all interested parties will be notified by the SHPO of the formal listing. A commemorative certificate will be forwarded to property owners of individually listed properties.

261—412.6(303) Delisting of properties. Alterations to a property may result in delisting of a property. Delisting of a property is automatic if the property is completely demolished or moved without prior approval from the National Park Service. Inquiries may be directed to the National Register Coordinator, Iowa Economic Development Authority, 1963 Bell Avenue, Suite 200, Des Moines, Iowa 50315, 515.348.6200.

261—412.7(15) State register. The State Register of Historic Places, which is prepared and maintained pursuant to Iowa Code section 15.121, shall be administered pursuant to all regulations and procedures in this chapter applicable to the National Register of Historic Places.

261—412.8(15) References. All references to the Act, United States Code, Code of Federal Regulations, or Secretary of Interior Professional Qualification Standards in this chapter are as in effect on [effective date of rulemaking].

These rules are intended to implement Iowa Code section 15.121.

RA 26-123**ECONOMIC DEVELOPMENT AUTHORITY[261]****Regulatory Analysis**

Notice of Intended Action to be published: 261—Chapters 413, 415, and 416
“Rescission of State Historic Preservation Chapters”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 15.106A

State or federal law(s) implemented by the rulemaking: Iowa Code section 15.121

Public Hearing

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

July 16, 2026
9:15 to 9:30 a.m.

Via Microsoft Teams
Information about Teams participation
can be found at
opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review

Public Comment

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

Lisa Connell
Iowa Economic Development Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315
Email: lisa.connell@iowaeda.com

Purpose and Summary

Pursuant to Executive Order 10, the Authority proposes to rescind Chapters 413, 415, and 416. Chapter 413 describes the policies and procedures applicable to the Preservation Partnership Program, which has been discontinued. Chapter 415 describes the policies and procedures applicable to the Technical Assistance Program. Relevant content relating to technical assistance is proposed to be incorporated into new 261—Chapter 410 as part of a concurrent rulemaking (**RA 26-121**, IAB 6/24/26). Chapter 416 describes the policies and procedures of the State Register of Historic Places. Relevant content relating to the State Register of Historic Places is proposed to be incorporated into 261—Chapter 412 as part of a concurrent rulemaking (**RA 26-122**, IAB 6/24/26).

*Analysis of Impact***1. Persons affected by the proposed rulemaking:****• Classes of persons that will bear the costs of the proposed rulemaking:**

The rescission of Chapters 413, 415, and 416 does not impose any costs.

• Classes of persons that will benefit from the proposed rulemaking:

Rescinding chapters for programs and activities that have been discontinued will provide clarity about the responsibilities of the Authority.

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 rescission of Chapters 413, 415, and 416 does not impose any costs.

- **Qualitative description of impact:**

Rescinding chapters for programs and activities that have been discontinued will provide clarity about the responsibilities of the Authority.

3. Costs to the State:

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

None.

- **Anticipated effect on State revenues:**

None.

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

The rescission of Chapters 413, 415, and 416 does not impose any costs.

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 or less intrusive methods.

6. Alternative methods considered by the agency:

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

The Authority did not consider other methods.

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

The Authority did not consider other methods.

Small Business Impact

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

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

- Establish performance standards to replace design or operational standards in the rulemaking for small business.

- Exempt small business from any or all requirements of the rulemaking.

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

The rescission of chapters does not have an impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **261—Chapter 413**.

ITEM 2. Rescind and reserve **261—Chapter 415**.

ITEM 3. Rescind and reserve **261—Chapter 416**.

RA 26-124**ECONOMIC DEVELOPMENT AUTHORITY[261]****Regulatory Analysis**

Notice of Intended Action to be published: 261—Chapter 417
 “Certified Local Government Program”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 15.121

State or federal law(s) implemented by the rulemaking: Iowa Code section 15.121

Public Hearing

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

July 16, 2026
 9 to 9:15 a.m.

Via Microsoft Teams
 Information about Teams participation
 can be found at
opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review

Public Comment

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

Lisa Connell
 Iowa Economic Development Authority
 1963 Bell Avenue, Suite 200
 Des Moines, Iowa 50315
 Email: lisa.connell@iowaeda.com

Purpose and Summary

Pursuant to Executive Order 10, the Authority proposes to rescind Chapter 417 and adopt a new chapter in lieu thereof. This proposed chapter describes the policies and procedures relating to the Certified Local Government program (program).

This proposed chapter will be clearer and more concise throughout. Definitions will be added for clarity. Information about grants to certified local governments has been added to this proposed chapter. Information about the grants is currently in 223—Chapter 35, which is proposed to be rescinded as part of a concurrent rulemaking (**RA 26-134**, IAB 6/24/26).

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**
 - **Classes of persons that will bear the costs of the proposed rulemaking:**
 Applicants who apply for certification will bear the costs of the proposed rulemaking.
 - **Classes of persons that will benefit from the proposed rulemaking:**
 Applicants who apply for certification will benefit from the 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:**

Authority staff time is required to review the certification request that is received from the applicant. Similar costs may be incurred by the applicant to gather materials necessary for the certification request.

- **Qualitative description of impact:**

The program supports the enrichment of local historic preservation programs.

3. **Costs to the State:**

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

Authority staff time is required to review the certification request that is received from the applicant.

- **Anticipated effect on State revenues:**

This proposed rulemaking does not have an impact on State revenues.

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

The costs associated with this proposed rulemaking are necessary for the administration of the program.

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 Authority did not consider any other methods.

Small Business Impact

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

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

- Establish performance standards to replace design or operational standards in the rulemaking for small business.

- Exempt small business from any or all requirements of the rulemaking.

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

This proposed rulemaking does not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 261—Chapter 417 and adopt the following **new** chapter in lieu thereof:

CHAPTER 417
CERTIFIED LOCAL GOVERNMENT PROGRAM

261—417.1(15) Definitions. For purposes of this chapter, unless the context otherwise requires:

“*Act*” means the National Historic Preservation Act of 1966, Public Law 89-665, 54 U.S.C. Subtitle II, Division A.

“*Authority*” means the Iowa economic development authority created pursuant to Iowa Code section 15.105.

“*Committee*” means the Iowa state national register of historic places committee described in rule 261—412.3(15).

“*State historic preservation officer*” or “*SHPO*” means the officer appointed and certified pursuant to Iowa Code section 15.121.

261—417.2(15) Regulations. The Certified Local Government program (program) shall operate in accordance with the Act, 36 CFR Part 61, and any applicable guidelines or instructions issued by the National Park Service. Certified local governments shall comply with Iowa Code sections 15.445 through 15.459 as applicable.

261—417.3(15) Criteria for certification. Any local government may be certified to participate in the program if the SHPO and the National Park Service certify that the local government meets the following conditions:

417.3(1) Secures appropriate county and municipal ordinances or resolutions for the creation of a local historical commission and the conduct of its historic preservation responsibilities;

417.3(2) Establishes an adequate and qualified historic preservation review commission by state or local legislation;

417.3(3) Maintains a system for the survey and inventory of historic properties that furthers the purposes of historic preservation;

417.3(4) Provides for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register of Historic Places; and

417.3(5) Satisfactorily performs the responsibilities delegated to it under the Act.

261—417.4(15) Procedure for certification.

417.4(1) The applicant will contact the authority for program guidelines and application procedures.

417.4(2) SHPO staff will review certification requests for completeness and eligibility within 30 days of receipt and advise applicants of the results of the review. If the certification request is deemed unsatisfactory, SHPO staff will advise the applicant and specify the changes that are needed.

417.4(3) When a certification application is accepted, a certification agreement is sent to the local government for signature.

417.4(4) Following execution of the agreement, eligible applications for certification are subject to review and approval by the National Park Service.

417.4(5) Certification may be revoked pursuant to the terms of the certification agreement. A certified local government may also request decertification.

261—417.5(15) Certified local government subgrants.

417.5(1) *Generally.*

a. Only certified local governments are eligible to apply for and receive a grant through this program.

b. The SHPO is not required to award funds to all certified local governments.

c. The program shall operate as a competitive grant program.

d. Following the awarding of a grant, a contractual agreement specifying the terms of the grant shall be executed between the authority and the grant recipient.

417.5(2) *Procedure.*

- a.* Application packets are sent to all eligible applicants at least 45 days prior to each application deadline.
- b.* All applications shall be submitted on the forms provided by the authority. All applications will contain a description of the proposed project; schedule for implementation; the amount of grant funds requested; the amount, kind, and source of local match committed to the project; a budget for the project; written assurance that the applicant shall follow the Secretary of the Interior's Standards for Archaeology and Historic Preservation; and written assurance that the applicant shall select a principal investigator who meets the Secretary of the Interior's Professional Qualification Standards.
- c.* Local match of at least 40 percent of the total project cost is required.
- d.* Staff may consult with applicants regarding the development of project proposals.
- e.* Staff will review applications for completeness and eligibility. Incomplete or ineligible applications will be returned to the applicant. The applicant may correct and return the application prior to the grant deadline.
- f.* Program staff will conduct a preliminary review of each application to determine eligibility, completeness, consistency with program purpose, and amount of local match. Applications that do not meet these criteria shall not be considered for funding. Results of the staff review will be transmitted to the committee.
- g.* The date of review of applications by the committee is established by the SHPO. Recommendations from the committee are submitted to the director of the authority for formal approval. Final authority for funding rests with the SHPO.

417.5(3) *Grant awards.*

- a.* Applicants approved for grants shall enter into a grant agreement with the authority that specifies the terms and conditions of the grant, including the grant amount, project description, matching requirements, and dates for the submission of specified products.
- b.* The grant agreement shall be signed by the SHPO and the chief elected local official of the certified local government or authorized designee.
- c.* If a certified local government that has been awarded grant funds determines that the awarded project cannot be completed, staff may recommend alternatives for expenditure of the funds to the SHPO. The decision of the SHPO regarding alternatives for expenditure of the funds shall be final.

261—417.6(15) References. All references to the Act, United States Code, Code of Federal Regulations, Secretary of the Interior's Standards for Archaeology and Historic Preservation, or Secretary of the Interior's Professional Qualification Standards in this chapter are to the laws as in effect on [effective date of rulemaking].

These rules are intended to implement Iowa Code section 15.121.

RA 26-134**HISTORICAL DIVISION[223]****Regulatory Analysis**

Notice of Intended Action to be published: 223—Chapters 35 and 39
“Rescission of State Historic Preservation Office Chapters”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 15.106A

State or federal law(s) implemented by the rulemaking: Iowa Code section 15.121

Public Hearing

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

July 16, 2026
9:15 to 9:30 a.m.

Via Microsoft Teams
Information about Teams participation
can be found at
opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review

Public Comment

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

Lisa Connell
Iowa Economic Development Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315
Email: lisa.connell@iowaeda.com

Purpose and Summary

Pursuant to Executive Order 10, the Authority proposes to rescind Chapters 35 and 39. Both chapters were adopted by the Department of Cultural Affairs (Department) pursuant to Iowa Code section 303.2 and chapter 303, subchapter II. The Department’s former responsibilities were divided between the Department of Administrative Services (DAS) and the Authority by 2023 Iowa Acts, Senate File 514. The legislation also discontinued some responsibilities of the Department.

Chapter 35 describes the general administration of the State Historic Preservation Office (SHPO). The chapter is proposed to be replaced with a new 261—Chapter 410 as part of a concurrent rulemaking (**RA 26-121**, IAB 6/24/26). Some relevant content from the chapter is also proposed to be incorporated into 261—Chapter 412 relating to the National Register of Historic Places and 261—Chapter 417 relating to the Certified Local Government program.

Chapter 39 describes an education program previously administered by the Department. 2023 Iowa Acts, Senate File 514, did not require DAS or the Authority to retain rules regarding education activities.

*Analysis of Impact***1. Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**
Rescinding the chapters does not impose any costs.
 - **Classes of persons that will benefit from the proposed rulemaking:**
Rescinding the chapters for programs and activities that have been discontinued will provide clarity about the responsibilities of the Authority.
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 the chapters does not impose any costs.
 - **Qualitative description of impact:**
Rescinding the chapters for programs and activities that have been discontinued will provide clarity about the responsibilities of the Authority.
3. **Costs to the State:**
- **Implementation and enforcement costs borne by the agency or any other agency:**
None.
 - **Anticipated effect on State revenues:**
Rescinding the chapters has no anticipated impact on State revenues.
4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**
Rescinding the chapters does not impose any costs. Rescinding chapters for programs and activities that have been discontinued will provide clarity about the responsibilities of the Authority.
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 Authority did not consider any other methods.

Small Business Impact

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

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

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

Rescinding the chapters does not have a substantial impact on small business.

Text of Proposed Rulemaking

- ITEM 1. Rescind and reserve **223—Chapter 35**.
- ITEM 2. Rescind and reserve **223—Chapter 39**.

RA 26-94

HUMAN SERVICES DEPARTMENT[441]**Regulatory Analysis**

Notice of Intended Action to be published: 441—Chapter 103
“State Training School”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 218.4

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 218

Public Hearing

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

July 14, 2026

10 a.m.

Microsoft Teams

Meeting ID: 275 593 971 020 806

Passcode: Dp6oW2fe

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 sets a framework for the State Training School (STS), which provides a continuum of supervision and rehabilitation programs that meet the needs of males adjudicated delinquent in a manner consistent with public safety. These services and programs individualize treatment and control the offender for his own benefit and the protection of society.

This proposed chapter was reviewed pursuant to Executive Order 10. As a result of the review, the Department reduced the number of restrictive terms, as appropriate; referred some items back to the facility manual of policies and procedures; updated terminology; and standardized the use of definitions.

*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:

The public, as well as the students who reside at STS, will benefit from the protections and guidelines 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:**

As of March 2026, STS served an average of 52 students.

- **Qualitative description of impact:**

STS assists juvenile offenders in developing skills necessary to function effectively and positively in the community in a manner consistent with public safety by providing a humane, secure setting; providing programs within the framework of professional juvenile justice standards and best practices while using available resources effectively; holding juveniles accountable for their delinquent behavior; and developing efficient and effective juvenile delinquent treatment and rehabilitation.

3. **Costs to the State:**

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

The State fiscal year (SFY) 2026 operating budget for STS is \$19,879,528.

- **Anticipated effect on State revenues:**

The SFY 2026 appropriation for STS is also \$19,879,528.

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 218.4.

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:**

Rulemaking is required by Iowa Code section 218.4.

Small Business Impact

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

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

- Establish performance standards to replace design or operational standards in the rulemaking for small business.

- Exempt small business from any or all requirements of the rulemaking.

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

This proposed rulemaking has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 441—Chapter 103 and adopt the following **new** chapter in lieu thereof:

CHILDREN'S INSTITUTIONS
TITLE XI
CHAPTER 103
STATE TRAINING SCHOOL

441—103.1(218) Definitions.

“*Child*” means a person under the age of 18 years.

“*Contraband*” means weapons; ammunition; tobacco; alcohol; drugs; money; altered authorized property; mood-altering plant material; obscene material as defined in Iowa Code section 728.1(5); explosives; material that can be used in the manufacture of explosives; or material advocating disruption of or injury to students, employees, programs, or physical facilities. “*Contraband*” includes anything that is illegal to possess under federal or state law and materials that are used in the production of drugs or alcohol or used in conjunction with the taking of illicit drugs. “*Contraband*” also includes anything determined to be banned from individual possession by published facility rules.

“*Division director*” means the administrator of the division of state-operated specialty care within the department.

“*Facility*” means the state training school.

“*Family*” means spouse, child, parent, sibling, or grandparent.

“*Gift or bequest*” means anything of value that a facility receives that is intended for use directly by the employees of the facility. Items intended for public distribution, such as clothes or furniture, do not constitute a gift to the facility.

“*Grievance*” means a written or oral complaint by or on behalf of a student that involves:

1. A rights violation or unfairness to the student, or
2. Any aspect of the student’s life with which the student does not agree.

“*Iowa sex offender registry*” means a central registry of sex offenders established under Iowa Code chapter 692A that is maintained by the department of public safety.

“*Juvenile court officer*” means the same as defined in Iowa Code section 232.2(35).

“*Juvenile offender*” means a juvenile who is required to be registered with the Iowa sex offender registry and with the sheriff of the juvenile’s county of residence.

“*Legal representative*” means a person, including an attorney, who is authorized by law to act on behalf of a student.

“*Money*” means all forms of currency, checks, money orders, stocks, bonds, and any other item that can be used as a medium of exchange for payment for goods or services.

“*Parent*” means a natural or adoptive mother or father of a child but does not include a mother or father whose parental rights have been terminated.

“*Registration*” means the submission of registration forms to the Iowa sex offender registry and to the sheriff of the person’s county of residence.

“*Rights*” means the human, civil, and constitutional liberties an individual possesses through federal and state constitutions and laws.

“*State training school*” means the same as defined in Iowa Code section 233A.1(3).

“*Student*,” as used in this chapter, means any child who is committed to the director and is admitted to and receives services from the state training school. The terms “resident,” “juvenile,” and “youth” are synonymous with the term “student.” For purposes of the state training school, the term also includes a person whose stay is extended beyond the age of 18 under the provisions of Iowa Code section 232.53(2) and 232.53(4).

“*Superintendent*” means the same as defined in Iowa Code section 233A.1(3).

“*Tobacco*” means all forms of tobacco.

“*Weapon*” means any gun, knife, tool, object, or chemical that can be used to inflict harm on oneself or another.

This rule is intended to implement Iowa Code section 218.4.

441—103.2(218) Admission.

103.2(1) Population guidelines. The facility population level will be based on the population guidelines that the judicial branch, in consultation with the department, develops on the number of students who may be placed at a juvenile facility at any one time. Pursuant to those guidelines and the responsibility of the superintendent for admission of students, the superintendent and the chief

juvenile court officers will allocate to each judicial district the number of children from each district who may be placed in the facility for diagnosis and evaluation and for treatment.

103.2(2) *Acceptance of child.* A certified copy of the court order that complies with Iowa Code chapter 232 shall accompany the child to the facility, along with the relevant petitions.

a. A child will be accepted for evaluation as specified in the court order only when a diagnostic bed is available.

b. A child will be accepted into the regular program as specified in the court order only when a treatment bed is available.

c. A child adjudicated as a child in need of assistance shall not be admitted to the state training school, except:

(1) For diagnosis and evaluation and then only when a current petition is on file that alleges the child to have committed a delinquent act, or

(2) When the child is also adjudicated delinquent and meets admission criteria for the state training school as a delinquent.

d. The superintendent or chief juvenile court officer shall notify the court when the appropriate space, service, or program is not available so that admission can be ordered when the facility can meet the child's needs.

103.2(3) *Time of admission.* When a child is to be admitted to the facility, arrangements will be agreed to by the facility for the date and time of the actual admission.

This rule is intended to implement Iowa Code section 218.4.

441—103.3(218) Plan of care.

103.3(1) *Individual care plan conference.* The facility will schedule an individual care plan conference and provide prior notice to:

- a.* The student;
- b.* The student's parents or guardians;
- c.* The student's legal representative;
- d.* The student's juvenile court officer; and
- e.* The court.

103.3(2) *Prerelease conference.* A prerelease conference will be held 30 days before any anticipated release of a student from the regular program. The facility will provide written notice of the time, date, and purpose of the conference to:

- a.* The student;
- b.* The student's parents or guardians;
- c.* The student's legal representative;
- d.* The student's juvenile court officer; and
- e.* The court.

This rule is intended to implement Iowa Code section 218.4.

441—103.4(218) Communication with students.

103.4(1) *Incoming telephone calls.* The superintendent or superintendent's designee must approve all incoming telephone calls for a student before the conversation occurs. An authorized employee will verify the identity of the caller before approval is given. Approved telephone calls will not be monitored.

103.4(2) *Mail and packages.*

a. The facility will maintain policies and procedures for outgoing or incoming letters and packages, including the facility's ability to search for and seize contraband by:

(1) Opening, but not reading, incoming and outgoing letters and packages in the presence of the student to whom the letters and packages belong; or

(2) Requiring that the student open the letters and packages in an employee's presence and disclose the contents.

b. Letters or packages found to contain contraband will be confiscated. Both the sender and the intended receiver of the confiscated letters and packages will be notified and given reasons for the action.

c. The superintendent or superintendent's designee may terminate correspondence between a student and another person when the student's treatment team has determined that the correspondence is not in the student's best interest and is detrimental to the student's treatment plan. Termination will be based on the circumstances of each case.

(1) The superintendent or superintendent's designee will provide justification to terminate the correspondence in a written notice to the correspondents.

(2) Correspondents may file a grievance concerning the termination.

103.4(3) *Visits.* The facility will maintain policies and procedures to allow for reasonable visitation. Visits by a student's family or legal representative will be encouraged. Flexibility in the hours and days of visitation will be considered as necessary.

a. Applicability. Other than a family member or legal representative, a person who wants to visit a student shall obtain prior approval from the student's juvenile court officer and the superintendent or superintendent's designee before visiting. Visitation rights will be denied to:

(1) A former facility resident unless the former resident is a family member or has prior approval of the superintendent or superintendent's designee;

(2) A parent whose parental rights have been terminated or limited by court order;

(3) A person who is restricted by court order from contact with the student;

(4) A visitor who refuses to cooperate with the rules of the facility;

(5) A visitor who creates a disturbance or is hostile to the point of being disruptive;

(6) A visitor who passes or attempts to pass contraband to a student or who aids in an escape or attempted escape;

(7) A visitor who is under the influence of or has been partaking of drugs or alcoholic beverages; and

(8) Any other person who, based on reasonable cause, is believed to pose a risk to the student's treatment or to the safety or security of the facility.

b. Limitations.

(1) A student shall not be permitted to visit with the family of another student unless the student's juvenile court officer and the superintendent or superintendent's designee have given prior approval. A student shall have written authorization of the student's juvenile court officer and the superintendent or superintendent's designee before accompanying the parents of another student off grounds on a visit.

(2) The superintendent reserves the right to limit or terminate visiting in all cases when doing so is in the best interests of the student's personal and therapeutic needs. When limitation or termination of visiting rights occurs, the superintendent or superintendent's designee will:

1. Immediately notify persons involved why the action was taken; and

2. Document the action in the student's file.

103.4(4) *Attorney contacts.* A student's attorney shall have the right to visit or have telephone contact with the student at any reasonable time.

a. A student shall have the right to contact the student's attorney during normal business hours and at other times with prior approval of the attorney. Responsibility for payment for the cost of the contact shall be determined before the contact is made.

b. A student who does not have an attorney will be referred to the committing court for an attorney to be appointed.

103.4(5) *Interviews and statements.*

a. Request. Requests to interview a student made by media (newspapers, television stations, radio stations, etc.), groups, or persons not related to the student shall be made through the superintendent's office.

(1) The superintendent or superintendent's designee will inform the student of the request and of the student's right to agree to participate in the interview or to remain silent and not participate.

(2) If an interview may have an impact on the student's legal status, the superintendent or superintendent's designee will contact the student's attorney to determine if the attorney has any objection to the student's participation.

b. Decision. When a student agrees to participate, the interview will be granted at the discretion of the superintendent. The superintendent may deny an interview in situations deemed detrimental to the student. The person requesting the interview may appeal the superintendent's decision to the division director or division director's designee.

c. Procedure.

(1) Whenever an interview is granted, at least one facility employee will be present for the entirety of the interview and will have the authority to terminate the interview anytime the employee believes the best interests of the student are not being served. Exceptions to this requirement will be made when the student's interview is with the student's own attorney or with state officials acting in an official capacity.

(2) The student shall be represented by legal counsel during any interview that is conducted to obtain information that will be or may be used in court.

d. Depositions. The superintendent may grant permission for written depositions according to the procedures for granting interviews. Voice recording of depositions will not be permitted. One copy of the deposition shall be submitted to the superintendent. This rule shall in no way restrict depositions ordered by the court.

This rule is intended to implement Iowa Code section 218.4.

441—103.5(218) Photographing and recording of students. A student's parent or legal representative may take photographs or make audio or video recordings of that student but shall not be authorized to take photographs or make recordings of any other student.

103.5(1) With the authorization of the superintendent or superintendent's designee, a student may take a photograph of another student with that student's consent.

103.5(2) Use of still or video cameras or voice recorders to photograph or record a student by anyone other than the student, parent, legal representative, or authorized employee will be allowed only with the prior authorization of the superintendent or superintendent's designee.

a. When granted, authorization to photograph or record will be for one specific use and will not extend to any other use.

b. Photographs and voice or video recordings of a student for public distribution will be permitted only with a signed informed consent from the superintendent and the individual's parent or legal representative.

c. The facility will maintain and implement policies and procedures for authorizing or denying photographing or recording of students. A person authorized to take photographs or recordings of a student shall make every effort to preserve the inherent dignity of the student and to preclude exploitation or embarrassment of the student or the family of the student.

This rule is intended to implement Iowa Code section 218.4.

441—103.6(218) Employment of students. The facility will maintain and implement policies and procedures for the employment of students to help ensure the employer's compliance with all applicable state and federal laws. Employers that want to hire a student must obtain approval from the superintendent or superintendent's designee. The employer, the superintendent or superintendent's designee, or the student shall have the right to terminate the employment at any time.

This rule is intended to implement Iowa Code section 218.4.

441—103.7(218) Temporary home visits.

103.7(1) The facility will maintain and implement policies and procedures for the granting or denial of temporary home visits.

103.7(2) The superintendent or superintendent's designee and the student's juvenile court officer shall approve a temporary home visit before the visit is scheduled and only after the juvenile court officer has investigated and approved in writing the temporary home visit placement.

This rule is intended to implement Iowa Code section 218.4.

441—103.8(218) Grievances. Any student who believes the student's rights have been violated by the facility or who has a complaint concerning the student's treatment at the facility may file a grievance. The student's parent, guardian, family, or legal representative may file a grievance on behalf of the student by submitting the grievance in writing to the superintendent. If the grievance directly concerns the superintendent, the grievance will be reviewed by the division director or the division director's designee. At any time during the grievance process, students retain their right to contact their attorney, juvenile court officer, the Iowa office of ombudsman, the division director or the division director's designee, regardless of the outcome determined by the facility or the superintendent.

This rule is intended to implement Iowa Code section 218.4.

441—103.9(692A) Sex offender registration. A student who has been determined to be a sex offender as defined in Iowa Code section 692A.101(26) must register as a sex offender before release from the facility unless the juvenile court finds that the student is exempted from this requirement.

103.9(1) Notification. When a student who is a juvenile offender has not previously registered, the superintendent or superintendent's designee will provide the student with Form DCI-144, Notification of Registration Requirement, as required by the department of public safety in 661—subrule 83.3(1). Failure to provide a juvenile offender with the notification form does not relieve the juvenile offender of the duty to register with the Iowa sex offender registry.

103.9(2) Exemption from registration. To exempt a juvenile offender from registration, the language in the order of adjudication or disposition must clearly state that the juvenile offender is exempted from the registration requirement. If a court order is silent, the registration requirement applies.

a. If the order language does not clearly state that the juvenile offender is exempted from the registration process, then the responsibility rests with the juvenile offender to seek a clarifying order to be exempt from the registration process. A juvenile offender who seeks an exemption from the registration requirement has the obligation to prove that the juvenile offender deserves the exemption.

b. When the judicial decision is deferred, registration shall be assumed to be required until the court orders otherwise. If the court order defers the decision to grant an exemption from registration until the juvenile offender's treatment is completed, the language in the order should specify who tracks the case until the new court order is issued. If it is not clear who tracks the case, the juvenile offender is responsible to seek a clarifying order to be exempt from the registration process.

103.9(3) Registration. The superintendent or superintendent's designee will provide the juvenile offender with Form DCI-145, Sex Offender Registration, as required by the department of public safety in 661—subrule 83.3(2).

a. When the juvenile offender is released from the facility, the superintendent or superintendent's designee will submit the registration form to the division of criminal investigation of the department of public safety unless, by the time of release, the juvenile court finds that the juvenile should not be required to register as allowed by Iowa Code chapter 692A.

b. Copies of the sex offender registration will be maintained in the juvenile offender's file at the facility.

This rule is intended to implement Iowa Code section 692A.109.

441—103.10(218) Alleged child abuse. The department will arrange for the investigation of any reported case of alleged child abuse. For cases in which the alleged perpetrator is a facility employee,

contractor, or volunteer, or some other department employee, the investigation shall be conducted by an agency other than the department.

This rule is intended to implement Iowa Code section 218.4.

441—103.11(233A) Cost of care. The facility will seek to recover a portion of the cost of care pursuant to Iowa Code section 233A.17. In determining the amount to be recovered:

103.11(1) The student will be allowed to retain a personal allowance equal to the personal allowance amount established by the Social Security Administration for the Supplemental Security Income program.

103.11(2) The amount recovered shall not exceed the actual cost of care.

103.11(3) The cost of care will be determined using the average per diem multiplied by the total days of care.

103.11(4) The superintendent may grant a one-time exception to recovery of up to \$1,000 for a personal needs living expense if a student is being discharged and has no viable means of support upon release.

This rule is intended to implement Iowa Code section 233A.17.

441—103.12(218) Buildings and grounds.

103.12(1) Tours. Tours of the facility will be subject to the prior approval of the superintendent or superintendent's designee.

103.12(2) Public use. Facility space is for the primary use of the facility. All public use of facility space shall require prior approval of the superintendent or superintendent's designee. Approval for use will be based on the order of requests received and on space availability after the programmatic and security needs of the facility are met.

This rule is intended to implement Iowa Code section 218.4.

441—103.13(8,218) Gifts and bequests. Gifts or bequests of money, clothing, books, games, recreational equipment or other items shall be made directly to the superintendent.

103.13(1) The superintendent or superintendent's designee will evaluate the gift or bequest in terms of the nature of the contribution to the facility program.

103.13(2) The superintendent will be responsible for accepting the gift or bequest and reporting it to the division director.

a. All monetary gifts or bequests will be acknowledged in writing to the donor.

b. All gifts or bequests with a value of \$50 or more shall be reported to the Iowa ethics and campaign disclosure board within 20 days of receipt of the gift or bequest using the board's Form-GB.

This rule is intended to implement Iowa Code sections 8.7 and 218.4.

RA 26-125

LAW ENFORCEMENT ACADEMY[501]**Regulatory Analysis**

Notice of Intended Action to be published: 501—Chapter 1
“Organization and Administrative Processes”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A, 80B, and 80D

State or federal law(s) implemented by the rulemaking: Iowa Code chapters 80B and 80D

Public Hearing

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

July 14, 2026

9 to 10 a.m.

In person: 7105 NW 70th Avenue

Burma Road, Building A41

Johnston, Iowa

Online: us06web.zoom.us/j/88403237275

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Iowa Law Enforcement Academy no later than 4:30 p.m. on July 14, 2026. Comments should be directed to:

Kristi Traynor

Iowa Law Enforcement Academy

P.O. Box 130

Johnston, Iowa 50131

Email: kristi.traynor@iowa.gov

Purpose and Summary

Chapter 1 describes the organization and administrative processes of the Iowa Law Enforcement Academy Council, including the definitions for the remainder of the Council’s administrative rules. This proposed chapter was reviewed as a part of the Red Tape Review required by Executive Order 10. The Council deleted redundant language and eliminated restrictive terms.

*Analysis of Impact***1. Persons affected by the proposed rulemaking:****• Classes of persons that will bear the costs of the proposed rulemaking:**

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

• Classes of persons that will benefit from the proposed rulemaking:

This proposed rulemaking will benefit the public by clearly defining the terms used in the chapters adopted by the Council, identifying the organization and procedures of the Council as required by Iowa Code sections 80B.7 and 80B.9, and allowing the Council to ensure active licensees comply with mandatory professional development.

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

Iowa's law enforcement officers will benefit from understanding the Council's procedures and authority, enabling them to plan for necessary business with the Council.

- **Qualitative description of impact:**

The public will benefit from clarity and understanding of the Council's organization and procedures and from assurances that licensees comply with mandatory professional development.

3. **Costs to the State:**

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

There are no known costs. The Academy has staff who already engage in similar functions for Council matters.

- **Anticipated effect on State revenues:**

This proposed rulemaking has no anticipated impact on State revenues.

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

Iowa Code sections 80B.7 and 80B.9 require the Council to set forth its procedures through this proposed rulemaking.

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

This proposed rulemaking has been streamlined, clarified, and made less restrictive where possible in accordance with the goals and directives of Executive Order 10.

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:**

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 rulemaking does not have a substantial impact on small business. This rulemaking does not establish design or operational standards.

Text of Proposed Rulemaking

ITEM 1. Rescind 501—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1
ORGANIZATION AND ADMINISTRATIVE PROCESSES

501—1.1(80B,80D) Definitions. As used in this chapter and 501—Chapters 2 through 6 and 8 through 10:

“*Academy*” means the Iowa law enforcement academy.

“*Applicant*” means an individual filing an application for consideration before the council.

“*Area school*” means a training school approved by the council that provides noncertifying courses for more than one law enforcement agency.

“*Basic training course*” means the initial training course completed by a jail administrator, jailer, temporary holding facility administrator, or public safety telecommunicator within the required time frame from their date of hire.

“*Break in service*” means a gap in employment in the state of Iowa.

“*Certification*” means the license issued to a law enforcement officer or a reserve officer upon documentation that the officer is employed and has successfully completed the training requirements for the specific license.

“*Code of professional conduct*” means a set of ethical principles governing the conduct of all law enforcement officers and reserve officers.

“*Conviction*” means a conviction in any federal, military, tribal, state, county, municipal, or juvenile court; a voluntary forfeiture of bail, bond, or collateral deposited to secure a defendant’s appearance in court as final disposition; the payment of a fine or civil penalty; a plea of guilty or nolo contendere; or a finding of guilt, even if the adjudication of guilty is deferred, withheld, not entered, sealed, or expunged; whether the plea or conviction is set aside or withdrawn, or the case or charge is dismissed or reduced where the setting aside, withdraw, dismissal, or reduction is based upon lenity or rehabilitation rather than upon a defect in the legality or factual basis of the plea, finding of guilt or conviction; and any conviction for which the person is pardoned.

“*Core competency*” means the effective and successful application of combined skills, knowledge, and behaviors in a given situation.

“*Core concept*” means an element of understanding through education or study that forms a foundation. Concepts are the building blocks for skills.

“*Core skill*” means a specific, trainable ability that is gained by applying concepts. Skills are the building blocks of competencies.

“*Council*” means the Iowa law enforcement academy council.

“*Director*” means the director of the Iowa law enforcement academy.

“*Discipline*” means the process of sanctioning a certification, license, endorsement, or waiver issued by the council.

“*Employing agency*” means any state, county, municipal, or tribal government or governmental body that employs an individual under the academy’s statutory authority.

“*Feasibility study*” means a comprehensive assessment that determines the viability of a proposed regional training center identifying the technical, economic, operational, and logistical challenges to ensure the proposed regional training center will align with the council’s mission. A feasibility study includes a preliminary analysis, market research, financial assessment, technical and organizational needs, and risk analysis.

“*Jail*” means any place administered by the county sheriff and designed to hold inmates for as long as lawfully required but not to exceed one year pursuant to Iowa Code chapters 356 and 356A.

“*Jail administrator*” means the sheriff, sheriff’s designee, or the executive head of any agency operating a jail.

“*Law enforcement practice*” means experience gained by a certified law enforcement officer whose primary job function is the enforcement of criminal laws and the prevention and detection of crime.

“*Local school*” means a training school approved by the council that provides noncertifying courses for its own employees.

“*Professional development*” means relevant training that will maintain, improve, or expand skills and knowledge to satisfy annual training and certification requirements.

“*Qualified licensed provider*” means a health care provider with the necessary education, training, and state-mandated license to perform professional services within the provider’s scope of practice.

“*Reciprocity*” means a pathway to certification that includes certification through examination, military reciprocity, or federal reciprocity.

“*Regional training center*” means a training center approved by the council that provides courses for level I academies, level II academies, or reserve officers.

“*Regional training center coordinator*” means the individual who is responsible for overseeing, implementing, and assessing course curriculum and instruction standards at a council-approved regional training center.

“*Revocation*” means the process by which the council removes an individual’s certification.

“*Service in the uniformed services*” means the performance of duty on a voluntary or involuntary basis in a uniformed service as defined by the federal Uniformed Services Employment and Reemployment Rights Act of 1994, as amended to [effective date of the rulemaking].

“*Successfully complete*” means to demonstrate the ability to perform all practical skills safely, effectively, and within the standards outlined by the academy.

“*Temporary holding facility*” means a temporary holding facility as defined in 201—Chapter 51.

“*Weapon*” means any firearm, striking instrument, conductive energy device, or chemical agent authorized for use as a weapon by the employing agency.

This rule is intended to implement Iowa Code sections 80B.3, 80B.11, 80B.13, 80D.7, and 321.52.

501—1.2(80B,80D) Purpose of council. The council administers and enforces the provisions of Iowa Code chapters 80B and 80D and 501—Chapters 1 through 10 and 2504 through 2506. The mission of the council is to protect the health, safety, and welfare of the public by certifying qualified individuals as law enforcement officers and reserve officers. Responsibilities of the council include but are not limited to:

1.2(1) Licensing and training. Licensing qualified law enforcement officers and reserve officers who successfully complete a pathway to certification and providing basic training programs for jailers and public safety telecommunicators.

1.2(2) Professional development. Developing and administering a program of annual professional development requirements to ensure the continued competency of individuals certified and trained by the council.

1.2(3) Discipline. Imposing discipline on law enforcement officers and reserve officers as provided by statute and rule.

This rule is intended to implement Iowa Code sections 80B.2, 80B.11, 80B.11A, 80B.11C, 80B.13, and 80D.4A.

501—1.3(80B) Council proceedings.

1.3(1) Meetings. The majority of the council’s meetings will be held at the academy, Camp Dodge, 7105 NW 70th Avenue, Building A41, Johnston, Iowa.

a. The council will annually, at its regularly scheduled meeting in June, elect a chair and vice chair from its membership to begin serving upon election.

b. The council will approve annual meeting dates by at least June 30.

c. The council may schedule special meetings called by the chair or, upon request to the chair by six members of the council or upon request of the director.

d. To be placed on the agenda, completed materials will be received at least ten days prior to a scheduled council meeting. Materials from emergency or unusual circumstances may be added to the agenda with the chair’s approval.

e. Persons in attendance at council meetings may be granted an opportunity to speak on an issue before the council at the discretion of the chair. The length and frequency of public comment will be at the discretion of the chair.

f. The council will govern its meetings in accordance with Iowa Code chapter 21 and its proceedings by Robert's Rules of Order, Revised.

1.3(2) *Quorum and majority vote.* A quorum will consist of two-thirds of the currently appointed voting members of the council. Action of the council must be approved by a simple majority of the voting members present.

1.3(3) *Authority.* The council has the authority to:

- a.* Establish committees of the council.
- b.* Establish fees.
- c.* Hold a closed session if the council votes to do so in a public roll-call vote with an affirmative vote of at least two-thirds if the total council is present or a unanimous vote if fewer are present. The council will keep minutes of all discussion, persons present, and actions occurring at a closed session. The records will be stored securely at the academy.
- d.* Investigate alleged violations of statutes or rules that relate to the practice of licensees upon receipt of a complaint or upon the council's own initiation.
- e.* Initiate and impose licensee discipline.
- f.* Monitor licensees that are restricted by council order.
- g.* Approve curriculum for certifying law enforcement and reserve officers and approve curriculum for basic training of jailers and public safety telecommunicators.
- h.* Approve the operational standards of the academy's certifying courses, local and area schools, and regional training centers.
- i.* Develop and implement annual professional development requirements to ensure the continued competency of individuals certified by the council.
- j.* Perform any other functions authorized by a provision of law.

This rule is intended to implement Iowa Code sections 80B.7 and 80B.9 and chapter 21.

501—1.4(80B) Information, submissions or requests. General inquiries regarding the council, and all submissions to or requests of the council will be made through the Director, Iowa Law Enforcement Academy, P.O. Box 130, Johnston, Iowa 50131 or at ileacouncil@iowa.gov.

This rule is intended to implement Iowa Code section 80B.9.

501—1.5(80B) Exigent action required. In the event exigent action is required by the council, the director or academy legal counsel may poll individual council members concerning the needed action. The vote of each member will be recorded and the agreement of a majority of voting members will constitute official action by the council. The action will be confirmed at the next scheduled council meeting and the reason for the action reflected in the minutes.

This rule is intended to implement Iowa Code sections 80B.9 and 80B.13.

501—1.6(80B) Audit of professional development. The council may select officers, jailers, or public safety telecommunicators for audit of professional development on an annual basis.

1.6(1) *Audit.* If selected for audit, the individual will provide documentation for professional development within 30 days of notice. The documentation will contain a training overview, instructor name, length of training, training date and location, and any training scores achieved. An extension of time may be granted on an individual basis.

1.6(2) *Record retention.* Professional development documentation will be maintained for three full calendar years.

1.6(3) *Incomplete or unsatisfactory documentation.* If the submitted documentation is incomplete or unsatisfactory, the individual may submit make-up credit to cover the deficit. The deadline for make-up credit is 90 days from the date of notice of deficit.

1.6(4) *Deficit.* A deficit will result in an investigative referral.

This rule is intended to implement Iowa Code sections 80B.11, 80B.11A, 80B.11C, 80B.13, 80B.13A, and 80D.4A.

501—1.7(80B,80D) Time tolled. Time requirements for obtaining certification, completing required training, and completion of mandatory professional development are tolled during the period an individual is absent from employment because of service in the uniformed services.

This rule is intended to implement Iowa Code sections 80B.11, 80B.11A, 80B.11C, 80B.13, 80B.13A, and 80D.4A and 38 U.S.C. §4301 through 4335.

501—1.8(17A,80B,80D) Uniform rules. The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapters are found in 501—paragraphs 2504.1(1)“a” through “d,” rules 501—2505.9(22,80B,80D) through 2505.12(22,80B,80D), and rule 501—2506.8(17A).

This rule is intended to implement Iowa Code section 17A.24.

RA 26-126

LAW ENFORCEMENT ACADEMY[501]**Regulatory Analysis**

Notice of Intended Action to be published: 501—Chapter 4
“Professional Development”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A, 80B, and 80D
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 80B and 80D

Public Hearing

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

July 14, 2026
9 to 10 a.m.

In person: 7105 NW 70th Avenue
Burma Road, Building A41
Johnston, Iowa
Online: us06web.zoom.us/j/88403237275

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Iowa Law Enforcement Academy no later than 4:30 p.m. on July 14, 2026. Comments should be directed to:

Kristi Traynor
Iowa Law Enforcement Academy
P.O. Box 130
Johnston, Iowa 50131
Email: kristi.traynor@iowa.gov

Purpose and Summary

Chapter 4 describes the professional development that all employed law enforcement officers and reserve officers must complete each year and the documentation requirements for their records. As a part of the Red Tape Review required by Executive Order 10, this chapter was reviewed and revised.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**
 - **Classes of persons that will bear the costs of the proposed rulemaking:**
This proposed rulemaking does not have a cost to the public.
 - **Classes of persons that will benefit from the proposed rulemaking:**
This proposed rulemaking will benefit law enforcement officers and reserve officers by clearly defining the professional development to be completed each year and the records officers need to maintain documenting their professional development.
2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**
 - **Quantitative description of impact:**

Iowa's law enforcement officers and reserve officers will benefit from updated professional development requirements designed to comply with statutory requirements and current law enforcement standards.

- **Qualitative description of impact:**

The public will benefit from law enforcement officers and reserve officers who have access to ongoing professional development on statutorily mandated topics and current law enforcement standards.

3. **Costs to the State:**

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

Law enforcement officers and reserve officers, or their agencies, will continue to bear the costs of ongoing professional development, as they historically have borne this cost.

- **Anticipated effect on State revenues:**

This proposed rulemaking has no anticipated impact on State revenues.

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

This proposed rulemaking streamlines Chapter 4 and eliminates outdated or statutorily revised mandates.

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

This proposed rulemaking has been streamlined, clarified, and made less restrictive where possible in accordance with the goals and directives of Executive Order 10.

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 rulemaking does not have a substantial impact on small business. This rulemaking does not establish design or operational standards.

Text of Proposed Rulemaking

ITEM 1. Rescind 501—Chapter 4 and adopt the following **new** chapter in lieu thereof:

CHAPTER 4
PROFESSIONAL DEVELOPMENT

501—4.1(80B,80D) Professional development requirements. The agency administrator will ensure compliance with professional development requirements for all agency officers. All employed law enforcement and reserve officers will comply with the following professional development requirements.

4.1(1) *Mandatory annual professional development and certification requirements.* Annual courses include:

a. Two firearms training sessions with passing qualifications, to include one daylight qualification and one low-light qualification, on the academy-approved courses of fire for issued or authorized duty weapon(s), both of which are conducted by another officer having a firearms instructor endorsement.

(1) Qualifications and any remediation will be conducted consistent with the academy course of fire guidelines.

(2) Handgun qualification on an academy-approved course of fire must be completed when an officer has a change of issued or authorized duty weapon prior to carrying the handgun while on duty.

(3) This subrule does not apply to reserve officers who are not authorized to carry a firearm.

b. Decision making.

c. De-escalation/communication with people in crisis.

d. Mental health.

e. Hate crimes.

f. Human trafficking.

g. Officer resiliency and wellness.

4.1(2) *Mandatory annual general professional development.* A minimum of 12 additional hours of law enforcement-related professional development approved by the employing agency administrator.

4.1(3) *Mandatory additional professional development.*

a. Mandatory reporter core training curriculum for child and dependent adult abuse consistent with the time frames set forth in Iowa Code section 232.69(3) “*b.*”

b. Cardiopulmonary resuscitation (CPR), automated external defibrillator (AED) and foreign body airway obstruction for all age groups consistent with nationally recognized standards.

c. Four hours of emergency vehicle operations, including three practical hours, every three years with an officer having a driving instructor endorsement consistent with Iowa Code section 321.231B.

4.1(4) *Professional development for officers with a break in service.* A certified officer with a break in service from Iowa law enforcement will complete the following professional development within one year of hire:

a. If the break in service is more than one year, all professional development outlined in subrules 4.1(1) and 4.1(2) and any additional professional development needed from subrule 4.1(3).

b. If the break in service is from one to three years, the professional development in paragraph 4.1(4) “*a.*” and a minimum of 30 additional general professional development hours.

c. If the break in service is more than three years, the professional development in paragraph 4.1(4) “*a.*” and a minimum of 60 additional general professional development hours, 40 hours of which will be the skills week from 501—paragraph 2.4(4) “*b.*”

d. General professional development completed for a break in service will be related to the duties the officer is performing.

This rule is intended to implement Iowa Code sections 80B.11(1) “*b.*,” “*c.*,” and “*d.*”; 80B.11G; 80D.3; and 80D.4A.

501—4.2(80F) Professional development on interviewing/investigating an officer subject to a complaint. An individual who performs or supervises an investigation of an officer who is the subject

of a complaint will receive a minimum of two hours of professional development on each of the following areas:

1. The fundamentals of interviewing; and
2. Peace officer, public safety, and emergency personnel bill of rights; Garrity warning; and peace officer disciplinary hearing with applicable agency policy, conducted by a licensed attorney familiar with Iowa law.

This rule is intended to implement Iowa Code section 80F.1(21).

501—4.3(80B,80D) Instructors.

4.3(1) Unless otherwise indicated, professional development may be developed and instructed by any individual deemed qualified by the law enforcement agency administrator.

4.3(2) An instructor providing instruction for a law enforcement-related training area, as determined by the law enforcement agency administrator, may receive the credit for the professional development.

This rule is intended to implement Iowa Code sections 80B.11(1)“c,” “d,” and “e”; 80D.3; and 80D.4A.

501—4.4(80B,80D) Recordkeeping. The law enforcement agency administrator will ensure that professional development and qualification records are regularly maintained and that the records are made available for inspection upon request of the council. Professional development records will include the following:

1. An overview of the training;
2. The name of the instructor who conducted the training;
3. The name of the individual who completed the training;
4. The length of the training;
5. The date and location where the training took place; and
6. The scores, if any, achieved by the officer to show proficiency in or understanding of the subject matter.

This rule is intended to implement Iowa Code sections 80B.11(1)“b,” “c,” and “k” and 80D.4A.

RA 26-127

LAW ENFORCEMENT ACADEMY[501]**Regulatory Analysis**

Notice of Intended Action to be published: 501—Chapter 5
“Endorsements”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A, 80B, and 80D
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 80B and 80D

Public Hearing

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

July 14, 2026
9 to 10 a.m.

In person: 7105 NW 70th Avenue
Burma Road, Building A41
Johnston, Iowa
Online: us06web.zoom.us/j/88403237275

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Iowa Law Enforcement Academy no later than 4:30 p.m. on July 14, 2026. Comments should be directed to:

Kristi Traynor
Iowa Law Enforcement Academy
P.O. Box 130
Johnston, Iowa 50131
Email: kristi.traynor@iowa.gov

Purpose and Summary

Chapter 5 describes the practical skill endorsements, content endorsements, and other endorsements that the Iowa Law Enforcement Academy Council will issue to eligible law enforcement officers, reserve officers, jail administrators, jailers, public safety telecommunicators, Academy staff instructors, and other professional partners who meet the qualifications for the endorsement. As a part of the Red Tape Review required by Executive Order 10, this chapter was reviewed and revised.

*Analysis of Impact***1. Persons affected by the proposed rulemaking:****• Classes of persons that will bear the costs of the proposed rulemaking:**

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

• Classes of persons that will benefit from the proposed rulemaking:

This proposed rulemaking will benefit law enforcement officers, reserve officers, jail administrators, jailers, public safety telecommunicators, Academy staff instructors, and other professional partners by clearly defining the eligibility and qualifications necessary to secure various endorsements issued by the Council.

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

- **Quantitative description of impact:**

Iowa's law enforcement officers, reserve officers, jail administrators, jailers, public safety telecommunicators, Academy staff instructors, and other professional partners will benefit from updated eligibility and minimum qualification requirements for endorsements from the Council designed to comply with current law enforcement standards.

- **Qualitative description of impact:**

The public will benefit from law enforcement officers, reserve officers, jail administrators, jailers, public safety telecommunicators, Academy staff instructors, and other professional partners having access to updated eligibility and qualification requirements for endorsements developed to comply with current law enforcement standards.

3. Costs to the State:

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

Individuals seeking endorsements from the Council, or their employers, will continue to bear the costs of necessary coursework to seek endorsements, just as they historically have borne this cost.

- **Anticipated effect on State revenues:**

This proposed rulemaking has no anticipated impact on State revenues.

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

This proposed rulemaking creates separate categories of endorsements in Chapter 5 and allows the eligibility and requirements for each endorsement category to be specific, eliminating unnecessary requirements.

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

This proposed rulemaking has been streamlined, clarified, and made less restrictive where possible in accordance with the goals and directives of Executive Order 10.

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:**

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 rulemaking does not have a substantial impact on small business. This rulemaking does not establish design or operational standards.

Text of Proposed Rulemaking

ITEM 1. Rescind 501—Chapter 5 and adopt the following **new** chapter in lieu thereof:

CHAPTER 5
ENDORSEMENTS

PRACTICAL SKILLS INSTRUCTOR ENDORSEMENTS

501—5.1(80B,80D) Practical skills instructor endorsements. All individuals providing practical instruction at the academy or through approved local and area schools and regional training centers will have the necessary practical instructor endorsement as determined by the director.

5.1(1) Academy staff instructor endorsement. Academy staff instructors are eligible for endorsements in the areas of instruction for which they are qualified.

5.1(2) Practical skills instructor endorsement level I. Certified Iowa law enforcement officers are eligible for specialty endorsements for firearms, rifle, standard field sobriety testing, driving, RADAR/LiDAR, and bicycle.

5.1(3) Practical skills instructor endorsement level II. Certified Iowa law enforcement officers, Iowa correctional officers, Iowa jailers, and Iowa jail administrators are eligible for endorsements for defensive tactics and chemical spray.

This rule is intended to implement Iowa Code sections 80B.11(1) “k,” 80B.11A, and 80D.4A.

501—5.2(80B,80D) Minimum qualifications for practical skills instructor endorsements.

5.2(1) Academy staff instructors. Academy staff instructors will meet the minimum experience and training for each endorsement area except active employment by a law enforcement agency.

5.2(2) Practical skills instructor endorsements level I. Minimum experience and training includes:

- a. Three years of experience as a certified law enforcement officer with specialized knowledge or skill in the subject area to be instructed;
- b. Being actively employed in good standing by an Iowa law enforcement agency, the Iowa department of corrections, or a council-approved regional training center; and
- c. Successful completion of the applicable endorsement training course, including instructor development.

5.2(3) Practical skills instructor endorsements level II. Minimum experience and training includes:

- a. Three years of experience as a certified law enforcement officer or three years post-basic training course with specialized knowledge or skill in the subject area to be instructed;
- b. Being actively employed in good standing by an Iowa law enforcement agency, the Iowa department of corrections, or a council-approved regional training center; and
- c. Successful completion of the applicable endorsement training course, including instructor development.

This rule is intended to implement Iowa Code sections 80B.11(1) “k,” 80B.11A, and 80D.4A.

501—5.3(80B,80D) Prerequisites for practical skills instructor endorsements. The following prerequisites will be met before enrollment in a practical skills instructor endorsement course.

5.3(1) Firearms instructor endorsement. A qualification score of at least 90 percent on an academy-approved course of fire in the last 12 months.

5.3(2) Rifle instructor endorsement. An endorsement as a firearms instructor that must be maintained to retain a rifle instructor endorsement and a qualification score of at least 90 percent on an academy-approved course of fire in the last 12 months.

5.3(3) *Defensive tactics instructor endorsement.* Iowa correctional officers, Iowa jailers, and Iowa jail administrators will provide documentation of 36 hours of training in defensive tactics from an active instructor with a defensive tactics instructor endorsement.

This rule is intended to implement Iowa Code sections 80B.11(1) “k,” 80B.11A, and 80D.4A.

501—5.4(17A,80B,80D) Award of practical skills instructor endorsements.

5.4(1) *Awarding of endorsement.* Applicants meeting all minimum qualifications may register for a practical skills instructor endorsement training course. The practical skills instructor endorsement will be awarded upon the successful completion of the instructor endorsement course.

5.4(2) *Denial of endorsement.* If an applicant fails to earn a practical skills instructor endorsement after completion of the instructor endorsement course and any allowed remediation, the applicant may file a written notice of appeal to the council within 30 days of the denial as set forth in rule 7—2506.4(17A). A hearing will be held by the council within 90 days of the receipt of the appeal.

This rule is intended to implement Iowa Code sections 17A.12, 80B.11(1) “k,” 80B.11A, and 80D.4A.

501—5.5(80B,80D) Practical skills instructor endorsement period. All endorsements will be issued through the end of the third calendar year. An endorsement may be renewed if an applicant is actively employed by an Iowa law enforcement agency, the Iowa department of corrections, or a council-approved regional training center; remains in good standing; and successfully completes the applicable instructor renewal course prior to the expiration of the endorsement. Failure to renew prior to expiration will require an applicant to earn a new endorsement.

This rule is intended to implement Iowa Code sections 80B.11(1) “k,” 80B.11A, and 80D.4A.

CONTENT INSTRUCTOR ENDORSEMENTS

501—5.6(80B,80D) Content instructor endorsements. Certified law enforcement officers, jailers, jail administrators, public safety telecommunicators, or other individuals providing instruction at the academy or through approved local or area schools, regional training centers, or a basic training course on subjects requiring a specialized academic degree, training, licensure, or experience will have the necessary instructor endorsement as determined by the director, subject to council approval.

This rule is intended to implement Iowa Code sections 80B.11(1) “j” and “k,” 80B.11A, and 80D.4A.

501—5.7(80B,80D) Minimum qualifications for content instructor endorsements. Minimum experience by profession includes successful completion of an instructor development course through the academy and the following:

5.7(1) Certified law enforcement officer. Three years of certified experience, aptitude or experience in the subject area to be instructed, and confirmation from the academy or a current license or training entity endorsement, if relevant.

5.7(2) Jail administrator or jailer. Three years of experience post completion of the basic training course, aptitude or experience in the subject area to be instructed, and confirmation from the academy or a current license or training entity endorsement, if relevant.

5.7(3) Public safety telecommunicator. Three years of experience post completion of the basic training course and aptitude or experience in the subject area to be instructed.

5.7(4) Professionals. Successful completion of relevant training or at least a baccalaureate degree in the subject area or a related field unless further education is required; confirmation by the academy of a current license or certification in the subject area; and appropriate reputation, conduct, stability and ability.

This rule is intended to implement Iowa Code sections 80B.11(1) “j” and “k,” 80B.11A, and 80D.4A.

501—5.8(80B,80D) Prerequisites for certain content instructor endorsements. The following prerequisites will be met before the award of a content instructor endorsement in the following subject areas:

5.8(1) Arson and bombing content instructor endorsement. Completion of a specialty school in police/military explosives handling and a recognized arson school.

5.8(2) Collision investigation content instructor endorsement. Completion of a two-week collision investigation school at the academy or an equivalent training approved by the academy.

5.8(3) Fingerprint content instructor endorsement. Completion of the basic and advanced Federal Bureau of Investigation fingerprint schools or an equivalent training approved by the academy.

5.8(4) Drug recognition content instructor endorsement. Identified as an instructor in the Iowa drug recognition experts and instructor directory.

5.8(5) Evidentiary breath testing device content instructor endorsement. Completion of a training program that results in trainer designation in the technology to be taught in the course.

5.8(6) Tactical medicine instructor endorsement. Completion of a course in tactical medicine approved by the academy or maintenance of a current emergency medical care provider or higher level of medical certification.

5.8(7) Less lethal instructor endorsement. Completion of a course approved by the academy in less lethal training.

This rule is intended to implement Iowa Code sections 80B.11(1)“j” and “k,” 80B.11A, and 80D.4A.

501—5.9(17A,80B,80D) Application for content instructor endorsement. Applicants seeking a content instructor endorsement(s) will submit an application to the council.

5.9(1) *Granting of endorsement.* Approval for a content instructor endorsement will be granted at the discretion of the council and evaluated on meeting minimum education, background, training, and experience.

5.9(2) *Denial of endorsement.* If the council denies an application for a content instructor endorsement, the applicant may file a written notice of appeal to the council within 30 days of the denial as set forth in rule 7—2506.4(17A). A hearing will be held by the council within 90 days of the receipt of the appeal.

This rule is intended to implement Iowa Code sections 17A.12, 80B.11(1)“j” and “k,” 80B.11A, and 80D.4A.

501—5.10(80B,80D) Content instructor endorsement period. All endorsements will be issued for a period of three years. An endorsement may be renewed if an applicant remains in good standing; completes a one-hour, in-person or online instructor development course; and submits a renewal application to the council. Failure to renew prior to expiration will require an applicant to earn a new endorsement.

This rule is intended to implement Iowa Code sections 80B.11(1)“j” and “k,” 80B.11A, and 80D.4A.

OTHER ENDORSEMENTS

501—5.11(80B,80D) Other endorsements.

5.11(1) *Salvage theft examiner endorsement.* The endorsement for certified Iowa law enforcement officers performing salvage theft examinations.

5.11(2) *H.R. 218 qualification endorsement.* The endorsement for federal law enforcement agents or officers performing H.R. 218 qualifications for retired qualified law enforcement officers.

5.11(3) *Law Enforcement Officers Safety Act (LEOSA)/H.R. 218 endorsement.* The endorsement for retired qualified law enforcement officers to carry concealed firearms.

This rule is intended to implement Iowa Code sections 80B.11(1)“k,” 80B.11A, 80D.4A, and 321.52(4)“d.”

501—5.12(80B,80D) Minimum qualifications for other endorsements.

5.12(1) *Salvage theft examiner endorsement.* Minimum qualifications include certification as a law enforcement officer employed by an agency participating in the salvage vehicle theft examination program.

5.12(2) *H.R. 218 qualification endorsement.* Minimum qualifications include having an academy firearms instructor endorsement or active approval as a firearms instructor from a federal law enforcement agency or the federal law enforcement training center.

5.12(3) *LEOSA/H.R. 218 endorsement.* Minimum qualifications include a signed academy questionnaire and successful completion of the academy qualification course.

This rule is intended to implement Iowa Code sections 80B.11(1)“k,” 80B.11A, 80D.4A, and 321.52(4)“d.”

501—5.13(80B,80D) Award of other endorsements.

5.13(1) *Salvage theft examiner endorsement.* Applicants meeting minimum qualifications for the endorsements may register for an approved salvage vehicle theft examination training course. The endorsement will be awarded upon the successful completion of the course.

5.13(2) *H.R. 218 qualification endorsement.* Applicants meeting the minimum qualifications will receive the endorsement upon confirmation by the academy.

5.13(3) *LEOSA/H.R. 218 endorsement.* Applicants meeting the minimum qualifications will receive the endorsement upon the presentation of an approved academy questionnaire and successful completion of the academy qualification course.

This rule is intended to implement Iowa Code sections 80B.11(1)“k,” 80B.11A, 80D.4A, and 321.52(4)“d.”

501—5.14(17A,80B,80D) Denial of other endorsements. If an applicant fails to earn an endorsement for which they meet minimum qualifications and have successfully completed all requirements, the applicant may file a written notice of appeal to the council within 30 days of the denial as set forth in rule 7—2506.4(17A). A hearing will be held by the council within 90 days of the receipt of the appeal.

This rule is intended to implement Iowa Code sections 17A.12, 80B.11(1)“k,” 80B.11A, 80D.4A, and 321.52(4)“d.”

501—5.15(80B,80D) Other endorsement period. Other endorsements include the following.

5.15(1) *Salvage theft examiner endorsement.*

- a. The endorsement will be issued for a period of three years.
- b. An endorsement may be renewed if an applicant remains in good standing and successfully completes an approved four-hour salvage vehicle theft refresher course prior to expiration of the endorsement. Failure to renew prior to expiration will require an applicant to earn a new endorsement.

5.15(2) *H.R. 218 qualification endorsement.*

- a. The endorsement will be issued for a corresponding time period as the active firearms instructor approval or a maximum period of three years.
- b. An endorsement may be renewed if an applicant remains in good standing and submits documentation of active firearms instructor approval prior to expiration of the endorsement.

5.15(3) *LEOSA/H.R. 218.* The endorsement will be issued for a period of one year.

This rule is intended to implement Iowa Code sections 80B.11(1)“k,” 80B.11A, 80D.4A, and 321.52(4)“d.”

ALL ENDORSEMENTS

501—5.16(17A,80B,80D) Revocation or suspension of any endorsement. Any endorsement may be revoked or suspended in writing at the discretion of the council or director, subject to subsequent council approval. The individual may file a written notice of appeal to the council within 30 days of

the revocation or suspension as set forth in rule 7—2506.4(17A). A hearing will be held by the council within 90 days of the receipt of the appeal.

5.16(1) *Good standing.* Good standing determination is at the sole discretion of the council or director, subject to subsequent council approval. A person who has been dismissed for good cause from previous employment; who leaves, voluntarily quits, or whose position is eliminated when disciplinary action was imminent or pending that could have resulted in removal for good cause; who has had a probable cause finding in the disciplinary process; who has engaged in dishonorable conduct; or who has been disciplined for a concern involving the subject area of the endorsement is not considered to be in good standing.

5.16(2) *Responsibility for areas of instruction and proper endorsement.* It is the personal responsibility of the instructor to ensure that the instructor is only providing instruction for topics that the instructor is endorsed to instruct. Failure to adhere to this provision is a basis for revocation or suspension of instructor endorsements.

5.16(3) *Contested cases.* If the revocation or suspension of an endorsement relates to a contested case, the matters will be heard together.

This rule is intended to implement Iowa Code sections 17A.12, 80B.11(1)“k,” 80B.11A, 80D.4A, and 321.52(4)“d.”

RA 26-128

LAW ENFORCEMENT ACADEMY[501]**Regulatory Analysis**

Notice of Intended Action to be published: 501—Chapter 7
“Child Support Noncompliance and Nonpayment of State and Local Debt”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A, 80B, and 80D

State or federal law(s) implemented by the rulemaking: Iowa Code chapters 80B and 80D

Public Hearing

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

July 14, 2026

9 to 10 a.m.

In person: 7105 NW 70th Avenue

Burma Road, Building A41

Johnston, Iowa

Online: us06web.zoom.us/j/88403237275

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Iowa Law Enforcement Academy no later than 4:30 p.m. on July 14, 2026. Comments should be directed to:

Kristi Traynor

Iowa Law Enforcement Academy

P.O. Box 130

Johnston, Iowa 50131

Email: kristi.traynor@iowa.gov

Purpose and Summary

Chapter 7 describes the process for revocation, suspension, or denial of a license for child support noncompliance or nonpayment of State and local debt as required by Iowa Code chapters 252J and 272D. As a part of the Red Tape Review required by Executive Order 10, this chapter was reviewed and revised.

*Analysis of Impact***1. Persons affected by the proposed rulemaking:****• Classes of persons that will bear the costs of the proposed rulemaking:**

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

• Classes of persons that will benefit from the proposed rulemaking:

This proposed rulemaking will benefit law enforcement officers and reserve officers by clearly defining the process for revocation, suspension, or denial of a license due to child support noncompliance or nonpayment of State and local debt.

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

Iowa's law enforcement officers and reserve officers will benefit from updated licensing processes designed to comply with statutory mandates.

- **Qualitative description of impact:**

The updated and easier to read chapter will create greater public trust in law enforcement when there is a process to hold law enforcement officers and reserve officers accountable through licensing sanctions for child support noncompliance or nonpayment of State and local debt.

3. **Costs to the State:**

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

There are no known costs. The academy has staff who already engage in similar functions for council matters.

- **Anticipated effect on State revenues:**

This proposed rulemaking has no anticipated impact on State revenues.

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

This proposed rulemaking streamlines Chapter 7 and eliminates unnecessary burdens.

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

This proposed rulemaking has been streamlined, clarified, and made less restrictive where possible in accordance with the goals and directives of Executive Order 10.

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:**

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 rulemaking does not have a substantial impact on small business. This rulemaking does not establish design or operational standards.

Text of Proposed Rulemaking

ITEM 1. Rescind 501—Chapter 7 and adopt the following **new** chapter in lieu thereof:

CHAPTER 7

CHILD SUPPORT NONCOMPLIANCE AND NONPAYMENT OF STATE AND LOCAL DEBT

501—7.1(252J,272D) Definitions. For the purposes of this chapter, the following definitions apply:

“*Certification*” means a license as defined in Iowa Code sections 252J.1 and 272D.1.

“*Officer*” means a law enforcement officer or reserve officer.

This rule is intended to implement Iowa Code sections 252D.9, 252J.8, 252J.9, and 272D.8.

CHILD SUPPORT NONCOMPLIANCE

501—7.2(252J) Definition. For the purposes of this division, the following definition applies:

“*Certificate of noncompliance*” means the same as defined in Iowa Code section 252J.1.

This rule is intended to implement Iowa Code sections 252J.8 and 252J.9.

501—7.3(252J) Child support certificates of noncompliance. The council will revoke, suspend, or deny the issuance of an officer’s certification upon the receipt of a certificate of noncompliance from the child support recovery unit consistent with Iowa Code chapter 252J. In addition to the procedures set forth in Iowa Code chapter 252J, the rules in this chapter apply.

7.3(1) Notice required by Iowa Code section 252J.8 will be served upon the officer by restricted certified mail, return receipt requested, or personal service in accordance with Iowa Rule of Civil Procedure 1.305; or the acceptance of service by the officer personally or through authorized counsel.

7.3(2) The effective date of the revocation, suspension, or denial is 60 days following service of the notice upon the officer.

7.3(3) The director is authorized to prepare and serve the notice required by Iowa Code section 252J.8 upon the officer.

7.3(4) Officers are responsible for keeping the council informed of all court actions and all child support recovery unit actions taken under or in connection with Iowa Code chapter 252J, including providing the council copies, within seven days of filing or issuance, of applications filed with the district court pursuant to Iowa Code section 252J.9, court orders entered in such actions, and withdrawals of certificates of noncompliance by the child support recovery unit.

7.3(5) All council fees for applications or certification training must be paid by the officer before an officer’s certification will be issued or reinstated after the council has denied the issuance or reinstatement of a certification pursuant to Iowa Code chapter 252J.

7.3(6) An officer may file an application with the district court within 30 days of service of a council notice pursuant to Iowa Code sections 252J.8 and 252J.9. The filing of the application stays the council’s action until the council receives a court order lifting the stay, dismissing the action, or otherwise directing the council to proceed. For purposes of determining the effective date of the revocation, suspension, or denial, the council will count the number of days before the action was filed and the number of days after the action was disposed of by the court.

7.3(7) The council will notify the officer in writing within ten days of the effective date of the revocation, suspension, or denial of a certification, and will similarly notify the officer when the certification is issued or reinstated following the council’s receipt of a withdrawal of the certificate of noncompliance.

This rule is intended to implement Iowa Code sections 252J.8 and 252J.9.

NONPAYMENT OF STATE OR LOCAL DEBT

501—7.4(272D) Definition. For the purposes of this division, the following definition applies:

“*Certificate of noncompliance*” means the same as defined in Iowa Code section 272D.1.

This rule is intended to implement Iowa Code sections 252D.9 and 272D.8.

501—7.5(272D) State or local debt certificates of noncompliance. The council will revoke, suspend, or deny the issuance of an officer’s certification upon the receipt of a certificate of noncompliance from the centralized collection unit of the department of revenue consistent with Iowa

Code chapter 272D. In addition to the procedures set forth in Iowa Code chapter 272D, the rules in this chapter apply.

7.5(1) Notice required by Iowa Code section 272D.8 will be served upon the officer by restricted certified mail, return receipt requested, or personal service in accordance with Iowa Rule of Civil Procedure 1.305; or the acceptance of service by the officer personally or through authorized counsel.

7.5(2) The effective date of the revocation, suspension, or denial is 60 days following service of the notice upon the officer.

7.5(3) The director is authorized to prepare and serve the notice required by Iowa Code section 272D.8 upon the officer.

7.5(4) Officers are responsible for keeping the council informed of all court actions and all actions of the department of revenue taken under or in connection with Iowa Code chapter 272D, including providing the council copies, within seven days of filing or issuance, of applications filed with the district court pursuant to Iowa Code section 272D.9, court orders entered in such actions, and withdrawals of certificates of noncompliance by the centralized collection unit.

7.5(5) All council fees for applications or certification training must be paid by the officer before an officer's certification will be issued or reinstated after the council has denied the issuance or reinstatement of a certification pursuant to Iowa Code chapter 272D.

7.5(6) An officer may file an application with the district court within 30 days of service of a council notice pursuant to Iowa Code sections 272D.8 and 272D.9. The filing of the application stays the council's action until the council receives a court order lifting the stay, dismissing the action, or otherwise directing the council to proceed. For purposes of determining the effective date of the revocation, suspension, or denial, the council will count the number of days before the action was filed and the number of days after the action was disposed of by the court.

7.5(7) The council will notify the officer in writing within ten days of the effective date of the revocation, suspension, or denial of a certification, and will similarly notify the officer when the certification is issued or reinstated following the council's receipt of a withdrawal of the certificate of noncompliance.

This rule is intended to implement Iowa Code sections 252D.9 and 272D.8.

RA 26-129

LAW ENFORCEMENT ACADEMY[501]**Regulatory Analysis**

Notice of Intended Action to be published: 501—Chapter 9
“Jailer Standards”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A and 80B
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 80B

Public Hearing

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

July 15, 2026
9 to 10 a.m.

In person: 7105 NW 70th Avenue
Burma Road, Building A41
Johnston, Iowa
Online: us06web.zoom.us/j/81468082578

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Iowa Law Enforcement Academy no later than 4:30 p.m. on July 15, 2026. Comments should be directed to:

Kristi Traynor
Iowa Law Enforcement Academy
P.O. Box 130
Johnston, Iowa 50131
Email: kristi.traynor@iowa.gov

Purpose and Summary

Chapter 9 describes the minimum hiring and training standards and required professional development for jailers and temporary holding facility personnel. As a part of the Red Tape Review required by Executive Order 10, this chapter was reviewed and revised.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**
 - **Classes of persons that will bear the costs of the proposed rulemaking:**
This proposed rulemaking does not have a cost to the public.
 - **Classes of persons that will benefit from the proposed rulemaking:**
This proposed rulemaking will benefit sheriffs, jailers, jail administrators, and temporary holding facility personnel by clearly defining the minimum standards for hiring and training jailers and temporary holding facility personnel and requirements for their professional development.
2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**
 - **Quantitative description of impact:**

Iowa's sheriffs, jailers, jail administrators, and temporary holding facility personnel will benefit from updated hiring and training processes. The new format also allows the jailer basic training course to be kept in alignment with current jailer standards and best practices.

- **Qualitative description of impact:**

Sheriffs, jailers, jail administrators, temporary holding facility personnel, and the public will benefit from minimum hiring and training standards for jailers and temporary holding facility personnel.

3. **Costs to the State:**

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

Individuals attending the required training course, or their employers, will bear the costs of the training course, as they always have.

- **Anticipated effect on State revenues:**

This proposed rulemaking has no anticipated impact on State revenues.

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

This proposed rulemaking streamlines Chapter 9 and eliminates unnecessary burdens.

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

This proposed rulemaking has been streamlined, clarified, and made less restrictive where possible in accordance with the goals and directives of Executive Order 10.

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:**

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 rulemaking does not have a substantial impact on small business. This rulemaking does not establish design or operational standards.

Text of Proposed Rulemaking

ITEM 1. Rescind 501—Chapter 9 and adopt the following **new** chapter in lieu thereof:

CHAPTER 9
JAILER STANDARDS

501—9.1(80B) Minimum standards for jail and temporary holding facility personnel.

9.1(1) *Minimum hiring standards.* Applicants must meet the following minimum standards before serving as a jail administrator, jailer, or temporary holding facility personnel:

- a. Be 18 years of age or older.
- b. Be able to read and write in English.
- c. Be of good moral character as determined by a thorough background investigation, including a fingerprint search conducted of local, state and national fingerprint files.
- d. Be not by reason of conscience or belief opposed to the use of force when appropriate or necessary to fulfill the person's duties.
- e. Have the ability to perform the essential elements of the position as defined in department job specifications.
- f. Be an appropriate candidate for employment as demonstrated by qualified psychological screening.

9.1(2) *Minimum retention standards.* An employee who has demonstrated inappropriate action beyond a reasonable degree, who is not psychologically fit for jail employment, or who has repeatedly failed to observe these rules will not be retained.

9.1(3) *Conflict of interest.* A person working in a jail will not transact any business with a prisoner, nor arrange any business transaction with a prisoner through another party. The jail will have a written code of ethics that the jail provides to all employees. At a minimum, the code will:

- a. Prohibit staff from using their official positions to secure privileges for themselves or others.
- b. Prohibit staff from engaging in activities that constitute a conflict of interest.

This rule is intended to implement Iowa Code sections 80B.11A and 80B.13(3).

501—9.2(80B) Time to complete basic training course for jailers.

9.2(1) *Jail administrators.* All jail administrators will successfully complete an approved basic training course within six months of appointment.

9.2(2) *Jailers.* All jailers will successfully complete an approved basic training course within one year of employment or assignment.

This rule is intended to implement Iowa Code section 80B.11A.

501—9.3(80B) Qualifications for reciprocity. An individual employed within the 12-month period immediately preceding application, working full-time in a jail or a prison for one year may apply for reciprocity. In determining whether to grant reciprocity, the council will consider whether the individual completed a comparable training course and any other relevant information received by the council.

This rule is intended to implement Iowa Code section 80B.11A.

501—9.4(80B) Minimum standards for jailer basic training course. A basic training course will consist of at least 40 hours, including a summative written assessment and a minimum of 8 hours of practical application, and will be provided by approved instructors.

This rule is intended to implement Iowa Code sections 80B.11(1) "k" and 80B.11A.

501—9.5(80B) Jailer basic training curriculum. An academy-aligned training curriculum for a basic training course will be initially approved by the director and confirmed by the council. The curriculum will include but is not limited to:

- 9.5(1) Core concepts.**
- a. Roles and responsibilities.
 - b. Legal concepts, including references to the Iowa Code, jail standards, and relevant case law.
 - c. Suicide prevention/mental illness.

d. Prison Rape Elimination Act (PREA).

9.5(2) Core skills.

a. Communication and report writing.

b. Cardiopulmonary resuscitation (CPR), automated external defibrillator (AED) use, and foreign body airway obstruction management for all age groups consistent with nationally recognized standards.

c. First aid; status as an emergency medical responder, licensed practical nurse, registered nurse, or medical practitioner; or holding other similar certification in the state of Iowa.

9.5(3) Core competencies.

a. Safety procedures.

b. Supervision duties.

c. Specialized services.

9.5(4) Curriculum changes. Changes to the council-approved curriculum or completion standards will be approved by the director.

This rule is intended to implement Iowa Code sections 80B.11(1) “*k*” and 80B.11A.

501—9.6(80B) Jailer professional development requirements. The agency administrator will ensure compliance with professional development requirements for all jail personnel. All jail administrators and jailers will complete the following professional development:

9.6(1) Annual professional development.

a. Annual courses include a minimum of eight hours in:

(1) Suicide prevention/mental illness.

(2) PREA.

(3) Emergency evacuation plan.

(4) Legal concepts, including references to the Iowa Code, jail standards, and relevant case law

on:

1. Constitutional rights of inmates;

2. Iowa criminal law as applicable to a jail setting;

3. Affirmative duty to intervene/intercede; and

4. Use of force.

(5) Cultural awareness.

(6) Communication skills, including de-escalation.

b. Twelve hours of additional professional development to be selected by the jail administrator or sheriff, including methods of restraining violent inmates, intake procedures, and grievance and disciplinary procedures.

9.6(2) Biennial professional development.

a. CPR.

b. AED use.

c. Foreign body airway obstruction management.

This rule is intended to implement Iowa Code section 80B.11A.

501—9.7(80B) Time to complete the basic training course for temporary holding facilities. All appointed temporary holding facility administrators and designees will successfully complete an approved basic training course within one year of employment or assignment.

This rule is intended to implement Iowa Code section 80B.11A.

501—9.8(80B) Temporary holding facility minimum standards for basic training course. The basic training course will consist of at least ten hours, including a summative written assessment, and will be provided by approved instructors.

This rule is intended to implement Iowa Code sections 80B.11(1) “*k*” and 80B.11A.

501—9.9(80B) Temporary holding facility basic training curriculum. An academy-aligned training curriculum for the ten-hour basic training course will be initially approved by the director and confirmed by the council. The curriculum will include but is not limited to:

9.9(1) Core concepts.

- a. Roles and responsibilities.
- b. Legal concepts, including references to the Iowa Code, jail standards, and relevant case law.
- c. Suicide prevention/mental illness.
- d. PREA.

9.9(2) Core skills.

a. CPR, AED use, and foreign body airway obstruction management for all age groups consistent with nationally recognized standards.

b. First aid; or status as an emergency medical responder, licensed practical nurse, registered nurse, or medical practitioner; or holding other similar certification in the state of Iowa.

9.9(3) Core competencies. Safety procedures.

This rule is intended to implement Iowa Code sections 80B.11(1) “k” and 80B.11A.

501—9.10(80B) Temporary holding facility professional development requirements. Administrators and supervisors of holding facilities will complete five hours of professional development, not including hours to maintain certification or proficiency in first aid, CPR, AED use, airway obstruction management, use of chemical agents, or handling of firearms. Annual professional development must be completed in the following areas:

1. Suicide prevention/mental illness.
2. Emergency evacuation plan.
3. PREA.

This rule is intended to implement Iowa Code section 80B.11A.

501—9.11(80B) Professional development records. The agency administrator will ensure that professional development records are regularly maintained and that the records are made available for inspection upon request of the council. Professional development records will include the following:

1. An overview of the training.
2. The name of the instructor who conducted the training.
3. The name of the individual who completed the training.
4. The length of the training.
5. The date and location where the training took place.
6. The scores achieved, if any, to show proficiency in or understanding of the subject matter.

This rule is intended to implement Iowa Code section 80B.11A.

501—9.12(80B) Break in service. A jail administrator or jailer who has had a break in service from employment as an Iowa jail administrator, jailer, or law enforcement officer will complete the following professional development within one year of hire:

9.12(1) If the break in service is from 12 months to three years, a minimum of 30 hours of professional development.

9.12(2) If the break in service is more than three years, a minimum of 40 hours of professional development.

This rule is intended to implement Iowa Code sections 80B.11(1) “k” and 80B.11A.

RA 26-130**LAW ENFORCEMENT ACADEMY[501]****Regulatory Analysis**

Notice of Intended Action to be published: 501—Chapter 10
“Public Safety Telecommunicator Standards”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A and 80B
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 80B

Public Hearing

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

July 15, 2026
9 to 10 a.m.

In person: 7105 NW 70th Avenue
Burma Road, Building A41
Johnston, Iowa
Online: us06web.zoom.us/j/81468082578

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Iowa Law Enforcement Academy no later than 4:30 p.m. on July 15, 2026. Comments should be directed to:

Kristi Traynor
Iowa Law Enforcement Academy
P.O. Box 130
Johnston, Iowa 50131
Email: kristi.traynor@iowa.gov

Purpose and Summary

Chapter 10 describes the minimum training standards for public safety telecommunicators and required professional development. As a part of the Red Tape Review required by Executive Order 10, this chapter was reviewed and revised.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**
 - **Classes of persons that will bear the costs of the proposed rulemaking:**
This proposed rulemaking does not have a cost to the public.
 - **Classes of persons that will benefit from the proposed rulemaking:**
This proposed rulemaking will benefit public safety telecommunicators by clearly defining the minimum standards of training for public safety telecommunicators and requirements for their professional development.
2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**
 - **Quantitative description of impact:**

Iowa's public safety telecommunicators and law enforcement will benefit from updated training processes. The new format also allows the public safety telecommunicator basic training course to be kept in alignment with current training standards and best practices.

- **Qualitative description of impact:**

Public safety telecommunicators, law enforcement, and the public will benefit from minimum training standards for public safety telecommunicators.

3. **Costs to the State:**

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

Individuals attending the required training course, or their employers, will bear the costs of the training course, as they always have.

- **Anticipated effect on State revenues:**

This proposed rulemaking has no anticipated impact on State revenues.

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

This proposed rulemaking streamlines Chapter 10 and eliminates unnecessary burdens.

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

This proposed rulemaking has been streamlined, clarified, and made less restrictive where possible in accordance with the goals and directives of Executive Order 10.

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:**

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 rulemaking does not have a substantial impact on small business. This rulemaking does not establish design or operational standards.

Text of Proposed Rulemaking

ITEM 1. Rescind 501—Chapter 10 and adopt the following **new** chapter in lieu thereof:

CHAPTER 10
PUBLIC SAFETY TELECOMMUNICATOR STANDARDS

501—10.1(80B) Public safety telecommunicator training committee. A training committee for public safety telecommunicators is established under Iowa Code section 7E.3(3) to consult with the director on minimum training standards. Members of the committee will meet at the call of the director and will be appointed by the director to serve a term of three years.

This rule is intended to implement Iowa Code sections 7E.3, 7E.4, and 80B.11C.

501—10.2(80B) Time to complete basic training course.

10.2(1) Basic training required. All persons employed primarily as public safety telecommunicators will successfully complete the academy basic training course within one year of their date of hire.

10.2(2) Agency administrator responsibility. It is the responsibility of the agency administrator to ensure that all telecommunicators under the agency administrator's direction receive the academy basic training course within one year of employment.

This rule is intended to implement Iowa Code section 80B.11C.

501—10.3(80B) Qualifications for reciprocity. An individual employed as a full-time public safety telecommunicator within the 12-month period immediately preceding application, with two years of experience, may apply for reciprocity. In determining whether to grant reciprocity, the council will consider whether the telecommunicator completed a comparable training course and any other relevant information received by the council.

This rule is intended to implement Iowa Code section 80B.11C.

501—10.4(80B) Minimum standards for academy basic training course. The academy basic training course will consist of at least 40 hours, including a summative written assessment and a minimum of 8 hours practical application, and will be provided by council-approved instructors.

This rule is intended to implement Iowa Code sections 80B.11(1) "j" and 80B.11C.

501—10.5(80B) Public safety telecommunicator academy basic training curriculum. The council-approved curriculum for the academy basic training course will include but is not limited to:

10.5(1) Core concepts.

- a. Roles and responsibilities.
- b. Legal concepts, including Iowa law.
- c. Resource awareness.
- d. Quality assurance.

10.5(2) Core competencies.

- a. Call processing.
- b. Emergency communications technology.
- c. Radio communication.
- d. Interpersonal communications.
- e. Emergency management.
- f. Stress management and motivation.

This rule is intended to implement Iowa Code sections 80B.11(1) "j" and 80B.11C.

501—10.6(80B) Professional development requirements. The agency administrator will ensure compliance with professional development for all employed public safety telecommunicators. All employed telecommunicators will complete a minimum of 16 hours of telecommunicator-related professional development annually. The agency administrator will determine whether training is telecommunicator related.

This rule is intended to implement Iowa Code sections 80B.11(1) "j" and 80B.11C.

501—10.7(80B) Professional development records. The agency administrator will ensure that professional development records are regularly maintained and that the records are made available for inspection upon request of the council. Professional development records will include the following:

1. An overview of the training.
2. The name of the instructor who conducted the training.
3. The name of the individual who completed the training.
4. The length of the training.
5. The date and location where the training took place.
6. The scores, if any, achieved by the telecommunicator to show proficiency in or understanding of the subject matter.

This rule is intended to implement Iowa Code sections 80B.11(1) “j” and 80B.11C.

501—10.8(80B) Break in service. A public safety telecommunicator who has had a break in service as an Iowa public safety telecommunicator will complete the following training within one year of hire:

10.8(1) If the break in service is from 12 months to three years, a minimum of 24 hours of professional development.

10.8(2) If the break in service is more than three years, a minimum of 40 hours of professional development.

This rule is intended to implement Iowa Code sections 80B.11(1) “j” and 80B.11C.

RA 26-131

LAW ENFORCEMENT ACADEMY[501]**Regulatory Analysis**

Notice of Intended Action to be published: 501—Chapter 11
“Salvage Vehicle Theft Examinations”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A and 80B
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 80B

Public Hearing

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

July 14, 2026
9 to 10 a.m.

In person: 7105 NW 70th Avenue
Burma Road, Building A41
Johnston, Iowa
Online: us06web.zoom.us/j/88403237275

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Iowa Law Enforcement Academy no later than 4:30 p.m. on July 14, 2026. Comments should be directed to:

Kristi Traynor
Iowa Law Enforcement Academy
P.O. Box 130
Johnston, Iowa 50131
Email: kristi.traynor@iowa.gov

Purpose and Summary

This proposed rulemaking rescinds Chapter 11 because it is now consolidated as a part of new 501—Chapter 5.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**
 - **Classes of persons that will bear the costs of the proposed rulemaking:**
This proposed rulemaking does not have a cost to the public.
 - **Classes of persons that will benefit from the proposed rulemaking:**
This proposed rulemaking simplifies the rules, consolidating this chapter into a new 501—Chapter 5.
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 consolidation of the process for salvage vehicle theft examination into new 501—Chapter 5 simplifies the rules for law enforcement officers engaged in salvage vehicle theft examinations.
 - **Qualitative description of impact:**

The rescission of Chapter 11 simplifies the existing rules and removes all restrictive words and phrases.

3. Costs to the State:

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

There will be no implementation or enforcement costs for rescinding Chapter 11.

• **Anticipated effect on State revenues:**

This proposed rulemaking has no anticipated impact on State revenues.

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

Rescinding this chapter helps to streamline Iowa Law Enforcement Academy Council processes for its authorization involving salvage vehicle theft examinations, consistent with its other authorizations, and eliminates unnecessary burdens.

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

No less costly methods exist than rescinding this unnecessary chapter and eliminating unnecessary text from the rules in accordance with the goals and directives of Executive Order 10.

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:**

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 rulemaking does not have a substantial impact on small business. This rulemaking does not establish design or operational standards.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **501—Chapter 11.**

RA 26-132**LAW ENFORCEMENT ACADEMY[501]****Regulatory Analysis**

Notice of Intended Action to be published: 501—Chapter 12
“Child Support”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A, 80B, and 252J
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 80B and 252J

Public Hearing

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

July 14, 2026
9 to 10 a.m.

In person: 7105 NW 70th Avenue
Burma Road, Building A41
Johnston, Iowa
Online: us06web.zoom.us/j/88403237275

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Iowa Law Enforcement Academy no later than 4:30 p.m. on July 14, 2026. Comments should be directed to:

Kristi Traynor
Iowa Law Enforcement Academy
P.O. Box 130
Johnston, Iowa 50131
Email: kristi.traynor@iowa.gov

Purpose and Summary

This proposed rulemaking rescinds Chapter 12 because it is now reorganized into a new 501—Chapter 7.

*Analysis of Impact***1. Persons affected by the proposed rulemaking:**

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

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

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

This proposed rulemaking reorganizes the Iowa Law Enforcement Academy Council’s rules into 501—Chapter 7, benefiting law enforcement and reserve officers, as well as anyone else who may access the Council’s administrative 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:**

The reorganization of this chapter into new 501—Chapter 7 provides better rule organization for law enforcement officers and reserve officers accessing the administrative rules.

- **Qualitative description of impact:**

The rescission of Chapter 12 reorganizes the existing rules and places content from this chapter detailing the process for the revocation, suspension, or denial of a certification for nonpayment of child support immediately after the chapter on the Code of Professional Conduct. Thus, the two chapters on licensing sanctions are now back-to-back.

3. Costs to the State:

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

There will be no implementation or enforcement costs for rescinding Chapter 12. The Academy has staff who already engage in similar enforcement functions for the Council.

• **Anticipated effect on State revenues:**

This proposed rulemaking has no anticipated impact on State revenues.

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

This proposed rulemaking organizes the Council's administrative rules so that the chapters detailing sanctions for certifications are back-to-back. The reorganization also replaces a chapter rescinded by the Uniform Rules on Agency Procedure, removing a gap in the Council's administrative rules.

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

No less costly methods exist than reorganizing the Council's administrative rules and eliminating unnecessary gaps in unused chapters in accordance with the goals and directives of Executive Order 10.

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:**

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 rulemaking does not have a substantial impact on small business. This rulemaking does not establish design or operational standards.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **501—Chapter 12.**

RA 26-133

LAW ENFORCEMENT ACADEMY[501]**Regulatory Analysis**

Notice of Intended Action to be published: 501—Chapter 13
 “Public Safety Telecommunicator Training Standards”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A and 80B

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 80B

Public Hearing

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

July 15, 2026
 9 to 10 a.m.

In person: 7105 NW 70th Avenue
 Burma Road, Building A41
 Johnston, Iowa

Online: us06web.zoom.us/j/81468082578

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Iowa Law Enforcement Academy no later than 4:30 p.m. on July 15, 2026. Comments should be directed to:

Kristi Traynor
 Iowa Law Enforcement Academy
 P.O. Box 130
 Johnston, Iowa 50131
 Email: kristi.traynor@iowa.gov

Purpose and Summary

This proposed rulemaking rescinds Chapter 13 because it is now reorganized into a new 501—Chapter 10.

*Analysis of Impact***1. Persons affected by the proposed rulemaking:**

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

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

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

This proposed rulemaking reorganizes the Iowa Law Enforcement Academy Council’s rules, benefitting public safety telecommunicators and the law enforcement community, as well as anyone else who may access the Council’s administrative 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:**

The reorganization of this chapter into new 501—Chapter 10 provides better rule organization for public safety telecommunicators and law enforcement officials accessing the administrative rules.

- **Qualitative description of impact:**

The rescission of Chapter 13 reorganizes the existing rules and places this chapter detailing the training standards for public safety telecommunicators immediately after the similar chapter for jailers.

3. Costs to the State:

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

There will be no implementation or enforcement costs for rescinding Chapter 13. The Academy has staff who already engage in similar training functions for the Council.

● **Anticipated effect on State revenues:**

This proposed rulemaking has no anticipated impact on State revenues.

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

This proposed rulemaking organizes the Council's administrative rules so that the chapters detailing training standards for public safety telecommunicators and jailers are back-to-back. The reorganization also replaces a chapter that was consolidated with another of the Council's chapters, removing a gap in the Council's administrative rules.

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

No less costly methods exist than reorganizing the Council's administrative rules and eliminating unnecessary gaps in unused chapters in accordance with the goals and directives of Executive Order 10.

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:**

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 rulemaking does not have a substantial impact on small business. This rulemaking does not establish design or operational standards.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **501—Chapter 13.**

RA 26-93

SECRETARY OF STATE[721]**Regulatory Analysis**

Notice of Intended Action to be published: 721—Chapter 21
“Election Forms and Instructions”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 49.44

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 49

Public Hearing

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

July 15, 2026

10 to 11 a.m.

Via videoconference

meet.google.com/acs-tohh-mmcc

Public Comment

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

Emma Larson

Office of the Secretary of State

Lucas State Office Building

321 East 12th Street, First Floor

Des Moines, Iowa 50319

Email: emma.larson@sos.iowa.gov

Purpose and Summary

The purpose of the proposed subrule is to provide voters and other interested persons with the opportunity to review the summary to be printed on the ballot for the proposed constitutional amendments that are to be voted upon at the November 3, 2026, General Election. Because the only purpose for this Regulatory Analysis is to solicit public comments, following the comment period, the regular rulemaking process will be terminated without adopting subrules.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**
 - **Classes of persons that will bear the costs of the proposed rulemaking:**
Not applicable.
 - **Classes of persons that will benefit from the proposed rulemaking:**
All Iowans will benefit from the 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:**
Not applicable.
 - **Qualitative description of impact:**
Not applicable.

3. **Costs to the State:**

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

Not applicable.

- **Anticipated effect on State revenues:**

Not applicable.

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

Not applicable.

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?

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** subrule 21.200(4):

21.200(4) A proposed constitutional amendment was passed by the Ninetieth General Assembly as House Joint Resolution 2006 and by the Ninety-First General Assembly as Senate Joint Resolution 11. This proposed amendment will be voted upon at the general election to be held on November 3, 2026.

The summary that is proposed by the Secretary of State appears below:

Summary: Provides that any bill to increase the individual income tax rate or the corporate income tax rate, or the rate of any other type of tax based upon income or legal and special reserves, shall require the affirmative votes of at least two-thirds of the members elected to each house of the legislature for passage. Further, the two-thirds majority vote requirement applies to the passage of a bill to establish a new tax on any type of income or legal and special reserves imposed by the state. The requirement excludes taxes imposed at the option of a local government. A lawsuit challenging

the proper enactment of a bill under this section must be filed no later than one year following the enactment.

RA 26-95**SOIL CONSERVATION AND WATER QUALITY DIVISION[27]****Regulatory Analysis**

Notice of Intended Action to be published: 27—Chapter 1
 “State Soil Conservation and Water Quality Committee”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 161A
 State or federal law(s) implemented by the rulemaking: Iowa Code section 161A.4A

Public Hearing

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

July 14, 2026
 9 to 10 a.m.

Borlaug Conference Room
 Hoover State Office Building
 Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Soil Conservation and Water Quality Division no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Colin Tadlock
 1305 East Walnut Street
 Des Moines, Iowa 50319
 Email: colin.tadlock@iowaagriculture.gov

Purpose and Summary

The proposed rulemaking establishes the operation of the State Soil Conservation and Water Quality Committee within the Iowa Department of Agriculture and Land Stewardship (IDALS) and farmer representation regions by county for the Committee. This proposed rulemaking combines the content of 27—Chapters 1 and 2 into a single chapter. 27—Chapter 2 is proposed to be rescinded in a concurrent rulemaking (RA 26-108, IAB 6/24/26).

*Analysis of Impact***1. Persons affected by the proposed rulemaking:**

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

No costs are incurred by the public to comply with this proposed rulemaking.

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

This proposed rulemaking will not provide an additional benefit to any persons. This is simply an editorial change to streamline the chapters applicable to the State Soil Conservation and Water Quality Committee.

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 will be no significant impact associated with this proposed rulemaking.

- **Qualitative description of impact:**

There will be no significant impact associated with this proposed rulemaking.

3. Costs to the State:

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

There will be no associated costs borne by the agency or other agencies.

• **Anticipated effect on State revenues:**

There will be no effect on State revenues in association with this proposed rulemaking.

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

Not applicable.

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:**

This change is editorial in nature, and no other alternatives were explored.

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 will have no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 27—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1

STATE SOIL CONSERVATION AND WATER QUALITY COMMITTEE

27—1.1(161A) Scope.

1.1(1) This chapter governs the conduct of business by the state soil conservation and water quality committee.

1.1(2) This chapter delineates the regional boundaries from which the six farmer members of the state soil conservation and water quality committee shall be appointed. The three members representing the mining industry, cities and towns, and tree farming shall be selected from the state at large.

PART 1
OPERATION OF STATE SOIL CONSERVATION AND WATER QUALITY COMMITTEE

27—1.2(161A) Time of meetings. The committee meets quarterly. The chairperson or a majority of the committee may establish meetings at more frequent intervals.

27—1.3(161A) Place of meetings. Meetings are held in the Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa, or at other locations as appropriate. The meeting place will be specified in the agenda.

27—1.4(161A) Notification of meetings. The director of the soil conservation and water quality division shall provide public notice of all meeting dates, locations, and tentative agenda.

1.4(1) Form of notice. Notice of meetings is given by posting the tentative agenda and by distribution upon request. The agenda lists the time, date, place, and topics to be discussed at the meeting. The agenda shall include an opportunity for the public to address the committee on any issue related to the duties and responsibilities of the committee, except as otherwise provided in these rules.

1.4(2) Posting of agenda. The tentative agenda for each meeting will be posted on the first floor of the Hoover State Office Building and on the department's website at iowaagriculture.gov, normally at least five days prior to the meeting. The agenda will be posted at least 24 hours prior to the meeting, unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible will be given.

1.4(3) Distribution of agenda. Agenda will be mailed to anyone who files a request with the director. The request should state whether the agenda for a particular meeting is desired or whether the requester desires to be on the division's mailing list to receive the agenda for all meetings of the state soil conservation and water quality committee.

1.4(4) Amendment to agenda. Any amendments to the agenda after posting and distribution under subrules 1.4(2) and 1.4(3) will be posted but will not be mailed. The amended agenda will be posted at least 24 hours prior to the meeting, unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible will be given. The committee may adopt amendments to the agenda at the meeting only if good cause exists requiring expeditious discussion or action on such matters. The reasons and circumstances necessitating such agenda amendments, or those given less than 24 hours' notice by posting, shall be stated in the minutes of the meeting.

1.4(5) Supporting material. Written materials provided to the committee with the agenda may be examined and copied as provided in the public information rules of the department. The director may require a fee to cover the reasonable cost to the division to provide the copies, in accordance with rules of the department.

27—1.5(161A) Attendance and participation by the public.

1.5(1) Attendance. All meetings are open to the public. The committee may exclude the public from portions of the meeting only in accordance with Iowa Code section 21.5.

1.5(2) Participation.

a. Items on agenda. Presentations to the committee may be made at the discretion of the chairperson.

b. Items not on agenda. Iowa Code section 21.4 requires the committee to give notice of its agenda. The committee will not take action on a matter not on the agenda, except in accordance with subrule 1.4(4). Presentations to the committee on subjects not on the agenda may be made at the discretion of the chairperson. Persons who wish the committee to take action on a matter not on the agenda should file a request with the director to place that matter on the agenda of a subsequent meeting.

c. Meeting decorum. The chairperson may limit participation as necessary for the orderly conduct of agency business.

1.5(3) Use of cameras and recording devices. Cameras and recording devices may be used during meetings provided they do not interfere with the orderly conduct of the meeting. The chairperson may order the use of these devices be discontinued if they cause interference and may exclude those persons who fail to comply with that order.

27—1.6(161A) Quorum and voting requirements.

1.6(1) Quorum. A majority of the voting members of the committee constitutes a quorum.

1.6(2) Voting. The concurrence of a majority of the committee members is required to determine any matter before the committee for action, except for a vote to close a meeting, which requires the concurrence of two-thirds of the members of the committee present.

27—1.7(161A) Conduct of meeting.

1.7(1) General. Meetings will be conducted in accordance with Robert's Rules of Order unless otherwise provided in these rules. Voting shall be by voice or by roll call. Voting shall be by voice unless a voice vote is inconclusive, a member of the committee requests a roll call, or the vote is on a motion to close a portion of a meeting. The chairpersons shall announce the result of the vote.

1.7(2) Voice votes. All committee members present should respond when a voice vote is taken. The response shall be aye, nay, or abstain.

a. All members present shall be recorded as voting aye on any motions when there are no nay votes or abstentions heard.

b. Any member who abstains shall state at the time of the vote the reason for abstaining. The abstention and the reason for it shall be recorded in the minutes.

1.7(3) Provisions of information. The chairperson may recognize any agency staff member for the provision of information relative to an agenda item.

27—1.8(161A) Minutes, transcripts, and recordings of meetings.

1.8(1) Recordings. The director shall record by mechanized means each meeting and shall retain the recording for at least one month. Recordings of closed sessions shall be sealed and retained at least one year.

1.8(2) Minutes. The director shall keep minutes of each meeting. Minutes shall be reviewed and approved by the committee and retained permanently by the director. The approved minutes shall be signed by the director and the committee chairperson.

27—1.9(161A) Officers and duties.

1.9(1) Officers. The officers of the committee are the chairperson and the vice chairperson.

1.9(2) Duties. The chairperson shall preside at the meetings and shall exercise the powers conferred upon the chairperson. The vice chairperson shall perform the duties of the chairperson when the chairperson is absent or when directed by the chairperson.

27—1.10(161A) Election and succession of officers.

1.10(1) Elections. Officers shall be elected in an odd-numbered calendar year during the second quarterly meeting of the committee and shall assume office effective July 1.

1.10(2) Succession.

a. If the chairperson does not serve out the elected term, the vice chairperson shall succeed the chairperson for the remainder of the term. A special election shall be held to elect a new vice chairperson to serve the remainder of the term.

b. If the vice chairperson does not serve out the elected term, a special election shall be held to elect a new vice chairperson to serve the remainder of the term.

PART 2
REGIONS OF REPRESENTATION FOR STATE SOIL CONSERVATION AND
WATER QUALITY COMMITTEE FARMER MEMBERS

27—1.11(161A) Regions of representation. The farmer members of the state soil conservation and water quality committee shall be selected from the northwest, north central, northeast, southwest, south central, and southeast regions of the state.

1.11(1) *Northwest region.* The northwest region shall contain the counties of Buena Vista, Calhoun, Cherokee, Clay, Dickinson, Emmet, Ida, Lyon, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, and Woodbury.

1.11(2) *North central region.* The north central region shall contain the counties of Boone, Butler, Cerro Gordo, Floyd, Franklin, Grundy, Hamilton, Hancock, Hardin, Humboldt, Kossuth, Marshall, Mitchell, Story, Tama, Webster, Winnebago, Worth, and Wright.

1.11(3) *Northeast region.* The northeast region shall contain the counties of Allamakee, Benton, Black Hawk, Bremer, Buchanan, Chickasaw, Clayton, Delaware, Dubuque, Fayette, Howard, Jackson, Jones, Linn, and Winneshiek.

1.11(4) *Southwest region.* The southwest region shall contain the counties of Adair, Adams, Audubon, Carroll, Cass, Crawford, Fremont, Greene, Guthrie, Harrison, Mills, Monona, Montgomery, Page, Pottawattamie, Shelby, and Taylor.

1.11(5) *South central region.* The south central region shall contain the counties of Appanoose, Clarke, Dallas, Decatur, Jasper, Lucas, Madison, Mahaska, Marion, Monroe, Polk, Poweshiek, Ringgold, Union, Warren, and Wayne.

1.11(6) *Southeast region.* The southeast region shall contain the counties of Cedar, Clinton, Davis, Des Moines, Henry, Iowa, Jefferson, Johnson, Keokuk, Lee, Louisa, Muscatine, Scott, Van Buren, Wapello, and Washington.

These rules are intended to implement Iowa Code chapter 161A.

RA 26-108**SOIL CONSERVATION AND WATER QUALITY DIVISION[27]****Regulatory Analysis**

Notice of Intended Action to be published: 27—Chapter 2
 “Operation of State Soil Conservation and Water Quality Committee”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 161A

State or federal law(s) implemented by the rulemaking: Iowa Code section 161A.4A

Public Hearing

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

July 14, 2026
 9 to 10 a.m.

Borlaug Conference Room
 Hoover State Office Building
 Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Soil Conservation and Water Quality Division no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Colin Tadlock
 1305 East Walnut Street
 Des Moines, Iowa 50319
 Email: colin.tadlock@iowaagriculture.gov

Purpose and Summary

This proposed rulemaking rescinds Chapter 2. Provisions included in this chapter have been consolidated and incorporated into a revised 27—Chapter 1 in a concurrent rulemaking (**RA 26-95**, IAB 6/24/26).

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**
 - **Classes of persons that will bear the costs of the proposed rulemaking:**
 No costs are incurred by the public to comply with this proposed rulemaking.
 - **Classes of persons that will benefit from the proposed rulemaking:**
 No persons will directly benefit from this proposed rulemaking. Chapter 2 is proposed to be rescinded.
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 will be no significant impact associated with this proposed rulemaking.
 - **Qualitative description of impact:**
 There will be no significant impact associated with this proposed rulemaking.
3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**
Not applicable.
 - **Anticipated effect on State revenues:**
Not applicable.
4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**
Not applicable.
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:**
No alternative methods were considered. The chapter is no longer necessary.
 - **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**
This chapter is proposed to be rescinded.

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 rescission of this chapter will have no significant impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve 27—Chapter 2.

RA 26-96**SOIL CONSERVATION AND WATER QUALITY DIVISION[27]****Regulatory Analysis**

Notice of Intended Action to be published: 27—Chapter 6
“Contracts for Public Improvements and Professional Services”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 161A
State or federal law(s) implemented by the rulemaking: Iowa Code section 26.3 and chapters 159, 161A, 207, and 208

Public Hearing

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

July 14, 2026
9 to 10 a.m.

Borlaug Conference Room
Hoover State Office Building
Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Soil Conservation and Water Quality Division no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Colin Tadlock
1305 East Walnut Street
Des Moines, Iowa 50319
Email: colin.tadlock@iowaagriculture.gov

Purpose and Summary

The proposed rulemaking establishes rules for public bidding for outside consulting for professional technical services and for construction projects bid by the Division.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**
 - **Classes of persons that will bear the costs of the proposed rulemaking:**
No costs are incurred by the public to comply with this proposed rulemaking.
 - **Classes of persons that will benefit from the proposed rulemaking:**
No persons will directly benefit from modifications to Chapter 6. Modifications will clarify public bidding requirements and establish clear thresholds for competitive solicitation of professional services and construction associated with soil conservation and water quality activities.
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 will be no significant impact associated with this proposed rulemaking.
 - **Qualitative description of impact:**
There will be no significant impact associated with this proposed rulemaking.

3. **Costs to the State:**

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

Implementation costs associated with implementation of procurement rules for professional services are limited to a minor percentage of administrative costs associated with staff time to disseminate procurement materials, evaluate proposals, reward contracts, and develop contract documents.

• **Anticipated effect on State revenues:**

There will be no effect on State revenues in association with this proposed rulemaking.

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

Not applicable.

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:**

The Division considered making no changes to the existing rules.

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

Changes were made to existing rules to eliminate fixed cost estimate thresholds that trigger procurement requirements to indexed thresholds established by the state, which account for current economic conditions and reasonable procurement cost thresholds, balancing efficiency with fiscal stewardship.

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 will have no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 27—Chapter 6 and adopt the following **new** chapter in lieu thereof:

CHAPTER 6
CONTRACTS FOR PUBLIC IMPROVEMENTS
AND PROFESSIONAL SERVICES

27—6.1(17A,159,161A,207,208) Contract policy.

6.1(1) All public improvements and professional services contracts with the division shall be awarded on a competitive basis to the maximum practical extent. All contracts shall be in written form and signed by the administrator.

6.1(2) Exceptions for compliance with federal rules and guidelines. Whenever adherence to these contracting procedures would result in the loss of federal aid for any public improvement project or professional services project, the applicable rules or guidelines shall be followed to the extent necessary to qualify for the federal funds.

PART 1
PUBLIC IMPROVEMENTS

27—6.2(17A,26,159,161A,207,208) Contracts for public improvements.

6.2(1) *Definition.* As used in these rules, “public improvement” means any building or construction work, including abandoned mined land reclamation and maintenance, to be paid for in whole or in part by the use of state funds. Iowa Code section 8A.311B, relating to reciprocal resident bidder preference, shall apply to division contracts for public improvements.

6.2(2) *Invitation for bids.* The division will solicit bids in accordance with Iowa Code section 26.3(1) and 26.3(2).

6.2(3) *Invitation for bids.* The division will accept bids that fall into accordance with Iowa Code sections 26.7(1) and 26.10(1).

6.2(4) *Solicitation of quotations.* The division will follow the competitive quotations process outlined in Iowa Code section 26.14 when applicable.

6.2(5) *Failure to receive a qualified bid or quotation.* In the event that no qualified sealed bids or quotations are received, the division may negotiate a contract with a qualified contractor.

6.2(6) *Exceptions to the requirement for bids or quotations.* The administrator may authorize the negotiation of a contract for a public improvement project without first soliciting quotations or advertising for bids under the following circumstances:

a. If the contemplated project involves the provision of utility services or the construction of a utility system and it would not be practicable to allow someone other than the utility company to perform the work.

b. Where competition is precluded because of patent rights, secret processes, or control of basic raw materials.

c. Where the project involves work of such a specialized nature that only one firm or person can reasonably be expected to accomplish it.

d. Where the service or product is provided by a nonprofit private corporation, a government body or an educational institution.

e. When emergency repair of a public improvement is necessary and delay for advertising or solicitation of quotations might cause serious loss or injury to the state.

PART 2
PROFESSIONAL SERVICES

27—6.3(17A,159,161A,207,208) Contracts for professional services.

6.3(1) *Professional services defined.* The term “professional services” shall include planning, design, architectural, engineering, landscape architecture, land surveying, land appraising, consulting, legal and management review services.

6.3(2) *Prequalification of professional firms or individuals.*

a. The division shall prequalify professional firms or individuals interested in performing the types of professional services regularly required by the division and keep a current list of such firms

or individuals. Prequalification is not an award and does not create an obligation on behalf of the division.

b. An open invitation to qualify for the types of professional services required by the division shall be periodically advertised by posting to at least one relevant lead-generating service with statewide circulation, by posting to the department's webpage, and by such other means as may be appropriate. Interested firms or individuals shall be requested to provide a statement of qualifications, including but not limited to information relative to the number, qualifications, and experience of their professional staff and any specialized expertise that may be appropriate. Statements of qualifications shall be evaluated by a committee of at least three individuals established by the administrator. Following evaluation, the committee shall submit a decision recommendation to the administrator.

c. Prequalified firms or individuals shall be required to maintain eligibility requirements established by the division. Unless such eligibility requirements fail to be maintained, prequalified firms or individuals will remain qualified for a period of up to six years.

6.3(3) *Selection of firm or individual.*

a. For any contract for professional services estimated to cost less than \$10,000, the division may select a prequalified firm or individual and negotiate a professional services contract. The bureau chief or division administrator shall prepare a memorandum for the project file stating the reasons why that particular firm or individual was selected. However, proposals may be solicited if it is in the best interest of the state.

b. For contracts estimated to exceed \$10,000, prequalified firms or individuals shall be invited to submit proposals for the performance of the needed services. The proposals submitted shall be reviewed, and members of the firms or individuals may be interviewed by a division selection committee established by the administrator. At least two-thirds of the selection committee shall be composed of individuals not responsible for the contract administration. This committee shall evaluate each proposal relative to criteria established by the division, which may include but not be limited to:

(1) Sufficiency of professional and technical staff to meet the project schedule and work requirements.

(2) Performance records for timeliness, quality and project management.

(3) Specialized expertise.

(4) Proposed method of accomplishing the desired service.

After evaluating the proposals, the committee shall submit a written recommendation of the most qualified firm or individual to the administrator.

c. The administrator shall accept the recommendation and enter into contract negotiations with said firm or individual. Upon the acceptance of a proposal by the administrator, the total estimated cost shall become the maximum contract cost, which shall not be increased, except to the extent that a contract amendment increases the objectives and scope of services. Such increase in scope shall be limited to the type of services for which the contract was initially established.

d. When a project requiring professional services is divided into several phases, the selection of a professional firm or individual for the first project phase may be accomplished in the manner prescribed above. The contract cost for subsequent phases may be established later by negotiation.

e. The administrator may authorize the negotiation of a contract without solicitation of quotations or advertising for proposals if the service is to be provided by another governmental entity or educational institution or nonprofit corporation, or if the service is of a specialized nature where only one firm or individual can reasonably provide the service, or where delay for solicitation of quotations or advertisings for proposals might reasonably be expected to result in serious loss or injury to the state.

27—6.4(17A,159,161A,207,208) Approval and award of contracts.

6.4(1) *Contract approval.* All contracts for public improvement or professional services shall be signed by the administrator.

6.4(2) *Contract award.* The contract shall be awarded to the firm or individual whose bid or proposal is believed to be the most advantageous to the state. Bids or proposals may be rejected if they do not appear to be reasonable or if there is reason to believe that the firm or individual is not sufficiently qualified to accomplish the desired work or service.

6.4(3) *Change orders and extra work orders.* All change orders and extra work orders shall be signed by the administrator before the work or service is performed, except in emergency situations, or where such approval would result in unreasonable delay.

These rules are intended to implement Iowa Code chapters 17A, 159, 161A, 207 and 208 and section 26.3.

RA 26-97

SOIL CONSERVATION AND WATER QUALITY DIVISION[27]**Regulatory Analysis**

Notice of Intended Action to be published: 27—Chapter 7
“Interest on Retained Funds”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 161A
State or federal law(s) implemented by the rulemaking: Iowa Code section 563.12

Public Hearing

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

July 14, 2026
9 to 10 a.m.

Borlaug Conference Room
Hoover State Office Building
Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Soil Conservation and Water Quality Division no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Colin Tadlock
1305 East Walnut Street
Des Moines, Iowa 50319
Email: colin.tadlock@iowaagriculture.gov

Purpose and Summary

Chapter 7 establishes procedures for interest on retained funds. This chapter is proposed to be rescinded. The Division does not retain funds as intended by this chapter; therefore, the chapter has not been used.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**
 - **Classes of persons that will bear the costs of the proposed rulemaking:**
No costs are incurred by the public to comply with this proposed rulemaking.
 - **Classes of persons that will benefit from the proposed rulemaking:**
This proposed rulemaking will not provide an additional benefit to any persons. The Division is proposing to rescind this chapter.
2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**
 - **Quantitative description of impact:**
There will be no significant impact associated with this proposed rulemaking.
 - **Qualitative description of impact:**
There will be no significant impact associated with this proposed rulemaking.
3. **Costs to the State:**

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

Implementation costs associated with implementation of procurement rules for professional services are limited to a minor percentage of administrative costs associated with staff time to disseminate procurement materials, evaluate proposals, reward contracts and develop contract documents.

- **Anticipated effect on State revenues:**

There will be no effect on State revenues in association with this proposed rulemaking.

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

Not applicable.

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:**

This chapter is proposed to be rescinded. No alternatives were explored.

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 rescission of this chapter will have no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve 27—Chapter 7.

RA 26-98

SOIL CONSERVATION AND WATER QUALITY DIVISION[27]**Regulatory Analysis**

Notice of Intended Action to be published: 27—Chapter 10
“Iowa Financial Incentive Program for Soil Erosion Control”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 161A

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 161A

Public Hearing

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

July 14, 2026
9 to 10 a.m.

Borlaug Conference Room
Hoover State Office Building
Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Soil Conservation and Water Quality Division no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Colin Tadlock
1305 East Walnut Street
Des Moines, Iowa 50319
Email: colin.tadlock@iowaagriculture.gov

Purpose and Summary

This proposed rulemaking establishes procedures and standards to be followed by the Iowa Department of Agriculture and Land Stewardship (IDALS) when implementing the State’s financial incentive program for soil erosion control. It also establishes standards and guidelines to which the soil and water conservation districts (SWCDs) shall conform in fulfilling their responsibilities under this program.

*Analysis of Impact***1. Persons affected by the proposed rulemaking:****• Classes of persons that will bear the costs of the proposed rulemaking:**

No costs are incurred by the public to comply with this proposed rulemaking.

• Classes of persons that will benefit from the proposed rulemaking:

This proposed rulemaking will not provide an additional benefit to any persons. Private landowners will still be given the opportunity to apply for financial assistance to implement water quality improvement and soil conservation practices on their land through a voluntary application process managed by the local SWCDs. These practices protect and improve water quality and land used for the production of food, fiber, or both to the benefit of all.

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 will be no significant impact associated with this proposed rulemaking.

- **Qualitative description of impact:**

There will be no significant impact associated with this proposed rulemaking.

3. **Costs to the State:**

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

Costs incurred by IDALS are associated with SWCD, Natural Resources Conservation Service (NRCS), and IDALS staff to promote, design, implement, and process payments for practices installed using the program. Based on current staff involved, it is estimated that between 20 and 25 percent of annual costs associated with IDALS field staff time are associated with implementing these rules.

- **Anticipated effect on State revenues:**

There will be no effect on State revenues in association with this proposed rulemaking.

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

Not applicable.

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:**

The Iowa Financial Incentive Program is currently functioning efficiently utilizing the rules established in this chapter, and the revisions being proposed will not affect this, so no alternatives needed to be considered.

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 will have no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 27—Chapter 10 and adopt the following **new** chapter in lieu thereof:

CHAPTER 10
IOWA FINANCIAL INCENTIVE PROGRAM FOR SOIL EROSION CONTROL

PART 1

27—10.1(161A) Authority and scope. This chapter establishes procedures and standards to be followed by the division of soil conservation and water quality, Iowa department of agriculture and land stewardship, in implementing the state's financial incentive program for soil erosion control. It also establishes standards and guidelines to which the soil conservation districts shall conform in fulfilling their responsibilities under this program.

27—10.2(161A) Rules are severable. If any provision of a rule or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the rule that can be given effect without invalid provision or application, and to this end, the provisions of these rules are severable.

PART 2

27—10.3(161A) Definitions.

“Administrative order” means a written notice from the commissioners to the landowner or landowners of record and to the occupants of land informing them they are violating the district's soil loss limit regulations or maintenance agreement and advising them of action required to conform to the regulations.

“Agricultural production” means the commercial production of food or fiber.

“Allocation” means those funds that are identified as a district's share of the state's appropriated funds that have been distributed to a particular program.

“Applicant” means a person, persons, or a legal entity requesting assistance for implementing soil and water conservation practices.

“Appropriations” means those funds appropriated by the Iowa legislature and provided to the division for funding the various incentive programs for soil erosion control.

“Case file” means a record that is assembled and maintained for each application approved for state cost sharing.

“Certification/verification of practice form” means a signature page used to attest that a practice was installed or performed, and will be maintained, in accordance with applicable standards and that the costs and associated cost-share payment are correct. The form requires the signature of the applicant(s) and the certifying technician.

“Certifying technician” means the district conservationist or resource team leader of the Natural Resources Conservation Service (NRCS), the district forester of the Department of Natural Resources (DNR), or another individual designated by the division as qualified to act in this capacity.

“Complaint” means a written and signed document received by the commissioners from a landowner or occupant of land stating that said property in the district is being damaged by sediment resulting from soil erosion on the property of another named landowner.

“Conservation cover” means that if a tract of agricultural land has not been plowed or used for growing row crops at any time within the prior 15 years, it shall be classified as agricultural land under conservation cover.

“Excessive erosion” means soil erosion that is occurring at a rate exceeding the established soil loss limit.

“FARMS” means the financial and reports management system, which is a web-based tracking software used to track, maintain, and report on cost-share claims.

“Fiscal year” means the state fiscal year for which program funds were appropriated.

“Maintenance/performance agreement” means an agreement between the landowner and the district. The landowner agrees to maintain the soil and water conservation practices for which financial incentives from the division through the district have been provided. The agreement states that the landowner will maintain, repair, or reconstruct the practices if they are not maintained

according to the terms specified in the agreement. The terms of the agreement shall be specified by the division.

“Obligated funds” means those moneys that are set aside out of the district’s allocation or by the division for payment to the applicant after the commissioners have approved an application for financial incentives.

“Road” means the entire width between property lines of the publicly owned right-of-way.

“Row cropped lands” means land that is in an established rotation sequence that includes row crops and the sequence is actively being followed or is in consecutive row crop sequence.

“Soil and water conservation practices” means any of the practices that serve to reduce erosion of soil by wind and water on land used for agricultural or horticultural purposes and that are approved by the division.

“Soil loss limit” means the maximum amount of soil loss due to erosion by water or wind, expressed in terms of tons per acre per year, that the commissioners of the respective soil and water conservation districts have established by rule as acceptable.

“State soil survey data base for Iowa” means a listing of the soil map units for each county and the properties and interpretation for each of the map units.

“Supplemental allocation” means additional funds provided beyond the original allocation.

“Supplementary administrative order” means a written notice sent to those receiving an administrative order for violation of the district’s soil loss limit regulations advising that cost-share funds are being committed to the landowner or landowners and establishing time limits for correcting the soil erosion problems.

“Technician” means a person who is qualified to design, lay out and inspect construction of soil and water conservation practices and who is assigned to or employed by a soil and water conservation district.

“Unobligated funds” means those cost-share moneys the districts have been allocated and those the division administers that have not been obligated.

PART 3

27—10.4(161A) Compliance, refunds, reviews and appeals. This part establishes rules and procedures utilized in association with maintenance/performance agreements that have been entered into because of financial incentive payments being provided for implementing soil and water conservation practices.

27—10.5(161A) Compliance with maintenance/performance agreements.

10.5(1) Maintenance/performance agreement. As a condition for payment of any financial incentives funds for implementing soil and water conservation practices, the owner of the land on which the practices have been installed shall sign the maintenance/performance agreement to maintain those practices for the term specified. Specific conditions of the agreement are detailed on the form.

10.5(2) Determination of compliance with maintenance/performance agreements.

a. A technician shall inspect a practice at any time the district commissioners have reason to believe it is not being satisfactorily maintained so that it is successfully performing the function for which it was originally installed. Following the inspection, the technician shall add notes of the technician’s findings in the district’s case file for the landowner and communicate the findings to the commissioners. If the practice is found to be satisfactorily maintained, the landowner shall be considered to be in compliance with the maintenance/performance agreement. The division will evaluate the situation to determine that proper procedures were followed.

b. The district shall have a practice inspected by a technician whenever requested to do so by the landowner. The person requesting the inspection shall be provided with documentation of the technician’s inspection findings, and notes of the findings will also be added in the district’s case file for the landowner and communicated to the commissioners.

c. In the event that properly maintained practices that were installed with the assistance of Iowa financial incentive program funds are damaged due to natural disasters, completing the maintenance/performance agreement shall not constitute an action or intent on the part of the division to prevent the owner of the land on which the practices were installed from receiving federal emergency conservation program assistance to repair or replace the practices.

27—10.6(161A) Noncompliance with maintenance/performance agreements.

10.6(1) Determination of noncompliance with maintenance/performance agreements.

a. A practice inspected by a technician that is found not to be satisfactorily maintained will result in the landowner of the property where the practice is located being considered as not in compliance with the maintenance/performance agreement. Notes of the findings shall be added to the district's case file for the landowner and communicated to the commissioners.

b. The district shall notify the division in writing of the noncompliance finding. This notification shall contain an explanation of why the practice is considered not to be in compliance with the maintenance/performance agreement. The division will evaluate the situation to determine that proper procedures were followed.

c. Upon determination by the district and the division that a landowner is not in compliance with a maintenance/performance agreement, the district shall notify the landowner of the noncompliance with the maintenance/performance agreement issue for the specified practice. The notice will include the technician's inspection findings, outline what would need to be done in order to address the maintenance issue(s), and offer the landowner technical assistance in voluntarily bringing the practice back into compliance with the maintenance/performance agreement.

d. If all voluntary efforts with the landowner to address the maintenance issues have been exhausted, the division shall assist the district in the issuance of an administrative order to the landowner requiring appropriate maintenance, repair or reconstruction of the practice.

(1) Within 60 days from the date of issue of the administrative order, the landowner shall submit to the district a written and signed statement of intent to maintain, repair or reconstruct the practice.

(2) The maintenance, repair or reconstruction work shall be initiated within 180 days from the date of issue of the administrative order and shall be satisfactorily completed within one year of the date of issue of the administrative order.

10.6(2) Refunds for noncompliance with a maintenance/performance agreement.

a. The district, in its sole discretion, may allow the current landowner to refund to the division the entire amount of the financial incentive payment that was issued for implementing the practice in lieu of maintaining, repairing or reconstructing a practice.

b. Refund process. The landowner shall provide the district with a check made out to "Treasurer, State of Iowa" in the amount of the refund. The district will then submit the check to the division. The division will deposit refunds to the appropriate district account.

10.6(3) Agricultural land converted to nonagricultural land. If land subject to a maintenance/performance agreement is converted to a nonagricultural use that does not require the soil and water conservation practice that has been established with financial incentives, the practice shall not be removed until the landowner refunds the appropriate amount of the payment that was issued.

a. *Amount of refund.* The amount of the refund will be calculated by dividing the total amount of the financial incentive payment issued by the total number of years the practice is required to be maintained. That amount will then be multiplied by the number of years remaining in the maintenance/performance agreement time period to determine the refund amount.

b. *Refund process.* The landowner shall follow the refund process indicated in paragraph 10.6(2) "a."

27—10.7(161A) Review process for noncompliance with maintenance/performance agreements.

A landowner who has been ordered to maintain, repair or reconstruct a soil and water conservation

practice subject to a maintenance/performance agreement may, as appropriate, request to review the order with the district commissioners and the division.

10.7(1) *Review with soil and water conservation district commissioners.* When a landowner wishes to appeal an order to maintain, repair or reconstruct a soil and water conservation practice subject to a maintenance/performance agreement, the landowner may request a review of the order with the district commissioners. The commissioners shall schedule a meeting to review the issue with the landowner. This proceeding shall be informal. A landowner shall request a review with the district commissioners in writing and within 30 days following receipt of the order. The commissioners will either affirm, modify, or vacate the administrative order following the completion of the review.

10.7(2) *Review with the division.* After having unsuccessfully met with the district commissioners, a landowner who has been ordered to maintain, repair or reconstruct a soil and water conservation practice subject to a maintenance/performance agreement may file a written request for review with the division. The division review shall be conducted by the division director or the director's designee. This proceeding shall be informal. A landowner shall request the review with the division in writing within 30 days following the review with the district. The division will either affirm, modify, or vacate the administrative order following the review.

PART 4

27—10.8(161A) Appropriations. The division receives a yearly appropriation of funds from the state legislature to support the Iowa financial incentive program for soil erosion control. These funds are distributed to soil and water conservation districts to be used in support of the programs listed in this rule and as established in Iowa Code chapter 161A.

10.8(1) *Voluntary program.* A maximum of 90 percent of the appropriation is to be used to provide financial assistance for the installation of soil and water conservation practices as specified in Iowa Code section 161A.73.

a. The first \$15,000 allocated to each district and up to 30 percent of the amount remaining in a district's original and supplemental allocation may be used for the establishment of residue and management practices listed in subrule 10.21(1).

b. Voluntary program funds may be used for emergency repairs of soil and water conservation practices under the qualifying conditions as specified in Iowa Code section 161A.75.

10.8(2) *Publicly owned lakes program.* A minimum of 5 percent of the appropriation shall be set aside to be used as specified in Iowa Code section 161A.73.

10.8(3) *Mandatory program.* A maximum of 5 percent of the appropriation shall be set aside to be used as specified in Iowa Code section 161A.74.

10.8(4) *Special watershed projects.* Appropriated funds may be used as specified in Iowa Code section 161A.73 to support these projects.

10.8(5) *Summer construction incentives program.* Appropriated funds may be used as specified in Iowa Code section 161A.73 in support of this program. Summer construction incentives are only available in conjunction with state-funded soil and water conservation practices.

PART 5

27—10.9(161A) Allocations to soil and water conservation districts. This division identifies those program funds that are available for allocation to the districts and explains how the allocations are made.

27—10.10(161A) Voluntary program. The division will allocate program funds to the districts in steps identified as original allocations and supplemental allocations.

10.10(1) *Original allocation.* Sixty percent of the fiscal year funds distributed to this program will be allocated to the districts at the beginning of the fiscal year in accordance with a formula based on the state soil survey database for Iowa. The formula is $A = wzf$, where:

- a. A = allocation to the district.
- b. w = the percentage factor for the district, determined by $(x/y) (100)$, where:
- (1) x = district acres, determined by totaling the district's land capability class acres from the state soil survey database for Iowa using the formula: $(\frac{1}{4})2e + 3e + 4e$.
- (2) y = state acres, determined by totaling the state's land capability class acres from the state soil survey database for Iowa using the formula: $(\frac{1}{4})2E + 3E + 4E$.
- c. z = 60 percent of fiscal year funds distributed to the voluntary program.
- d. f = an adjustment factor of 0.980 applied to each district's allocation to adjust the original allocation to compensate for establishing a minimum of four-tenths of 1 percent of "z" to ensure that each district has a workable program.
- e. The following table provides the value of "w" for each district:

Individual Soil and Water Conservation District Percentage Allocation Factors

<u>W(%) District</u>	<u>W(%) District</u>	<u>W(%) District</u>	<u>W(%) District</u>
1.7 Adair	1.2 Davis	1.0 Jefferson	0.2 Pocahontas*
1.1 Adams	1.4 Decatur	1.2 Johnson	0.8 Polk
1.5 Allamakee	0.8 Delaware	1.2 Jones	1.4 E. Pottawattamie
1.1 Appanoose	0.5 Des Moines	1.4 Keokuk	1.2 W. Pottawattamie
1.3 Audubon	0.4 Dickinson	0.5 Kossuth	1.6 Poweshiek
1.2 Benton	1.8 Dubuque	1.0 Lee	1.6 Ringgold
0.3 Black Hawk*	0.4 Emmet	1.0 Linn	0.7 Sac
0.6 Boone	1.1 Fayette	0.5 Louisa	0.8 Scott
0.3 Bremer*	0.3 Floyd*	1.1 Lucas	1.8 Shelby
0.3 Buchanan*	0.6 Franklin	0.9 Lyon	1.0 Sioux
0.5 Buena Vista	1.0 Fremont	1.2 Madison	0.6 Story
0.6 Butler	0.5 Greene	1.2 Mahaska	1.5 Tama
0.3 Calhoun*	0.5 Grundy	1.3 Marion	1.7 Taylor
1.2 Carroll	1.5 Guthrie	1.5 Marshall	1.1 Union
1.5 Cass	0.4 Hamilton	1.1 Mills	1.2 Van Buren
1.2 Cedar	0.4 Hancock	0.2 Mitchell*	1.0 Wapello
0.4 Cerro Gordo	0.7 Hardin	1.3 Monona	1.2 Warren
1.0 Cherokee	1.7 Harrison	1.0 Monroe	1.1 Washington
0.4 Chickasaw	0.9 Henry	1.2 Montgomery	1.4 Wayne
1.2 Clarke	0.4 Howard	0.5 Muscatine	0.3 Webster*
0.4 Clay	0.2 Humboldt*	0.5 O'Brien	0.5 Winnebago
2.0 Clayton	1.3 Ida	0.3 Osceola*	2.0 Winneshiek
1.2 Clinton	1.4 Iowa	1.5 Page	2.2 Woodbury
2.5 Crawford	1.7 Jackson	0.4 Palo Alto	0.2 Worth*
0.8 Dallas	1.8 Jasper	2.4 Plymouth	0.4 Wright

*The minimum value to be used in determining original allocations to districts shall be 0.4.

10.10(2) Supplemental allocation. The remaining balance of the fiscal year funds plus recalled funds will be provided to the districts in a supplemental allocation. The districts shall identify valid applications and cost estimates, if any, for supplemental allocations to the division by September 1 and by December 31. Factors to be considered in making a supplemental allocation to a district include:

- a. The sum of cost estimates (for pending applications) in each district, divided by the total cost estimates (for pending applications) for all 100 districts, multiplied by the remaining available program funds; and

b. Whether or not the proposed supplemental allocation exceeds three times the original allocation to the district.

10.10(3) *Recall of funds.* The division shall recall unobligated funds from district accounts on December 31 and on June 30. Recalled funds will be made available to qualifying districts as supplements to their initial allocation.

10.10(4) *Eligibility for supplemental allocations.*

a. In order to be considered as a pending application for the purpose of calculating supplemental need, an application must be in the waiting initial board approval status in FARMS.

b. Spring supplemental funding shall be made available for practices that will be completed by June 30 of the current year.

10.10(5) *Recall and reallocation of funds by division director.* If districts are not demonstrating an ability to use available funding, the division director may recall these funds and reallocate the funds to a district that has an immediate need for additional funding.

27—10.11(161A) Publicly owned lakes program. Appropriated funds will be allocated to districts for use in eligible watersheds as specified in Iowa Code section 161A.73.

10.11(1) *Recall of unobligated funds.* Funds that are allocated to districts under this program and are not obligated by June 30 shall be recalled by the division.

10.11(2) *Reallocation of recalled funds.* The reallocation of recalled funds will be based on need and demonstrated ability to use the funds. The districts shall submit their requests identifying valid applications and cost estimates, if any, to the division. The division shall allocate funds for these requests on a first-come, first-served basis to eligible watersheds above publicly owned lakes.

10.11(3) *Applications and agreements.* Applications and agreements under this program will follow the guidance provided in Part 7 of these rules.

27—10.12(161A) Mandatory program. Appropriated funds will be allocated to districts when necessary for use as specified in Iowa Code section 161A.74.

10.12(1) *Applications and agreements.* Applications and agreements used for this program will be the same as those outlined in Part 7 of these rules.

a. Districts will notify the division of applications and funding allocation requests associated with soil and water conservation practices to be installed in support of this program.

b. The division will review the application(s) and, if approved, allocate funds to the district and notify the district of the approval. If the division does not approve the application(s) or if funds are not available for the application(s), the division will contact the district to discuss these issues.

c. The district will notify the landowner of the status of the funding request by issuing a supplementary administrative order.

10.12(2) *Recall of unobligated funds.* Funds that are allocated to districts under this program and are not obligated as of June 30 shall be recalled by the division.

27—10.13(161A) Special watershed projects. Appropriated funds may be allocated to districts for use as indicated in Iowa Code section 161A.73.

27—10.14(161A) Reserve fund. A reserve fund consisting of a specified amount of the yearly appropriated funds will be set aside and used to meet contingencies that occur in the districts or within the division. At any time during the fiscal year, the reserve fund may be replenished with recalled funds to return it to the original balance, if needed. The amount of the reserve fund shall be established by the division and maintained in policy.

PART 6

27—10.15(161A) Funding rates. Information on the cost-share rates provided under the various programs is shown in this part. In all cases, except for the mandatory program, the state's share will

be computed using the specified percentages multiplied by the lesser of the estimated or eligible cost of implementing the soil and water conservation practice. Payments under the mandatory program will be based on actual costs. All funds included in this part may be used in combination with other public funds as long as the maximum cost-share rate provided does not exceed 75 percent of the lesser of the estimated or eligible costs.

10.15(1) *Voluntary.* Cost share will be provided based on the percentage indicated in Iowa Code section 161A.73. Additional maximum cost-share amounts for specified practices may be imposed based on policy established and maintained by the division. Cost-share payments for disaster emergency repairs of permanent practices may be provided as indicated in Iowa Code section 161A.75.

10.15(2) *Summer construction incentives.* In addition to cost share for the establishment of a permanent soil and water conservation practice, a per-acre incentive payment is available to offset income lost from cropland acres taken out of production during the growing season in order to install the soil and water conservation practice. The maximum per-acre incentive payment shall be based on the average cropland rental rate in Iowa as provided by the Iowa State University Cash Rental Rates Survey. Every three years, the division will review and, if necessary, adjust the maximum per-acre incentive payment to account for fluctuations in the average cropland rental rate. The division shall notify the districts of the current maximum per-acre incentive payment rate each year. Payment will be made upon completion of the permanent soil and water conservation practice. To qualify:

a. The field being treated shall be in row cropland during the growing season in which the permanent soil and water conservation practice is being constructed.

b. The construction area must have suitable cover that minimizes soil erosion prior to and after the construction of the permanent soil and water conservation practice.

c. The construction of the permanent soil and water conservation practice shall take place between June 15 and October 15. Work must start and be completed between these dates and verified by the technician prior to payment of the incentive.

d. Only the land necessary for construction is eligible for this incentive. The construction work area shall be determined by the technician.

e. The construction work area shall not be used to grow a crop that will be harvested for grain at any time during the June 15 to October 15 construction period.

10.15(3) *Special watershed projects.* Cost share will be provided for qualified projects at rates specified in Iowa Code section 161A.73.

10.15(4) *Mandatory.* Cost share will be provided based on the rates and the process specified in Iowa Code section 161A.74.

10.15(5) *Watersheds above publicly owned lakes.* Cost share will be provided at the rate specified in Iowa Code section 161A.73.

10.15(6) *Conservation cover.* For land determined to meet this classification, the cost-share rate will be provided as specified in Iowa Code section 161A.76.

PART 7

27—10.16(161A) Applications and agreements. Applicants may apply for Iowa financial incentive funds following the application process guidance provided by and utilizing documents specified by the soil and water conservation district in the county where the proposed soil and water conservation practice would be located.

27—10.17(161A) Eligibility for financial incentives.

10.17(1) *Practices installed on adjoining public lands.* Where soil and water conservation practices are installed on public lands, that benefit adjoining private lands, and costs of the installation are to be shared by the parties, state cost-share funds may be used to cost-share the landowner cost of the erosion control portion of the project.

10.17(2) Ineligible lands.

a. Iowa financial incentive funds shall not be used to reimburse other units of government for implementing soil and water conservation practices or to reimburse other applicants for the cost of implementing soil and water conservation practices on land owned by other units of government.

b. Privately owned land not used for agricultural production does not qualify for financial incentives except for land where specific practices designated in policy established and maintained by the division are being implemented.

c. Tracts of land used for agricultural production that are less than ten acres in size and from which less than \$2,500 of agricultural products are sold annually do not qualify for financial incentives funds, unless approved by the commissioners as part of a group project or as a continuation of an adjacent system.

10.17(3) Need for soil and water conservation practices. Financial incentives shall be available only for those soil and water conservation practices determined to be needed by the district to reduce excessive erosion or sedimentation and are included in the designated practices identified in Part 8 of these rules. Such determination of need shall be made by a qualified technician.

10.17(4) District priorities. Each application for financial incentives shall be evaluated under the priority system adopted by the district for disbursement of allocated funds. The district priority system shall be reviewed annually by the district. The priority system shall be sent electronically to the division for the division's record after the annual review. The priority system shall consider the public benefit derived. The priority system adopted by the district shall be made available for review at the district office.

27—10.18(161A) Financial incentive application and processing procedures.

10.18(1) Applicants shall submit their application for Iowa financial incentive funds as specified in rule 27—10.16(161A). Districts shall enter and process financial incentive applications in FARMS following guidance provided by and maintained in policy established by the division.

10.18(2) Case files. A case file shall be maintained for each application approved for Iowa financial incentive funds. All documents pertinent to the application process that are not already stored within the FARMS application will be retained in the file. Any financial incentive documents stored in the file may be removed and disposed of after the period of time indicated in the records guide provided by and maintained in policy established by the division.

PART 8

27—10.19(161A) General conditions, eligible practices and specifications. The purpose of this part is to establish the general conditions and limitations concerning practice implementation, the state-approved soil and water conservation practices eligible for Iowa financial incentives and the specifications for which funded practices must conform.

27—10.20(161A) General conditions. The following general conditions shall be met, where applicable, in addition to the specifications in rule 27—10.23(161A). To the extent of any inconsistency between the general conditions and the specifications, the general conditions shall control.

10.20(1) Limitation of reimbursable costs of practices. Overbuilding or other practice modifications that exceed the minimum requirements of the specification shall be permitted, if approved by the technician. Any additional costs resulting from such overbuilding or exceeding of the minimum specifications shall not be cost-shared by the state. Examples of overbuilding or exceeding specifications include but are not limited to the following:

a. Where an applicant desires that water be stored for purposes other than grade stabilization to control erosion.

b. Where additional top width is added to an earthen fill to provide a field crossing or road.

c. Where additional flow capacity for lowland drainage laterals is added to an underground outlet constructed as a component of a terrace system.

10.20(2) *Materials.* Projects funded with Iowa financial incentive funds will utilize only new materials or used materials that meet or exceed design specifications and standards.

10.20(3) *Existing practices.*

a. *Repair and maintenance.* Repair and maintenance of existing practices are not eligible for funding except for emergency disaster repairs as specified in subrule 10.15(1).

b. *Addition of underground outlets.* The addition of underground outlets to existing waterways and terraces is not eligible for funding.

10.20(4) *Upland treatment.* Seventy-five percent of the upland area shall be adequately treated for erosion control before waterways or grade stabilization structures will be funded.

10.20(5) *Seeding.*

a. *Seeding required.* Following practice construction, seeding shall be performed as appropriate in accordance with seeding specifications referenced in rule 27—10.23(161A), except as waived below.

b. *Seeding after specified seeding dates.* When the construction of a practice is completed after the seeding date contained in the specifications, seeding may be delayed until the following year. If delayed, the applicant shall be responsible for protecting the practice with temporary vegetative cover or other means until the seeding can be completed. For seeding delayed until the next year, the district may approve payment for the completed practice, but such payment shall exclude the seeding cost. The remaining payment for seeding may be made available the following year.

27—10.21(161A) Eligible practices. Only those soil and water conservation practices listed in this rule are eligible for the Iowa financial incentives program funds.

10.21(1) *Residue and management practices.* One-time only payments may be provided for each of these practices.

- a. No-till planting.
- b. Ridge-till planting.
- c. Strip-till planting.
- d. Cover crops.
- e. Contour farming.
- f. Strip-cropping.

10.21(2) *Temporary practices.*

a. Critical area planting.

b. Field border.

c. Filter strips.

d. Pasture and hay planting. Pasture and hay planting will be eligible for funding only when land that has been planted to row crop for at least three out of the last five years is being converted to vegetative cover.

10.21(3) *Permanent practices.*

a. Diversion. Diversions are eligible for funding only when used to prevent downstream erosion.

b. Windbreak and shelterbelt establishment. A strip or belt of trees or shrubs established within or adjacent to a field to reduce sediment damage and soil depletion caused by wind.

c. Grade stabilization structure.

d. Grassed waterway.

e. Terrace.

f. Underground outlet. Underground outlets are eligible for Iowa financial incentive funding only when used as a component of eligible permanent practices contained in this subrule.

g. Water and sediment control basin.

h. Conservation cover.

- i.* Tree/shrub establishment. The minimum eligible area is three acres.

27—10.22(161A) Designation of eligible practices. District commissioners may designate which soil and water conservation practices will be eligible for Iowa financial incentive payments in their district. The selected practices must be from the state-approved practices contained in rule 27—10.21(161A).

27—10.23(161A) Practice standards and specifications. Practices shall meet NRCS practice standards and specifications where applicable and may be accessed through the NRCS Field Office Technical Guide. Forestry practice of tree/shrub establishment shall meet DNR practice standards and specifications and may be accessed through the DNR Forestry Practices Manual Technical Guide. Copies of standards and specifications may be requested in the district office where the practice will be implemented. To the extent of any inconsistency between the general conditions and the specifications, the general conditions shall control.

PART 9

27—10.24(161A) Annual report. The district will submit an annual report to the division upon request that will reflect accomplishments from the fiscal year ending June 30.

These rules are intended to implement Iowa Code chapter 161A.

RA 26-99

SOIL CONSERVATION AND WATER QUALITY DIVISION[27]**Regulatory Analysis**

Notice of Intended Action to be published: 27—Chapter 11
“Conservation Practices Revolving Loan Fund”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 161A

State or federal law(s) implemented by the rulemaking: Iowa Code section 161A.71

Public Hearing

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

July 14, 2026
9 to 10 a.m.

Borlaug Conference Room
Hoover State Office Building
Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Soil Conservation and Water Quality Division no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Colin Tadlock
1305 East Walnut Street
Des Moines, Iowa 50319
Email: colin.tadlock@iowaagriculture.gov

Purpose and Summary

The proposed rulemaking provides procedures and standards to be followed by the Iowa Department of Agriculture and Land Stewardship (IDALS) in administering the Conservation Practices Revolving Loan Fund. The proposed chapter establishes standards and guidelines to which the soil and water conservation districts (SWCDs) shall conform in all contracts under this program.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**
 - **Classes of persons that will bear the costs of the proposed rulemaking:**
No costs are incurred by the public to comply with this proposed rulemaking.
 - **Classes of persons that will benefit from the proposed rulemaking:**
This proposed rulemaking will not provide an additional benefit to any persons.
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 will be no significant impact associated with this proposed rulemaking.
 - **Qualitative description of impact:**
There will be no significant impact associated with this proposed rulemaking.
3. **Costs to the State:**

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

Costs incurred by the Division are associated with SWCD, Iowa Finance Authority (IFA), and IDALS staff to promote, implement, and process loans. The three identified groups work together to offer these loans to landowners. Based on staff involved in the process, it is estimated that up to 5 percent of annual costs associated with IDALS field staff time are associated with implementing these rules.

- **Anticipated effect on State revenues:**

There will be no effect on State revenues in association with this proposed rulemaking.

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

Not applicable.

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:**

This revolving loan fund has been an important and popular program in implementing conservation practices statewide. This program is regularly partnered with Iowa Financial Incentive Program (IFIP) (27—Chapter 10) projects and provides landowners the opportunity to receive loan funds at a 0 percent interest rate to cover their portion of the project expenses. The program is currently functioning efficiently utilizing the rules established in this chapter, and the revisions being proposed will not affect this, so no alternatives needed to be considered.

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 will have no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 27—Chapter 11 and adopt the following **new** chapter in lieu thereof:

CHAPTER 11
CONSERVATION PRACTICES REVOLVING LOAN FUND

27—11.1(161A) Authority and scope. These rules provide procedures and standards to be followed by the division of soil conservation and water quality, department of agriculture and land stewardship, in administering the conservation practices revolving loan fund created in Iowa Code section 161A.71 and the standards and guidelines to which the soil and water conservation districts shall conform in fulfilling their responsibilities under this program.

27—11.2(161A) Rules are severable. If any provision of a rule or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the rule that can be given effect without invalid provision or application, and to this end, the provisions of these rules are severable.

27—11.3(161A) Definition of terms. In addition to terms defined herein, definitions in rule 27—10.3(161A) shall apply.

“Financial partner” means the division’s designated bank, mortgage company or governmental agency charged with servicing loans described in this chapter.

“Net worth” means total assets minus total liabilities as determined in accordance with generally accepted accounting principles with appropriate exceptions and exemptions reasonably related to an equitable determination of the landowner’s net worth.

“Total assets” means the sum of cash; crops or feed on hand; livestock held for sale; breeding stock; marketable bonds and securities; securities (not readily marketable); accounts receivable; notes receivable; cash invested in growing crops; net cash value of life insurance; machinery, equipment, cars and trucks; farm and other real estate including life estates and personal residence; value of beneficial interest in a trust; government payments or grants; and any other assets. Total assets shall not include items used for personal, family or household purposes by the applicant; but in no event shall such property be excluded to the extent a deduction for depreciation is allowable for federal income tax purposes. All assets shall be valued at fair market value by the participating lender. Such value shall be what a willing buyer would pay a willing seller in the locality. A deduction of 10 percent may be made from fair market value of farm and other real estate.

“Total liabilities” means the sum of accounts payable; notes or other indebtedness owed to any source; taxes; rent; amount owed on real estate contract or real estate mortgages; judgments; accrued interest payable; and any other liabilities. Liabilities shall be determined on the basis of generally accepted accounting principles.

27—11.4(161A) Financial partner.

11.4(1) Agreement. The division may designate or enter into an agreement with a financial partner to assist with servicing loans under this program.

11.4(2) Responsibilities. The financial partner may assist with the following responsibilities:

a. Making determinations regarding an applicant’s ability to repay the loan. Making this determination may include evaluating the applicant’s net worth or securing other information as deemed necessary.

b. Securing valid liens on real estate on which the conservation practices are applied.

c. Disbursing loan funds and processing loan payments.

d. Collecting application fees for servicing loans. Maximum application fees assessed to the borrower will be 2 percent of the loan plus filing costs.

e. Pursuing delinquent loan payments and collections.

27—11.5(161A) Allocation of revolving loan funds to soil and water conservation districts.

11.5(1) Method. The division shall utilize the following method to allocate program funds to the districts.

11.5(2) District allocations. Districts shall submit requests identifying valid applications and cost estimates as they are received and as the applicant has verified that they would like to move

forward with securing a loan through this program. The division shall allocate available program funding on a first-come, first-served basis until such time as these funds are exhausted.

27—11.6(161A) Eligibility for revolving fund loan.

11.6(1) *Ability to repay the loan.* The applicant must demonstrate the ability to repay the loan to the satisfaction of the division and its financial partner.

11.6(2) *Use of the loan.* Loan funds shall be used only to pay the total eligible cost of installing permanent soil and water conservation practices listed in 27—subrule 10.21(3) for the Iowa financial incentive program for soil erosion control. District commissioners may designate which soil and water conservation practices will be eligible for loans in their district. The general conditions contained in rule 27—10.20(161A) shall apply to the district-designated practices. Revolving loan funds and public cost-sharing funds may be used in combination for funding a particular soil and water conservation practice.

11.6(3) *Other requirements.* The applicant must also meet the eligibility requirements contained in rule 27—10.17(161A) for the Iowa financial incentive program for soil erosion control.

27—11.7(161A) Loan application processing procedures.

11.7(1) *Application submittal process.* Applicants may apply for loans for soil and water conservation practices following the application process guidance provided by and utilizing documents specified by the soil and water conservation district in the county where the proposed soil and water conservation practice would be located. Applicants will be required to provide necessary financial information as specified by the division or the division's financial partner.

11.7(2) *District application processing.* Districts shall enter and process loan applications in FARMS following guidance provided by and maintained in policy established by the division.

11.7(3) *Application canceled by applicant.* A loan application may be canceled by the applicant by notifying the district at any time prior to receipt of the loan.

27—11.8(161A) Practice design and construction. Practices shall be designed and constructed to meet Natural Resources Conservation Service (NRCS) practice standards and specifications. These standards and specifications may be accessed through the NRCS Field Office Technical Guide, and copies may be requested in the district office where the practice will be implemented.

27—11.9(161A) Issuance of loan.

11.9(1) *Loan payment to applicant.* Loan payments shall be issued following the process specified by and maintained in policy established by the division.

11.9(2) *Maintenance agreement.* As a condition for receipt of a loan for permanent soil and water conservation practices, the owner of the land on which the practices have been installed shall agree to maintain those practices in accordance with the requirements of rule 27—10.5(161A) related to maintenance and performance agreements.

11.9(3) *Case files.* A case file shall be assembled and maintained for each approved loan application. The file will be assembled and maintained in accordance with the requirements of 27—subrule 10.18(2).

27—11.10(161A) Amount of loan and number.

11.10(1) *Minimum loan.* The minimum loan amount provided under this program will be \$2,500.

11.10(2) *Maximum loan.* The maximum loan amount provided under this program will be \$20,000.

11.10(3) *Number of loans.* There will be no limit to the number of loans an applicant can receive, except that an applicant shall be eligible for no more than \$20,000 in loans outstanding at any time under this program. Each approved application will be handled as a new loan.

27—11.11(161A) Repayment of loans. The loan repayment process, the repayment schedule and penalties on delinquent loans will be administered as specified in Iowa Code section 161A.71.

11.11(1) *Repayment upon sale of land.* In addition to specifications of Iowa Code section 161A.71, if the entire balance of the loan is not paid within ten days of the date of sale, a delinquent loan charge shall be applied as provided in subrule 11.11(2).

11.11(2) *Interest on delinquent loans.* The interest rate upon loans for which payment is delinquent shall accelerate immediately to the current legal usury limit. This is the maximum rate allowed by Iowa Code section 535.2(3)“a,” and it shall be applied to the entire unpaid principal, prorated for the period for which the payment is delinquent.

These rules are intended to implement Iowa Code chapter 161A.

RA 26-100**SOIL CONSERVATION AND WATER QUALITY DIVISION[27]****Regulatory Analysis**

Notice of Intended Action to be published: 27—Chapter 12
“Water Protection Practices—Water Protection Fund”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 161A
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 161A and 161C and section 455A.19

Public Hearing

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

July 14, 2026
9 to 10 a.m.

Borlaug Conference Room
Hoover State Office Building
Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Soil Conservation and Water Quality Division no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Colin Tadlock
1305 East Walnut Street
Des Moines, Iowa 50319
Email: colin.tadlock@iowaagriculture.gov

Purpose and Summary

This proposed rulemaking establishes procedures and standards to be followed by the Iowa Department of Agriculture and Land Stewardship (IDALS) in implementing water protection practices supported through the Water Protection Fund. The proposed chapter also establishes standards and guidelines that the soil and water conservation districts (SWCDs) will use in fulfilling their responsibilities under the water protection practices program.

*Analysis of Impact***1. Persons affected by the proposed rulemaking:****• Classes of persons that will bear the costs of the proposed rulemaking:**

No costs are incurred by the public to comply with this proposed rulemaking.

• Classes of persons that will benefit from the proposed rulemaking:

This proposed rulemaking will not provide an additional benefit to any persons. Private landowners will still be given the opportunity to apply for financial assistance to implement water quality improvement, soil conservation, woodland/native grasses practices, or a combination thereof on the land through a voluntary application process managed by the local SWCDs. These practices protect and improve land used for the production of food, fiber, or both to the benefit of all.

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 will be no significant impact associated with this proposed rulemaking.
 - **Qualitative description of impact:**
There will be no significant impact associated with this proposed rulemaking.
3. **Costs to the State:**
- **Implementation and enforcement costs borne by the agency or any other agency:**
Costs are incurred by IDALS in association with SWCD, Natural Resources Conservation Service (NRCS), Department of Natural Resources (DNR), and IDALS staff to promote, plan, design, and evaluate practices as well as process payments for practices installed using the program, and costs will not change due to this proposed rulemaking. Based on current IDALS staff participation, it is estimated that 10 to 15 percent of staff time annually will remain allocated to implementing these rules after this proposed rulemaking.
 - **Anticipated effect on State revenues:**
There will be no effect on State revenues in association with this proposed rulemaking.
4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**
Not applicable.
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:**
The water protection practices program is currently functioning efficiently utilizing the rules established in the existing chapter, and the proposed revisions will not affect this, so no alternatives needed to be considered.

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 will have no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 27—Chapter 12 and adopt the following **new** chapter in lieu thereof:

CHAPTER 12
WATER PROTECTION PRACTICES—WATER PROTECTION FUND

PART 1

27—12.1(161C) Authority and scope. This chapter establishes procedures and standards to be followed by soil and water conservation districts and the division of soil conservation and water quality of the department of agriculture and land stewardship in implementing water protection practices through the water protection fund created in Iowa Code section 161C.4.

27—12.2(161C) Rules are severable. If any provision of a rule or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the rule that can be given effect without invalid provision or application, and to this end, the provisions of these rules are severable.

PART 2

27—12.3(161C) Definition. In addition to the definition herein, definitions in rule 27—10.3(161A) shall apply.

“Stormwater best management practice” means a technique, measure, or structural control that is used for a given set of conditions to manage the quantity and improve the quality of stormwater runoff in the most cost-effective manner.

PART 3

27—12.4(161C) Compliance, refund, reviews and appeals. Rules 27—10.4(161A) through 27—10.7(161A) shall apply.

PART 4

27—12.5(161C) Appropriations. Resource enhancement and protection program—soil and water enhancement account funds are allocated to the water protection fund. These funds are utilized as stated in Iowa Code section 161C.4.

PART 5

27—12.6(161C) Water protection practices account. This part defines procedures for allocation, recall, and reallocation of water protection practices funds to soil and water conservation districts and to the division’s reserve fund.

27—12.7(161C) Allocation to soil and water conservation districts.

12.7(1) Original allocation. At the beginning of each fiscal year, funds appropriated to the water protection practices account will be allocated to districts. No less than 73.5 percent of the funds will be divided equally among 100 soil and water conservation districts and allocated to each district’s practices account. Twenty-five percent of the funds plus any additional appropriations for reforestation will be divided equally among the 100 soil and water conservation districts and allocated to each district’s forestry and native grasses and forbs account. No more than 1.5 percent will be held in a reserve fund.

12.7(2) Recall of funds. Any funds allocated to the districts accounts that have not been spent or obligated by June 30 shall be recalled by the division.

12.7(3) Supplemental allocations. The districts shall identify valid applications and cost estimates, if any, for supplemental allocations to the division by September 1. Factors to be considered in making supplemental allocations to a district include:

a. The sum of cost estimates (for pending applications) in each district, divided by the total cost estimates (for pending applications) for all 100 districts, multiplied by the remaining available program funds; and

b. Whether the proposed supplemental allocation exceeds three times the original allocation to the district.

12.7(4) Reserve fund. A reserve fund consisting of no more than 1.5 percent of the yearly appropriated funds will be set aside and used to fund contingencies that occur in the application of practices in the districts. At any time during the fiscal year, the reserve fund may be replenished with recalled funds to return it to the original balance, if needed.

12.7(5) Recall and reallocation of funds by division director. If districts are not demonstrating an ability to use available funding, the division director may recall these funds and reallocate the funds to a district that has an immediate need for additional funding.

PART 6

27—12.8(161C) Applications and agreements. Applicants may apply for water protection practices funds following the application process guidance provided by and utilizing documents specified by the soil and water conservation district in the county where the proposed practice would be located.

27—12.9(161C) Eligibility for financial incentives.

12.9(1) Practices installed on adjoining public lands. Where water protection practices that benefit adjoining private lands are installed on public lands and costs of the installation are to be shared by the parties, water protection practices funds may be used to cost-share only the private landowner cost of the practice.

12.9(2) Ineligible lands.

a. Water protection practices funds shall not be used to reimburse other units of government for implementing water protection practices or to reimburse other applicants for the cost of implementing water protection practices on land owned by other units of government.

b. Privately owned land not used for agricultural production does not qualify for water protection practices funds, except for land where specific practices designated in policy established and maintained by the division of soil conservation and water quality are being established.

12.9(3) District priorities. Applications for water protection practices will be evaluated and prioritized as specified in Iowa Code sections 161C.2 and 161C.4. The priority system adopted by the district shall be made available for review at the district office.

PART 7

27—12.10(161C) Water protection practices—practices account. The purpose of this part is to establish the general conditions, eligible practices, specifications, and cost-share rates for the installation of water protection practices as authorized in Iowa Code chapter 161C.

27—12.11(161C) General conditions. The following general conditions shall be met.

12.11(1) Practice need. Water protection practices shall not be funded unless a technician has inspected the site and has determined that such practice(s) are needed to protect water quality.

12.11(2) Limitation of reimbursable cost of practices. Overbuilding or other practice modifications that exceed the minimum requirements of the practice specifications shall be permitted, if approved by the technician. Any additional costs resulting from such overbuilding or exceeding of the minimum specifications shall not be cost shared by the state.

12.11(3) Materials. Practices funded with water protection funds will utilize only new materials or used materials that meet or exceed design specifications and standards.

12.11(4) *Repair or maintenance.* Repair or maintenance of existing practices is not eligible for water protection cost share funding, except for the same purpose and under the same circumstances as specified in Iowa Code section 161A.75.

27—12.12(161C) Eligible practices. Practices listed in this rule are eligible for water protection practices fund reimbursement.

12.12(1) Critical area planting.

12.12(2) Contour buffer strips. The practice includes science-based trials of row crops integrated with prairie strips (STRIPS) planted on contour.

12.12(3) Field border.

12.12(4) Filter strips. The practice includes STRIPS planted at the foot slope.

12.12(5) Pasture and hay planting. The practice must include the conversion of land from row crop production to a permanent vegetative cover to control excessive water erosion.

12.12(6) Constructed wetlands. Land enrolled in the Conservation Reserve Program, or other similar programs, is eligible if this practice is not eligible for funding under that program.

12.12(7) Wetland restoration. Land enrolled in the Conservation Reserve Program, or other similar programs, is eligible if this practice is not eligible for funding under that program.

12.12(8) Streambank and shoreline protection. The practice must be bioengineered using combinations of stream-side plantings or trees, other vegetation, structural practices such as modification of slopes, and installation of reinforcing materials and in-stream structures. Land enrolled in the Conservation Reserve Program, or other similar programs, is eligible if this practice is not eligible for funding under that program.

12.12(9) Stormwater best management practices (BMPs). BMPs can be either:

a. Nonstructural BMPs, which include a range of pollution prevention, education, or institutional management and development practices designed to limit the conversion of rainfall to runoff and to prevent pollutants from entering runoff at the source of runoff generation; or

b. Structural BMPs, which are engineered and constructed systems that are used to treat the stormwater at either the point of generation or the point of discharge to either the storm sewer system or to receiving waters (e.g., detention ponds or constructed wetlands).

12.12(10) Access control. The practice involves fencing an area to exclude livestock from intermittent streams (defined on U.S. Geological Survey topographic maps as “3 dot” blue-line streams) or larger streams. Eligibility for cost-share assistance extends only to fencing required to implement this practice and does not extend to fences along roads or land boundaries.

27—12.13(161C) Eligible practices for priority water resource protection. Practices listed in this rule are eligible for water protection practice fund reimbursement only in those watersheds or to address water quality concerns approved under rule 27—12.14(161C).

12.13(1) Grassed waterway.

12.13(2) Grade stabilization structure.

12.13(3) Terrace.

12.13(4) Water and sediment control basin.

12.13(5) Diversion.

27—12.14(161C) Priority watersheds and water quality concerns. Soil and water conservation district commissioners may apply for the designation of a priority watershed or priority water quality concern for their district through a process established and maintained in policy set by the division of soil conservation and water quality.

27—12.15(161C) Practice standards and specifications.

12.15(1) Where applicable, water protection practices shall meet Natural Resources Conservation Service (NRCS) practice standards and specifications, which may be accessed through the NRCS Field Office Technical Guide.

12.15(2) Stormwater best management practices shall meet practice standards and specifications, which may be accessed through the Iowa Stormwater Management Manual or other design standards and specifications approved by the division of soil conservation and water quality.

12.15(3) Copies of standards and specifications may be requested in the district office where the practice will be implemented.

12.15(4) To the extent of any inconsistency between the general conditions and the specifications, the general conditions shall control.

27—12.16(161C) Cost-share rates. The cost-share rate to be provided from water protection practices—practices account funding is not to exceed 50 percent of the estimated or the eligible cost of practice implementation, whichever is less. This funding may be used in combination with other public funds to provide a total cost-share rate not to exceed 75 percent of the lesser of the eligible or the estimated cost of implementation. Additional restrictions on this funding may be imposed in policy established and maintained by the division of soil conservation and water quality.

PART 8

27—12.17(161C) Water protection practices—forestry, native grasses and forbs account. The purpose of this part is to establish the general conditions, eligible practices, specifications and cost-share rates for the installation of forestry, native grasses and forbs as authorized in Iowa Code chapter 161C.

27—12.18(161C) General conditions. The following general conditions shall be met.

12.18(1) Practice need. The designated practices shall not be funded unless the certifying technician has inspected the site and has determined that such practice(s) is needed.

12.18(2) Limitation of reimbursable cost of practices. Restrictions imposed on this are the same as stated in subrule 12.11(2).

12.18(3) Materials. Restrictions imposed on this are the same as stated in subrule 12.11(3).

12.18(4) Forest management plan required. A forest management plan approved by the forestry bureau of the department of natural resources is required for the forestry practices designated in policy established and maintained by the division of soil conservation and water quality.

12.18(5) Eligibility of practices. Planting or management of trees for nut orchards or Christmas tree production is only eligible as intermediate products in stands being established for other approved purposes. Planting or management of trees for ornamental purposes or fruit orchards is not eligible.

12.18(6) Repair or maintenance. Use of funding for this purpose is the same as stated in subrule 12.11(4).

27—12.19(161C) Eligible practices. Practices listed in this rule are eligible for water protection forestry, native grasses and forbs fund reimbursement.

12.19(1) Windbreaks. A belt of trees or shrubs established or restored next to an occupied structure. A windbreak must meet either NRCS Standard 380-Windbreak/shelterbelt establishment or NRCS Standard 650-Windbreak/shelterbelt renovation.

12.19(2) Field windbreak. A belt of trees or shrubs established or restored, within or adjacent to a field. A windbreak must meet either NRCS Standard 380-Windbreak/shelterbelt establishment or NRCS Standard 650-Windbreak/shelterbelt renovation.

12.19(3) Forest stand improvement. Minimum eligible area is five acres.

12.19(4) Tree planting. Minimum eligible area is three acres.

12.19(5) Site preparation for natural regeneration. Minimum eligible area is three acres.

12.19(6) Riparian forest buffer.

12.19(7) Rescue treatments. Minimum eligible area is three acres.

12.19(8) Prescribed grazing. The practice must include a minimum of two paddocks of native species grasses.

12.19(9) Conservation cover.

27—12.20(161C) Practice standards and specifications.

12.20(1) Where applicable, water protection practices shall meet NRCS practice standards and specifications, which may be accessed through the NRCS Field Office Technical Guide.

12.20(2) Where applicable, forestry practices shall meet department of natural resources (DNR) practice standards and specifications, which may be accessed through the DNR Forestry Practices Manual Technical Guide.

12.20(3) Copies of standards and specifications may be requested in the district office where the practice will be implemented.

12.20(4) To the extent of any inconsistency between the general conditions and the specifications, the general conditions shall control.

27—12.21(161C) Cost-share rates. The cost-share rate to be provided from water protection practices—forestry, native grasses and forbs account funding is not to exceed 75 percent of the estimated or eligible cost of practice implementation, whichever is less. This funding may be used in combination with other public funds to provide a total cost-share rate not to exceed 75 percent of the lesser of the eligible or the estimated cost of implementation. Additional restrictions on this funding may be imposed in policy established and maintained by the division of soil conservation and water quality.

PART 9

27—12.22(161C) Reporting and accounting. Reports will be prepared in the same manner as provided in rule 27—10.24(161A).

These rules are intended to implement Iowa Code chapters 161A and 161C and section 455A.19.

RA 26-109**SOIL CONSERVATION AND WATER QUALITY DIVISION[27]****Regulatory Analysis**

Notice of Intended Action to be published: 27—Chapter 16
“Water Quality Initiative”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 161A
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 466B

Public Hearing

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

July 14, 2026
9 to 10 a.m.

Borlaug Conference Room
Hoover State Office Building
Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Soil Conservation and Water Quality Division no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Colin Tadlock
1305 East Walnut Street
Des Moines, Iowa 50319
Email: colin.tadlock@iowaagriculture.gov

Purpose and Summary

The proposed rulemaking establishes rules for implementing the Water Quality Initiative and Water Quality and Urban Infrastructure programs originally enacted in 2018 Iowa Acts, Senate File 512.

*Analysis of Impact***1. Persons affected by the proposed rulemaking:****• Classes of persons that will bear the costs of the proposed rulemaking:**

No costs are incurred by the public to comply with this proposed rulemaking.

• Classes of persons that will benefit from the proposed rulemaking:

This proposed rulemaking will not provide an additional benefit to any persons. Private landowners will still be given the opportunity to apply for financial assistance to implement water quality improvement and soil conservation practices on the land through a voluntary application process managed by the local soil and water conservation districts (SWCDs) and the Iowa Department of Agriculture and Land Stewardship (IDALS). These practices protect and improve water quality to the benefit of all.

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 will be no significant impact associated with this proposed rulemaking.

- **Qualitative description of impact:**

There will be no significant impact associated with this proposed rulemaking.

3. **Costs to the State:**

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

Administrative costs associated with program delivery, project design and engineering for some projects, contracting and procurement, and construction management are the costs incurred by the Division in support of this rulemaking.

- **Anticipated effect on State revenues:**

There will be no effect on State revenues associated with this proposed rulemaking.

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

Not applicable.

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:**

The Division considered revisions to support project maintenance and to update the list of eligible practices supported.

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

The proposed rulemaking reflects efficient implementation of the Iowa Code chapters referenced without dated or redundant references.

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 will have no significant impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 27—Chapter 16 and adopt the following **new** chapter in lieu thereof:

CHAPTER 16
WATER QUALITY INITIATIVE

27—16.1(161A) Purpose. The purpose of these rules is to support the reduction of nutrient losses and exports over time through the adoption of water quality practices and through the establishment and administration of targeted watershed demonstration projects and individual cost-share practices. The

purpose is also to assist education and outreach about the feasibility and value of establishing water quality practices.

27—16.2(161A) Definitions.

“*Council*” means the water resources coordinating council established pursuant to Iowa Code section 466B.3.

“*Department*” means the department of agriculture and land stewardship.

“*Division*” means the division of soil conservation and water quality, department of agriculture and land stewardship.

“*Eligible targeted watershed demonstration project applicants*” means individual or multiple soil and water conservation districts, counties, county conservation boards, cities, not-for-profit organizations authorized by the secretary of state, public water supply utilities or watershed management authorities.

“*Funds*” include the water quality initiative fund in Iowa Code section 466B.45, include the water quality infrastructure funds in 2018 Iowa Acts, Senate File 512, sections 23 and 24, and may include other moneys appropriated to the department or other nongovernmental funds.

“*Identified watersheds*” means the area identified by the council or by the division.

“*Maintenance/performance agreement*” means an agreement between the division, the recipient and the landowner. The recipient and landowner agree to maintain the soil conservation practices for which financial incentives from the division through the district have been received. The agreement states that the recipient and landowner will maintain, repair, or reconstruct the practices if they are not maintained according to the terms specified in the agreement. The terms of the agreement shall be specified by the division.

“*Nutrient*” includes total nitrogen and total phosphorus.

“*Nutrient reduction strategy*” means the document created and updated by the department, the department of natural resources, and Iowa State University of Science and Technology in order to assess and reduce nutrients in watersheds.

“*Recipient*” means an eligible applicant who has qualified for and received cost-share payments under this chapter or a project participant who has qualified for and received cost-share payments.

“*Secretary*” means the Iowa secretary of agriculture.

“*Watershed management authority*” means an authority as defined in Iowa Code section 466B.21.

27—16.3(161A,466B) Cost share. Except for edge-of-field practices and land use changes, the division’s share of the practice cost shall not exceed the lesser of 50 percent of the estimated cost of establishing the practice as determined by the division or 50 percent of the actual cost of the practice.

27—16.4(161A,466B) Eligible practices. Only practices whose function improves water quality will be eligible for funds. These practices are identified in the nutrient reduction strategy or by the division. Practices shall meet applicable Natural Resources Conservation Service conservation standards and specifications or applicable standards and specifications set out by the department. Urban infrastructure program projects shall meet the applicable standards in the Iowa Storm Water Management Manual published by the department of natural resources. Permanent practices eligible for funding include but are not limited to wetlands, bioreactors, buffers, structures, land use changes, terraces, waterways and managed drainage systems. Management practices eligible for funding include but are not limited to cover crops and living mulches. Application may be made to the division for cost-share funding for individual cost-share practices or for projects.

27—16.5(161A) Ineligible practices. Repair and maintenance of existing practices are not eligible for funding.

27—16.6(161A) Statewide cost-share practices. Individual statewide cost-share practices may be eligible for funding as determined by the division.

27—16.7(161A) Targeted watershed demonstration projects. Projects shall be conducted in the identified watersheds. The division shall conduct water quality evaluations within supported subwatersheds.

27—16.8(161A) Project threshold application requirements.

16.8(1) General application requirements. Project applications shall include the demonstration, outreach, and education objectives of the project and the plan for implementation; project costs, including the estimated cost of each measure to be implemented for each year of participation; anticipated landowner contributions; requested cost-share match; and expected contributions from project participants. Personnel needs and contributions should be outlined.

16.8(2) Landowner interest. An assessment of the interest and participation of the eligible applicants shall be included. A majority of the eligible applicants must reside or own land in the demonstration project. Collaborative participation by eligible applicants in the same identified subwatershed will be viewed favorably.

16.8(3) Project maintenance. Measures to be taken to ensure the long-term viability of the project through maintenance agreements, easements, or other such measures will be outlined in the agreement.

16.8(4) Time frame. The time frame for implementation will be identified in the application and set out in the agreement.

16.8(5) Project evaluation. The criteria for evaluation plans will be identified in the request for applications, and an evaluation plan will be contained in the project application.

27—16.9(161A) Application review. Identified watershed projects meeting the threshold requirements will be reviewed, evaluated and ranked by the division using criteria described in the request for applications. Funding recommendations will take into account the program objective to demonstrate and promote a variety of conservation practices in combination with education and outreach.

27—16.10(161A) Annual review. The division will review each project annually. The division may establish a budget for the next project year; renegotiate with the applicant or recipient about the objectives, procedures, budget, reports or time schedule; or terminate the project.

27—16.11(161A) Contract requirements. Recipients must complete performance and maintenance of the practice as required by the contract. Practices shall meet applicable Natural Resources Conservation Service conservation standards and specifications or applicable standards and specifications set out in the contract. The division may, for cause, find that a recipient is not in compliance with the requirements. At the division's discretion, remedies for noncompliance may include penalties up to and including the return of funds to the division. Reasons for a finding of noncompliance include but are not limited to the recipient's use of funds for activities not described in the contract, the recipient's failure to complete funded projects in a timely manner, the recipient's failure to carry out the terms of the performance/maintenance agreement, the recipient's failure to comply with applicable state or local rules or regulations, or the lack of a continuing capacity of the recipient to carry out the approved project in a timely manner.

27—16.12(161A) Appeal. A recipient who has been ordered to maintain, repair or reconstruct a temporary or permanent practice subject to a maintenance/performance agreement may, as appropriate, review the order with the division. When a recipient wishes to appeal an order to maintain, repair or reconstruct a temporary or permanent practice subject to a maintenance/performance agreement, the recipient may file a written request for review with the division. The division review shall be conducted by the division director or the director's designee. This proceeding shall be informal. The recipient shall request the review with the secretary in writing within 30 days

following the review with the division. The secretary or the secretary's designee will either affirm, modify, or vacate the administrative order following the completion of the contested case hearing.

These rules are intended to implement Iowa Code chapter 466B.

RA 26-101**SOIL CONSERVATION AND WATER QUALITY DIVISION[27]****Regulatory Analysis**

Notice of Intended Action to be published: 27—Chapter 20
“Iowa Soil 2000 Program”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 161A
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 161A and 161C and section 455A.19

Public Hearing

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

July 14, 2026
9 to 10 a.m.

Borlaug Conference Room
Hoover State Office Building
Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Soil Conservation and Water Quality Division no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Colin Tadlock
1305 East Walnut Street
Des Moines, Iowa 50319
Email: colin.tadlock@iowaagriculture.gov

Purpose and Summary

This proposed rulemaking rescinds Chapter 20 because the rules are obsolete and have been superseded by the federal conservation planning program/process that has been adopted and is currently utilized by the Iowa Department of Agriculture and Land Stewardship (IDALS) and soil and water conservation districts (SWCDs).

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**
 - **Classes of persons that will bear the costs of the proposed rulemaking:**
No costs are incurred by the public to comply with this proposed rulemaking.
 - **Classes of persons that will benefit from the proposed rulemaking:**
No persons will benefit or be impacted by the rescission of these 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:**
Rescission of these rules will not have any impact since the rules are obsolete and have been superseded by a federal conservation planning program that is utilized by IDALS and SWCDs.
 - **Qualitative description of impact:**

Rescission of these rules will not have any impact since the rules are obsolete and have been superseded by a federal conservation planning program that is utilized by IDALS and SWCDs.

3. Costs to the State:

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

This rulemaking has no impact on costs since these rules are not utilized (superseded by federal programs) and are obsolete.

• **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues since these rules are not utilized (superseded by federal programs) and are obsolete.

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

Not applicable.

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:**

None were considered. These rules are no longer applicable because they have been replaced by federal programs.

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 rescission of this chapter will have no significant impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **27—Chapter 20.**

RA 26-102**SOIL CONSERVATION AND WATER QUALITY DIVISION[27]****Regulatory Analysis**

Notice of Intended Action to be published: 27—Chapter 21
“Water Quality Protection Projects—Water Protection Fund”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 161A

State or federal law(s) implemented by the rulemaking: Iowa Code chapters 161A and 161C

Public Hearing

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

July 14, 2026

9 to 10 a.m.

Borlaug Conference Room

Hoover State Office Building

Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Soil Conservation and Water Quality Division no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Colin Tadlock

1305 East Walnut Street

Des Moines, Iowa 50319

Email: colin.tadlock@iowaagriculture.gov

Purpose and Summary

This proposed rulemaking establishes procedures and standards to be followed by the Iowa Department of Agriculture and Land Stewardship (IDALS) in implementing water quality protection projects through the Water Protection Fund created in Iowa Code chapter 161C. Water protection funds may provide financial assistance for administrative, operational, and personnel support for the projects as well as financial assistance for management and structural practices within the project area to address identified water quality concerns.

*Analysis of Impact***1. Persons affected by the proposed rulemaking:****• Classes of persons that will bear the costs of the proposed rulemaking:**

No costs are incurred by the public to comply with this proposed rulemaking.

• Classes of persons that will benefit from the proposed rulemaking:

This proposed rulemaking will streamline the project application process. Soil and water conservation districts (SWCDs) as project sponsors will still benefit from being able to address water quality and other natural resource concerns in the selected watershed project areas. Private landowners will still be given the opportunity to apply for financial assistance to implement water quality improvement and soil conservation practices on the land in the project watershed area through a voluntary application process managed by the local SWCDs. These practices protect and improve water quality and land used for the production of food, fiber, or both to the benefit of all.

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 will be no significant impact associated with this proposed rulemaking.

- **Qualitative description of impact:**

There will be no significant impact associated with this proposed rulemaking.

3. Costs to the State:

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

Costs are incurred by IDALS in association with SWCD, National Resources Conservation Service (NRCS), Department of Natural Resources (DNR), and IDALS staff to promote, plan, design, and evaluate practices in the selected watershed project area. IDALS will also incur a cost for providing administrative support to projects where a project coordinator is employed by the SWCD for assisting in the processing of payroll reimbursement and other project administrative claims submitted from the project. Based on current IDALS staff participation, it is estimated that 10 to 15 percent of staff time annually will remain allocated to implementing these rules after these revisions to the chapter are made.

- **Anticipated effect on State revenues:**

There will be no effect on State revenues in association with this proposed rulemaking.

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

Not applicable.

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:**

No alternatives were considered.

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

The water protection projects program is currently functioning efficiently utilizing the rules established in the existing chapter, and the proposed revisions will not affect this, so no alternatives needed to be considered.

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 will have no significant impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 27—Chapter 21 and adopt the following **new** chapter in lieu thereof:

CHAPTER 21
WATER QUALITY PROTECTION PROJECTS—WATER PROTECTION FUND

PART 1

27—21.1(161C) Authority and scope. This chapter establishes procedures and standards to be followed by the division of soil conservation and water quality, Iowa department of agriculture and land stewardship, in implementing water quality protection projects through the water protection fund created in Iowa Code chapter 161C. Water protection funds may provide financial assistance for administrative, operational, and personnel support for the projects as well as financial assistance for management and structural practices within the project area to address identified water quality concerns.

27—21.2(161C) Rules are severable. If any provisions of a rule or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the rule that can be given effect without invalid provisions or application, and to this end, the provisions of these rules are severable.

PART 2

27—21.3(161C) Water quality protection project applications.

21.3(1) *Project application opportunities.* The division of soil conservation and water quality may solicit applications for projects located in watersheds determined to be a priority based upon locally expressed interest and identified water quality concerns.

21.3(2) *Eligibility of applicants.* Applications will be accepted from soil and water conservation districts or other entities working in conjunction with the districts or the division.

PART 3

27—21.4(161C) Water quality protection project application content. The division of soil conservation and water quality shall provide project application guidance as part of the project solicitation process. Information required in the application may include but is not limited to the following:

21.4(1) General project information. Applications will identify the name of the applicant(s), name(s) of other participating organization(s), location of the project area and a map, current landowner and land use data, water resource(s) to be protected, identified water quality concern(s), and probable source(s) contributing to the concern.

21.4(2) Project objectives. Applications will describe the project water quality protection and improvement goals and objectives along with the practices to be implemented to address the identified water quality concerns.

21.4(3) Project costs. Applications will include projected annual costs for the proposed water quality protection practices as well as project administrative and personnel costs. Applications will also include projected annual funding contributions from all other known contributing sources.

21.4(4) Landowner interest. Applications will provide an assessment of landowner interest in participating in the project.

21.4(5) Project maintenance. Applications will describe measures to be taken to ensure the long-term viability of the project through maintenance agreements, easements, or other such measures.

21.4(6) Time frame. Applications will provide a time frame for project implementation.

21.4(7) Project evaluation. Applications will include the evaluation criteria and evaluation plan that will be used to determine the success of the project.

PART 4

27—21.5(161C) Water quality protection project application review. Applications will be reviewed and evaluated for water protection fund support by the division of soil conservation and water quality based upon criteria included in the project application guidance provided by the division.

21.5(1) *Review assistance.* The division may receive assistance in the application review process from other entities.

21.5(2) *Project selection.* A project agreement will be developed between the division and the applicant for those applications selected to become a water quality protection project. The agreement will outline the responsibilities of both the division and the applicant as they pertain to the project. Projects selected will be funded on an annual basis with subsequent years' funding being based on satisfactory progress and availability of funding from the water protection fund.

21.5(3) *Applicant notification.* The division will inform each applicant whether the applicant's project application was selected to receive water protection fund support.

PART 5

27—21.6(161C) Water quality protection project reporting. Projects selected for water protection fund support will be required to provide the division of soil conservation and water quality with project reports based on reporting guidance provided by the division. The reports will include but not be limited to information on progress being made toward achieving the project goals and objectives as well as financial accounting of how the funding provided has been used.

PART 6

27—21.7(161C) Water quality protection project annual review. The division of soil conservation and water quality will review each project annually. Based on the results of the review, the division may approve continuation of the next project year; discuss project progress and renegotiate the project goals and objectives, procedures, budget, or time schedule with the applicant; or terminate the project.

PART 7

27—21.8(161C) Water quality protection project completion. Upon completion or termination of a project, the project applicants/sponsors are required to submit a final project report summarizing project accomplishments, comparing them to project goals and objectives. A final project financial report will also be submitted summarizing all water protection fund expenditures and any funding source expenditures associated with the project. Final project report guidance will be provided by the division.

These rules are intended to implement Iowa Code chapter 161C.

RA 26-103**SOIL CONSERVATION AND WATER QUALITY DIVISION[27]****Regulatory Analysis**

Notice of Intended Action to be published: 27—Chapter 22
 “Soil and Water Resource Conservation Plans”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 161A
 State or federal law(s) implemented by the rulemaking: Iowa Code chapter 161A

Public Hearing

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

July 14, 2026
 9 to 10 a.m.

Borlaug Conference Room
 Hoover State Office Building
 Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Soil Conservation and Water Quality Division no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Colin Tadlock
 1305 East Walnut Street
 Des Moines, Iowa 50319
 Email: colin.tadlock@iowaagriculture.gov

Purpose and Summary

This proposed rulemaking updates Chapter 22 by removing references to the State Soil and Water Quality Committee, which is now an advisory committee, to reflect the delegation of authority to the Division.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**
 - **Classes of persons that will bear the costs of the proposed rulemaking:**
No costs are incurred by the public to comply with this proposed rulemaking.
 - **Classes of persons that will benefit from the proposed rulemaking:**
No persons will benefit from or be impacted by 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 will be no significant impact associated with this proposed rulemaking.
 - **Qualitative description of impact:**
There will be no significant impact associated with this proposed rulemaking.
3. **Costs to the State:**
 - **Implementation and enforcement costs borne by the agency or any other agency:**

Not applicable.

- **Anticipated effect on State revenues:**

Not applicable.

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

Not applicable.

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 will have no significant impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 27—Chapter 22 and adopt the following **new** chapter in lieu thereof:

CHAPTER 22
SOIL AND WATER RESOURCE CONSERVATION PLANS

27—22.1(161A) Authority and scope. This chapter establishes procedures and standards to be followed by the division of soil conservation and water quality, Iowa department of agriculture and land stewardship, in implementing the development of soil and water resource conservation plans in all soil and water conservation districts in Iowa and developing a comprehensive soil and water resource conservation plan for the state of Iowa. It establishes standards and guidelines that the soil and water conservation districts will use in fulfilling their responsibilities under this program.

27—22.2(161A) Rules are severable. If any provision of a rule or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or application of the rule that can be given effect without invalid provision or application, and to this end, the provisions of these rules are severable.

27—22.3(161A) Definition. In addition to the definitions in rule 27—10.3(161A), the following term is defined:

“*Soil and water resource conservation plan*” is a comprehensive long-range assessment of soil and surface water resources in the district consistent with rules approved by the district under Iowa Code section 161A.4. The plan will assess the condition of soil and water in the district; evaluate the type, amount, and quality of soil and water, the threat of soil erosion, floodwater, and sediment damages, and necessary preventative and control measures; develop methods to maintain or improve soil and water condition; and cooperate with other state and federal agencies to carry out this plan.

27—22.4(161A) Soil and water resource conservation plan development. This rule establishes criteria for districts to develop a plan to preserve and protect the public interest in the soil and water resources of this state and for future generations.

22.4(1) *Plan development criteria.* The soil and water conservation district commissioners will develop a soil and water resource conservation plan as required by Iowa Code section 161A.4 that will include the content items required by rule 27—22.5(161A).

The district commissioners will use the following planning process criteria:

- a. Examine and inventory the current resource situation.
- b. Identify current problems.
- c. List available resources—human and financial.
- d. Determine objectives and goals.
- e. Determine the best course of action to obtain those objectives and goals.
- f. Review the action periodically for progress and effectiveness.

22.4(2) *Plan timeline.* The duration of the plan is five years. After five years, the plan should be revised and updated. It will go through the adoption and approval process again.

22.4(3) *Participation in the planning process.* Each soil and water conservation district should enlist the support and input of public and private sector agencies and organizations, including the county board of supervisors, the United States Department of Agriculture (USDA) Natural Resources Conservation Service, the cooperative extension service, and the division.

27—22.5(161A) Soil and water resource conservation plan content. The plan will preserve and protect the public interest in the soil and water resources of this state for future generations. It will include the proper control and use of the soil and water resources by measures, including but not limited to the control of floods; the control of erosion by water or by wind; and the preservation of the quality of water for its optimum use for agricultural, irrigation, recreational, industrial, and domestic purposes, all of which shall be presumed to be conducive to public health, convenience, and welfare, both present and future.

22.5(1) *Plan content.*

- a. Preface.
 - (1) Purpose of the soil and water resource conservation planning process.
 - (2) Credits to sources and those assisting in the planning.
 - (3) Credits to groups providing input for district objectives and goals.
- b. Organization and authorities.
- c. General description of soil and water conservation district.
- d. Inventory of soil, water, and related natural resources.
 - (1) Existing land use—general description.
 - (2) Soil resources.
 - (3) Water resources.
 - (4) Recreation and wildlife resources.
 - (5) Mining and mineral resources.
 - (6) Land management.
 - (7) Factors limiting practice application.

- (8) Actions needed to overcome limiting factors.
 - e. District objectives, goals, and priorities.
 - f. District policies.
 - g. Statement of adoption.
 - h. Statement of approval.
 - i. Maps.

22.5(2) Annual review. There shall be an annual review of the plan by the district that will assist in developing the annual work plan. The plan may be amended as a part of the annual review.

27—22.6(161A) Soil and water resource conservation plan adoption, approval, filing, and distribution. The plan shall meet all of the requirements of Iowa Code chapter 161A and this chapter before final plan completion.

22.6(1) Adoption. The district commissioners by a motion at their regularly scheduled meeting shall approve their completed plan or amendment.

22.6(2) Approval. The district shall submit its completed plan or amendment to the division for approval. If found to meet the content requirements of rule 27—22.5(161A), the division shall approve the plan or amendment by motion at its regularly scheduled meeting. The approved plan will be signed by the administrator of the division.

22.6(3) Filing. The approved district plan or amendment shall be filed with the recorder in the county in which the district is located and shall be filed with the division as part of the state soil and water resource conservation plan.

22.6(4) Distribution. The commissioners shall provide notice of the filing and may provide a copy of the approved district plan to the county board of supervisors in the county where the district is located. The district may provide copies to all interested parties that have been a part of the planning process.

27—22.7(161A) State soil and water resource conservation plan. The division is responsible for developing a state plan according to Iowa Code section 161A.4(2)“h.” The state plan shall contain on a statewide basis the information required for a district plan.

These rules are intended to implement Iowa Code chapter 161A.

RA 26-104

SOIL CONSERVATION AND WATER QUALITY DIVISION[27]**Regulatory Analysis**

Notice of Intended Action to be published: 27—Chapter 30
 “Agricultural Drainage Wells—Alternative Drainage System Assistance Program”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 161A

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 460

Public Hearing

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

July 14, 2026
 9 to 10 a.m.

Borlaug Conference Room
 Hoover State Office Building
 Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Soil Conservation and Water Quality Division no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Colin Tadlock
 1305 East Walnut Street
 Des Moines, Iowa 50319
 Email: colin.tadlock@iowaagriculture.gov

Purpose and Summary

Chapter 30 provides implementation provisions for registration, operation, and closure of agricultural drainage wells. This chapter is proposed to be rescinded in its entirety because all of the registered and known agricultural drainage wells have been closed as of 2025.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**
 - **Classes of persons that will bear the costs of the proposed rulemaking:**
 No costs are incurred by the public to comply with this proposed rulemaking.
 - **Classes of persons that will benefit from the proposed rulemaking:**
 No persons will directly benefit from this proposed rulemaking. Chapter 30 is proposed to be rescinded.
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 will be no significant impact associated with this proposed rulemaking.
 - **Qualitative description of impact:**
 There will be no significant impact associated with this proposed rulemaking.
3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**
Not applicable.
 - **Anticipated effect on State revenues:**
Not applicable.
4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**
Not applicable.
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:**
No alternative methods were considered. This chapter is no longer necessary.
 - **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**
This chapter is proposed to be rescinded because all agricultural drainage wells are now closed.

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 rescission of this chapter will have no significant impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve 27—Chapter 30.

RA 26-105**SOIL CONSERVATION AND WATER QUALITY DIVISION[27]****Regulatory Analysis**

Notice of Intended Action to be published: 27—Chapter 40
“Coal Mining”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 161A and 207
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 207

Public Hearing

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

July 14, 2026
9 to 10 a.m.

Borlaug Conference Room
Hoover State Office Building
Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Soil Conservation and Water Quality Division no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Purpose and Summary

This proposed rulemaking establishes rules to implement the regulatory program pursuant to the Iowa Code and the Federal Surface Mining Control and Reclamation Act of 1977 related to mining coal.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**
 - **Classes of persons that will bear the costs of the proposed rulemaking:**
No costs are incurred by the public to comply with this proposed rulemaking.
 - **Classes of persons that will benefit from the proposed rulemaking:**
Since there is no active coal mining in Iowa, no persons will benefit.
2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**
 - **Quantitative description of impact:**
There will be no significant impact associated with this proposed rulemaking.
 - **Qualitative description of impact:**
There will be no significant impact associated with this proposed rulemaking.
3. **Costs to the State:**
 - **Implementation and enforcement costs borne by the agency or any other agency:**

Not applicable.

- **Anticipated effect on State revenues:**

Not applicable.

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

In order to receive federal support to reclaim abandoned mines, the State of Iowa is required to have a coal mining regulatory program. These regulations are determined by the federal government.

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

Not complying with federal law would jeopardize significant federal funding that is used to reclaim areas that were previously used for coal mining.

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:**

Not complying with federal law would jeopardize significant federal funding that is used to reclaim areas that were previously used for coal mining. This funding is used to return affected lands to their previous use and improve water quality.

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 will have no significant impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 27—Chapter 40 and adopt the following **new** chapter in lieu thereof:

CHAPTER 40
COAL MINING

PART 1A
COAL MINING—GENERAL

27—40.1(17A,207) Authority and scope. The following sets forth the rules and procedures through which the department of agriculture and land stewardship, division of soil conservation and water

quality, will implement the regulatory program pursuant to Iowa Code chapter 207 and the federal Surface Mining Control and Reclamation Act of 1977 (SMCRA).

40.1(1) Parts and sections of the federal regulations of the U.S. Office of Surface Mining Reclamation and Enforcement, U.S. Department of Interior, promulgated pursuant to the Surface Mining Control and Reclamation Act of 1977 (Public Law 95-87), are incorporated by reference as rules of the division as specified in this chapter, with exceptions as indicated. Rules incorporated by reference, as specified in each specific rule, are those from the Code of Federal Regulations (30 CFR), as in effect on July 1, 2010.

40.1(2) The following general word substitutions are made in all incorporated federal regulations except as otherwise indicated:

“Act” means Iowa Code chapter 207.

“Administrator” is to be substituted for *“director”*, *“regional director”*, and *“secretary”*.

“Division of soil conservation and water quality” is to be substituted for *“department”*, *“the office”*, *“OSM”*, *“OSMRE”*, *“office of surface mining reclamation and enforcement”*, *“regulatory authority”*, *“State regulatory program”*, and *“regulatory program”*.

“These rules” is to be substituted for *“chapter”* and *“subchapter”*.

40.1(3) Delete from 30 CFR 779.25(b), 780.14(c), and 783.25(b) the words “or in any State which authorizes land surveyors to prepare and certify such cross sections, maps and plans, a qualified, registered, professional land surveyor,”. Also, replace “,” with “or” between “professional engineer” and “professional geologist”.

Delete from 30 CFR 780.25(a)(1)(i), 780.25(a)(3)(i), 784.16(a)(1)(i), and 784.16(a)(3)(i) the words “or in any State which authorizes land surveyors to prepare and certify such plans, a qualified, registered, professional land surveyor,”. Also, replace “,” with “or” between “professional engineer” and “professional geologist”.

Delete from 30 CFR 816.46(b)(3) the words “or in any State which authorizes land surveyors to prepare and certify plans in accordance with §780.25(a) of this chapter a qualified, registered, professional land surveyor,”.

Delete from 30 CFR 817.46(b)(3) the words “or in any State which authorizes land surveyors to prepare and certify plans in accordance with §784.16(a) of this chapter a qualified, registered, professional land surveyor,”.

Delete from 30 CFR 816.151(a) and 817.151(a) the words “or in any State which authorizes land surveyors to certify the construction or reconstruction of primary roads, a qualified, registered, professional land surveyor,”.

40.1(4) Delete “or qualified, registered, professional land surveyor” from 30 CFR 816.49(a)(3) and 816.49(a)(11)(ii).

40.1(5) Delete “registered, professional engineer” from 30 CFR Parts 779, 780, 783, 784, 816 and 817, and replace it with “professional engineer, registered with the State of Iowa”.

27—40.2(207) Rules are severable. If any provision of a rule or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the rule that can be given effect without the invalid provision or application, and to this end, the provisions of these rules are severable.

27—40.3(207) General. The following is incorporated by reference: 30 CFR Part 700, as in effect on July 1, 2010, except for 30 CFR 700.1, 700.2, 700.3, 700.4, 700.10 and 700.12. The phrase “section 520 of the Act” is deleted from 30 CFR 700.13(a) and the words “Iowa Code section 207.17” are inserted in lieu thereof.

In lieu of the regulations deleted at 30 CFR 700.12 concerning “Petitions to initiate rule making,” rules of the Iowa Department of Agriculture and Land Stewardship at 21 IAC Chapter 3, “Petitions for Rule Making” shall serve as the basis for submitting petitions to initiate rulemaking.

Definitions for “*Federal lands*,” “*Federal lands program*,” “*Fund*,” “*Indian lands*,” and “*Indian tribe*” are correspondingly deleted from 30 CFR 700.5.

The definition of “*Regulatory program*” is deleted at 30 CFR 700.5 and the following definition is inserted in lieu thereof:

“*Regulatory program*” means Iowa’s approved state program.

Delete from 30 CFR 700.14 the phrase “43 CFR Part 2, which implements the Freedom of Information Act and the Privacy Act” and insert in lieu thereof “Iowa Code chapter 22, the Iowa open records law”.

27—40.4(207) Permanent regulatory program and exemption for coal extraction incidental to the extraction of other minerals. The following is incorporated by reference: 30 CFR Part 701 and 30 CFR Part 702, as in effect on July 1, 2010, with the following exceptions:

40.4(1) None of the general word substitutions at rule 27—40.1(17A,207) apply to the definitions of “*Permit*,” “*Permittee*,” and “*State program*” at 30 CFR 701.5.

40.4(2) Delete from 30 CFR 701.5 the definitions “*Agricultural activities*,” “*Alluvial valley floor*,” “*Arid or semiarid area*,” “*Essential hydrologic functions*,” “*Farming*,” “*Federal program*,” “*Complete federal program*,” “*Partial federal program*,” “*Flood irrigation*,” “*Materially damage the quantity or quality of waters*,” “*Special bituminous coal mines*,” “*Subirrigation*,” “*Undeveloped rangeland*,” and “*Upland areas*.”

40.4(3) Delete from the last sentence in the definition of “*Permittee*” in 30 CFR 701.5 the words “section 523 of the Act” and insert the words “Iowa Code section 207.20”.

In 30 CFR 701.5, delete from the definition of “Significant imminent environmental harm to land, air or water resources” at (b)(2), the words “section 521(a)(3) of the Act” and insert the words “Iowa Code section 207.14, subsection 2”.

40.4(4) Delete 30 CFR 701.1, 701.3, 701.4, and 701.11(c).

40.4(5) Delete references to “Subchapter B” and “Subchapter K” at 30 CFR 701.11(d) and (e) and substitute in lieu thereof “Part 1B” and “Part 6”, respectively.

40.4(6) Delete 30 CFR 702.1 and 702.10.

40.4(7) Delete 30 CFR 702.11(f) and insert in lieu thereof the following:

(f) Administrative review. (1) Any adversely affected person may request administrative review of a determination under paragraph (e) of this section within 30 days of notification of such determination in accordance with Part 9 of these rules.

(2) A petition for administrative review filed under Part 9 of these rules shall not suspend the effect of a determination under paragraph (e) of this section.

40.4(8) Delete 30 CFR 702.17(c)(2) and (3) and insert in lieu thereof the following:

(2) Any adversely affected person may request administrative review of a decision whether to revoke an exemption within 30 days of the notification of such a decision in accordance with the procedures of Part 9 of these rules.

(3) A petition for administrative review filed under Part 9 of these rules shall not suspend the effect of a decision whether to revoke an exemption.

40.4(9) Add to 30 CFR 701.5 the definition:

“Full water year” means at a minimum, the nine-month period from March through November.

40.4(10) Delete the definition for “Violation, failure or refusal” at 30 CFR 701.5 and insert in lieu thereof the following:

“Violation, failure, or refusal” means—

(1) A violation of a condition of an approved permit pursuant to the Iowa program or an enforcement action pursuant to Iowa Code section 207.14, or

(2) A failure or refusal to comply with any order issued under Iowa Code section 207.14 or any order incorporated in a final decision issued by the administrator, except an order incorporated in a decision issued under subrule 40.36(7) or rule 27—40.7(207).

27—40.5(207) Restrictions on financial interests of state employees. The general word substitutions used elsewhere in these rules do not apply to Iowa’s incorporation of 30 CFR Part 705. The following is incorporated by reference: 30 CFR Part 705, as in effect on July 1, 2010, with the following exceptions:

40.5(1) Delete from 30 CFR 705.5 the definition for “State regulatory authority” and insert the following definition in lieu thereof:

“State regulatory authority” means the division of soil conservation and water quality, Iowa department of agriculture and land stewardship, or its authorized representative.

40.5(2) Delete 30 CFR 705.1, 705.2, 705.3, 705.4(b), 705.10, and 705.11(e).

27—40.6(207) Exemptions for coal extraction incident to government-financed highway or other constructions. The following is incorporated by reference: 30 CFR Part 707, as in effect on July 1, 2010, with the following exceptions:

40.6(1) Add to 30 CFR 707.11 a paragraph (c) that shall read:

(c) Any person who conducts or intends to conduct such coal extraction must file a letter of intent with the division 60 days prior to surface disturbance.

40.6(2) Delete 30 CFR 707.10.

27—40.7(207) Protection of employees. The following is incorporated by reference: 30 CFR Part 865, as in effect on July 1, 2010, with the following exceptions:

40.7(1) Delete the words “Office of Hearings and Appeals” and insert the word “division”.

40.7(2) Delete the words “43 CFR Part 4” and insert the words “Iowa Code section 207.14”.

PART 1B
COAL MINING—INITIAL PROGRAM

27—40.8(207) Initial regulatory program. The following is incorporated by reference: 30 CFR Part 710, as in effect on July 1, 2010, with the following exceptions:

Delete 30 CFR 710.1, 710.3, 710.4(a), 710.10, 710.11(b) and (c), and 710.12.

27—40.9(207) General performance standards—initial program. The following is incorporated by reference: 30 CFR Part 715, as in effect on July 1, 2010, with the following exceptions:

40.9(1) Delete from 30 CFR 715.11(c) the scale of “1:6000” and insert the scale of “1:2400”.

40.9(2) Delete from 30 CFR 715.17(h)(3) the words “in a manner approved by the regulatory authority” and insert the words “monthly, and reported quarterly to the regulatory authority.”

40.9(3) Delete 30 CFR 715.10.

27—40.10(207) Special performance standards—initial program. The following is incorporated by reference: 30 CFR Part 716, as in effect on July 1, 2010, with the following exception:

Delete 30 CFR 716.1(a), subparagraphs (1) through (5), 716.2, 716.3, 716.4, 716.5, 716.6, and 716.10.

PART 2
COAL MINING—AREAS UNSUITABLE

27—40.11(207) Areas designated by an Act of Congress. The following is incorporated by reference: 30 CFR Part 761, as in effect on July 1, 2010, with the following exceptions:

40.11(1) None of the general word substitutions in rule 27—40.1(17A,207) apply to the definition of “Valid existing rights” at 30 CFR 761.5.

40.11(2) Delete from the definition of “Surface operations and impacts incident to an underground coal mine” in 30 CFR 761.5 the words “section 701(28) of the Act” and insert the words “Iowa Code section 207.2, subsection 14”.

40.11(3) None of the general word substitutions in rule 27—40.1(17A,207) apply to 30 CFR 761.11(b).

40.11(4) Delete from 30 CFR 761.5 under the definition for “Valid existing rights” the words “30 U.S.C. 1272(e)” and insert the words “Iowa Code section 207.8”.

40.11(5) Delete 30 CFR 761.13.

40.11(6) Delete from 30 CFR 761.16 the words “30 U.S.C. 1272(e)” and insert the words “Iowa Code section 207.8”.

40.11(7) None of the general word substitutions for “Act” and “secretary” at rule 27—40.1(17A,207) apply to 30 CFR 761.3.

27—40.12(207) Criteria for designating areas as unsuitable for surface coal mining operations. The following is incorporated by reference: 30 CFR Part 762, as in effect on July 1, 2010, with the following exceptions:

40.12(1) The general word substitutions in rule 27—40.1(17A,207) do not apply to 30 CFR 762.12(b) or 762.13(a).

40.12(2) Delete from 30 CFR 762.15 the words “section 522 of the Act” and insert the words “Iowa Code section 207.8”.

27—40.13(207) State procedures for designating areas unsuitable for surface coal mining operations. The following is incorporated by reference: 30 CFR Part 764, as in effect on July 1, 2010, with the following exceptions:

40.13(1) Delete 30 CFR 764.10.

40.13(2) Delete from 30 CFR 764.13(b)(1)(v) the words “sections 522(a)(2) and (3) of the Act” and insert the words “Iowa Code section 207.8, subsection 1”.

40.13(3) Delete from 30 CFR 764.19(c) the words “section 526(e) of the Act” and insert the words “Iowa Code section 207.8, subsection 4, and Iowa Code section 17A.19”.

PART 3

COAL MINING—PERMITS FOR OPERATIONS AND EXPLORATION

27—40.14(207) Requirements for coal exploration. The following is incorporated by reference: 30 CFR Part 772, as in effect on July 1, 2010, with the following exceptions:

40.14(1) Delete from 30 CFR 772.11 and 772.11(a) the words “250 tons” and insert the words “50 tons”.

40.14(2) Delete 30 CFR 772.11(b)(3) and insert the following:

(3) A precise description and map at a scale of 1:24,000 or larger of the exploration area showing the lease limits and identifying lessor(s);

40.14(3) Add a new paragraph (6) to 30 CFR 772.11(b) to read as follows:

(6) If the surface is owned by a person other than the person who intends to explore, a description of the basis upon which the person who will explore claims the right to enter such area for the purpose of conducting exploration and reclamation.

40.14(4) Delete from 30 CFR 772.12, 772.12(a), and 772.12(b)(7) the words “250 tons” and insert the words “50 tons”.

27—40.15(207) Requirements for permits and permit processing. The following is incorporated by reference: 30 CFR Part 773, as in effect on July 1, 2010, with the following exceptions:

40.15(1) Delete the second sentence of 30 CFR 773.4(a).

40.15(2) Add at the end of the last sentence of 30 CFR 773.6(a)(1)(ii) the words “and the scale of the map”, and the following paragraph:

“The legal description shall include popular township, county, township, range, section, and the United States Geological Survey map identification by property owners. Section lines shall be marked and the sections shall be identified on the map. The total acreage of the proposed permit area shall be given to the nearest acre.”

40.15(3) Delete from 30 CFR 773.7(a) the words “a reasonable time set by the regulatory authority” and insert the words “90 days following the completion of the adequacy review”.

40.15(4) Delete 30 CFR 773.3, 773.4(c) and (d).

40.15(5) Delete from 30 CFR 773.4(b)(2) the words “section 502 of the Act” and insert the words “Iowa Code section 207.4”.

40.15(6) Delete from 30 CFR 773.6(a)(3)(ii) the words “section 503(a)(6) or 504(h) of the Act” and insert the words “Iowa Code section 207.5”.

40.15(7) Delete the first sentence from 30 CFR 773.6(c)(2)(iv).

40.15(8) Delete from 30 CFR 773.6(d)(3)(ii) the words “section 508 of the Act” and insert the words “Iowa Code section 22.7, subsection 6”.

40.15(9) The general word substitution for “Act” at rule 27—40.1(17A,207) does not apply to 30 CFR 773.11(a).

40.15(10) The general word substitution for “secretary” at rule 27—40.1(17A,207) does not apply to 30 CFR 773.17(d).

40.15(11) The general word substitution for “OSM” at rule 27—40.1(17A,207) does not apply to 30 CFR 773.19(b)(3).

40.15(12) Add the following paragraph (h) to 30 CFR 773.17:

(h) The permittee shall ensure and the permit shall contain specific conditions requiring that, as a condition of the permit, the permittee shall not, except as permitted by law, willfully resist, prevent, impede, or interfere with the division or any of its agents in the performance of their duties.

40.15(13) Delete from 30 CFR 773.6(b)(1) the words “a reasonable time established by the regulatory authority” and insert the words “60 days of the notification”.

40.15(14) Delete 30 CFR 773.23(d) and insert in lieu thereof the following:

(d) Right to appeal. The permittee may file an appeal for administrative review of the notice of proposed suspension or rescission under Part 9 of these rules.

27—40.16(207) Revision or amendment; renewal; and transfer, assignment, or sale of permit rights. The following is incorporated by reference: 30 CFR Part 774, as in effect on July 1, 2010, with the following exceptions:

40.16(1) 30 CFR 774.10(b) and (c) are deleted.

40.16(2) 30 CFR 774.13 is deleted, with the exception that the notice, public participation, and notice of decision requirements of 30 CFR 773.6, 773.19(b), and 778.21 shall apply to all revisions.

These rules utilize the term “revision” to describe a change to a permit that constitutes a significant departure from the approved permit and the term “amendment” to describe a change that does not constitute a significant departure. A significant departure shall be any change in permit area, mining method or reclamation procedure that would, in the opinion of the division, significantly change the effect that mining operations would have on persons impacted by the permitted operation, on cultural resources, or on the environment.

40.16(3) Permit revisions and amendments.

a. During the term of a permit, the permittee may submit an application to the division for revision or amendment of the permit.

(1) A revision or amendment is required for any changes in the approved permit. All information related to approved revisions or amendments shall be updated in all public copies of the permit.

(2) When a permit is reviewed at any time, including midterm review, the division may, by order, require revision or amendment of the approved permit to ensure compliance with the Act and these

rules. Any order of the division requiring revision or amendment of permits shall be based upon written findings, and the order shall be subject to the provisions for administrative review pursuant to Iowa Code chapter 17A.

(3) A revision or amendment shall be obtained in order to continue operation after the cancellation or material reduction of the liability insurance policy, capability of self-insurance, performance bond, or other equivalent guarantee upon which the approved permit was issued.

(4) A revision or amendment shall also be obtained as otherwise required under the Act or these rules.

b. An application for a permit revision will be approved or disapproved within 90 days following a determination of completeness for the revision application by the division. An application for an amendment will be approved or disapproved within 60 days of submittal of the application to the division.

c. Any application for an amendment or a revision under these rules shall, at a minimum, provide replacement documentation fully describing changes to be made in the same detail as required in the original permit.

d. Criteria for approval. No application for a permit revision or amendment shall be approved unless the application demonstrates and the division finds that the reclamation as required by the Act and the regulatory program can be accomplished, that the application complies with all requirements of the Act and the regulatory program, and any applicable requirements of written findings for the permit have also been met.

e. Extensions to permit area.

(1) Any increase in permit area, except for incidental boundary revisions, shall not be approved under this subrule, but shall be treated as a new permit application.

(2) Incidental boundary revisions are considered significant departures and as such shall be treated as revisions. A total of 20 acres of incidental boundary changes will be allowed over the life of a permit with individual increments being subject to approval by the division. Application for an incidental boundary revision shall include demonstration by the applicant that the area for which mining operations are proposed is contiguous to the approved permit.

40.16(4) Delete 30 CFR 774.9 and 774.15(c)(3).

40.16(5) Add at the end of 30 CFR 774.15(a) the sentence “Renewal is not required if the division determines that the phase II bond was released over the entire permit area before the expiration of the permit term.”

40.16(6) Delete from 30 CFR 774.15(b)(2)(i) the word “and” in the third line, and add at the end the words “and current status of the mine plan, other details and the time table—if different from the one previously approved—of the remaining phases of the operation and reclamation plans.”

40.16(7) The general word substitution for “OSM” at rule 27—40.1(17A,207) does not apply to 30 CFR 774.17(e)(1).

27—40.17(207) General content requirements for permit applications. The following is incorporated by reference: 30 CFR Part 777, as in effect on July 1, 2010, with the following exceptions:

40.17(1) Delete 30 CFR 777.11(a)(3) and insert the following:

(3) Be filed in three copies with the format addressed by subrule and subject title.

40.17(2) Delete from 30 CFR 777.14(a) the scale of “1:6000” and insert the scale of “1:2400”. Also delete the words “be in a scale determined by the regulatory authority, but in no event” and insert in lieu thereof “shall have a scale no”.

40.17(3) Delete 30 CFR 777.17 and insert in lieu thereof the following:

777.17 Permit fees.

An application for a surface coal mining and reclamation permit shall be submitted to the division and accompanied by the appropriate fee. All checks shall be made payable to the Treasurer of the State of Iowa.

(1) New permits require a fee of \$15 per acre to be permitted with a minimum fee of \$100.
(2) Permit revisions within present permit boundaries require a fee of \$2 per acre for the total permit area with a minimum of \$40. Permit revisions which include additional area require the revision fee plus \$5 per acre for the additional area, with a minimum of \$40.

(3) Permit renewals require a fee of \$100.

(4) Transfer, assignment, or sale by the permit holder requires a fee of \$50.

40.17(4) Delete 30 CFR 777.10.

27—40.18(207) Permit application—minimum requirements for legal, financial, compliance, and related information. The following is incorporated by reference: 30 CFR Part 778, as in effect on July 1, 2010, with the following exceptions:

40.18(1) Amend 30 CFR Part 778 by adding the following section:

778.23 Identification of other licenses and permits. Each application shall contain a list of all other licenses and permits needed by the applicant to conduct the proposed surface mining activities. This list shall identify each license and permit by:

1. Type of permit or license;

2. Name and address of issuing authority;

3. Identification numbers of applications for those permits or licenses or, if issued, the identification numbers of the permits or licenses;

4. If a decision has been made, the date of approval or disapproval by each issuing authority; and

5. Date of expiration of permits.

40.18(2) Delete 30 CFR 778.8.

27—40.19(207) Surface mining permit applications—minimum requirements for information on environmental resources. The following is incorporated by reference: 30 CFR Part 779, as in effect on July 1, 2010, except as modified by subrule 40.1(3) and with the following exceptions:

40.19(1) Delete from 30 CFR 779.19(a) the words “if required by the regulatory authority, contain a map” and insert the words “contain a map at a scale of 1:2400 or larger”.

40.19(2) Delete from 30 CFR 779.19(b) the words “When a map or aerial photograph is required, sufficient adjacent areas shall be included” and insert the words “A map at a scale of 1:2400 or larger or an aerial photo shall include sufficient adjacent areas”.

40.19(3) Amend the first sentence of 30 CFR 779.25(a) to read: “The permit application shall include cross sections at a vertical exaggeration of 1:10, maps at a scale of 1:2400 or larger and plans showing—”.

40.19(4) Add to 30 CFR 779.25(a)(1) the words “and a survey coordinate net”.

40.19(5) Amend 30 CFR 779.25, cross sections, maps and plans, by adding the following paragraphs:

(c) Drill logs must contain the following:

(1) Must have survey coordinates (northing and easting) relating them to the map grid in the permit application.

(2) Must show surface elevation.

(3) Must be detailed enough to show all changes in material encountered in both consolidated and unconsolidated overburden.

40.19(6) Delete 30 CFR 779.1 and 779.10.

40.19(7) Delete from 30 CFR 779.18(a) the words “When requested by the regulatory authority”.

40.19(8) Add a new paragraph (c) to 30 CFR 779.18 as follows:

(c) Location of the rain gauges nearest to the permit area, preferably in the same watershed as the permit itself, shall be marked on a map, and these shall be described in the text as well, along with the period of available record at these gauges.

40.19(9) Add a new paragraph (d) to 30 CFR 779.18 as follows:

(d) A brief description shall be provided about the impact of the climatological factors on operation and reclamation plans, specifically what part of the year would be more conducive than others to various mining and reclamation operations.

40.19(10) Delete from 30 CFR 779.24(g) the words “defined by the regulatory authority” and add at the end the words “Hydrologic area is the area that consists of the permit area and the adjacent area.”

40.19(11) Insert the words “and its identification” between the words “road” and “located” in 30 CFR 779.24(h).

40.19(12) Insert at the beginning of 30 CFR 779.24(l) the words “Section lines and section identification, and any”.

27—40.20(207) Surface mining permit applications—minimum requirements for reclamation and operation plan. The following is incorporated by reference: 30 CFR Part 780, as in effect on July 1, 2010, except as modified by subrules 40.1(3) and 40.1(5) and with the following exceptions and clarifications:

40.20(1) Delete 30 CFR 780.1 and 780.10.

40.20(2) The general word substitutions at rule 27—40.1(17A,207) do not apply at 30 CFR 780.21(a).

40.20(3) The determination of probable hydrologic consequence (PHC) made pursuant to these rules as part of a permit application shall address all proposed mining activities associated with the permit area for which authorization is sought as opposed to addressing only those activities expected to occur during the term of the permit.

40.20(4) Delete from 30 CFR 780.12 references to “Subchapter B” and “Subchapter K” and replace with “Part 1B” and “Part 6”, respectively.

40.20(5) Insert at the end of 30 CFR 780.21(a) the sentence “The methodology for measurement of the quantity of both surface water and groundwater shall also be described.”

40.20(6) Delete from 30 CFR 780.21(d) the words “may be required by the regulatory authority” and insert the words “is required”.

40.20(7) Delete from 30 CFR 780.21(i) and (j) the word “approved” and insert the word “proposed”.

27—40.21(207) Underground mining permit applications—minimum requirements for information on environmental resources. The following is incorporated by reference: 30 CFR Part 783, as in effect on July 1, 2010, except as modified by subrules 40.1(3) and 40.1(5) and with the following exceptions:

40.21(1) Delete from 30 CFR 783.18(a) the words “When requested by the regulatory authority,”.

40.21(2) Delete 30 CFR 783.21(a)(1) and insert the following:

(1) A map, at the scale of 1:2400 or larger, delineating different soils;

40.21(3) Amend the first sentence in 30 CFR 783.24 to read: “The permit application shall include maps at a scale of 1:2400 or larger showing:”.

40.21(4) Amend the first sentence in 30 CFR 783.25(a) to read: “The application shall include cross sections at a vertical exaggeration of 1:10, maps at a scale of 1:2400, and plans showing—”.

40.21(5) Delete 30 CFR 783.1 and 783.10.

27—40.22(207) Underground mining permit applications—minimum requirements for reclamation and operation plan. The following is incorporated by reference: 30 CFR Part 784, as in effect on July 1, 2010, except as modified by subrules 40.1(3) and 40.1(5) and with the following exceptions and clarifications:

40.22(1) Delete from 30 CFR 784.14(d) the words “information may be required” and insert the words “information is required”.

- 40.22(2)** Delete from 30 CFR 784.20(b)(4) the words “if any”.
- 40.22(3)** Delete from 30 CFR 784.20(b)(6) the words “if any”.
- 40.22(4)** Amend the first sentence of 30 CFR 784.23 to read: “Each application shall contain maps at a scale of 1:2400 or larger and plans as follows:”.
- 40.22(5)** Delete 30 CFR 784.1 and 784.10.
- 40.22(6)** The general word substitutions at rule 27—40.1(17A,207) do not apply to 30 CFR Part 784.14(a).
- 40.22(7)** Delete from 30 CFR 784.13(a) the words “sections 515 and 516 of the Act” and insert the words “Iowa Code sections 207.7 and 207.19”.
- 40.22(8)** The determination of probable hydrologic consequence (PHC) made pursuant to these rules as part of a permit application shall address all proposed mining activities associated with the permit area for which authorization is sought as opposed to addressing only those activities expected to occur during the term of the permit.

27—40.23(207) Requirements for permits for special categories of mining. The following is incorporated by reference: 30 CFR Part 785, as in effect on July 1, 2010, with the following exceptions:

- 40.23(1)** Delete 30 CFR 785.10, 785.11, 785.12, 785.14, 785.15, 785.16, 785.17(d)(1), (2), and (3), 785.19, and 785.22.
- 40.23(2)** The general word substitutions for “director” and “department” at rule 27—40.1(17A,207) do not apply at 30 CFR 785.13.
- 40.23(3)** None of the general word substitutions at rule 27—40.1(17A,207) apply at 30 CFR 785.17(c)(1)(i) and (d).
- 40.23(4)** Delete paragraphs (d) and (e) from 30 CFR 785.21 and insert in lieu thereof a new paragraph (d) as follows:
 - (d) Coal preparation plants are required to obtain permanent program permits under the Iowa regulatory program after April 10, 1981, as approved by the U.S. Office of Surface Mining.
- 40.23(5)** Delete from 30 CFR 785.18(c)(5) the words “section 515(b)(16) of the Act” and insert the words “Iowa Code section 207.7”.
- 40.23(6)** Delete from 30 CFR 785.18(c)(7) the words “section 515(b)(22) of the Act” and insert the words “Iowa Code section 207.7”.
- 40.23(7)** Delete from 30 CFR 785.18(c)(9) the words “section 515(b) of the Act” and insert the words “Iowa Code section 207.7”.
- 40.23(8)** Add the following clarifying sentence to 30 CFR 785.21(a): “An off-site processing plant operated in connection with the mine but off the mine site will be regulated without regard to its proximity to the mine.”

PART 4
COAL MINING—SMALL OPERATOR ASSISTANCE

27—40.24(207) Permanent regulatory program—small operator assistance program. The following is adopted by reference: 30 CFR Part 795, as in effect on July 1, 2010, with the following exceptions:

- 40.24(1)** Delete 30 CFR 795.4, 795.5 and 795.6(b).
- 40.24(2)** Delete from 30 CFR 795.1 the words “section 507(c) of the Act” and insert the words “Iowa Code section 207.4, subsection 1, paragraph “d”.”
- 40.24(3)** Eligibility thresholds for annual production in tons at 30 CFR 795.6(a)(2) shall not apply until the same threshold at Iowa Code section 207.4(1)(d) has been amended from 100,000 tons to 300,000 tons.
- 40.24(4)** Program services at 30 CFR 795.9(b)(3) through 795.9(b)(6) shall not apply until Iowa Code section 207.4(1)(d) has been amended to authorize these services.

PART 5
COAL MINING—BONDING AND INSURANCE

27—40.25(207) Bond and insurance requirements for surface coal mining and reclamation operations under regulatory programs. The following is incorporated by reference: 30 CFR Part 800, as in effect on July 1, 2010, with the following exceptions:

40.25(1) Add to 30 CFR 800.40(c) a paragraph (4) that shall read as follows:

(4) The maximum liability under performance bonds applicable to a permit which may be released at any time prior to the release of all acreage from the permit area shall be calculated by multiplying the ratio between the acreage on which a reclamation phase has been completed and the total acreage in the permit area, times the total liability under performance bonds applicable to a permit, times 0.6 if reclamation phase I has been completed, or 0.25 if reclamation phase II has been completed.

Acreage may be released from the permit area only after reclamation phase III has been completed. The maximum performance bond liability applicable to a permit which may be released at any time prior to the completion of reclamation phase III on the entire permit area shall be calculated by multiplying the ratio between the acreage on which reclamation phase III has been completed and the total acreage in the permit area, times the total liability under performance bonds applicable to a permit, times 0.15.

40.25(2) Delete from 30 CFR 800.60(a) the words “authorized to do business in the United States” and insert the words “authorized to do business in the State of Iowa”.

40.25(3) Delete 30 CFR 800.10, 800.11(e), and 800.70.

40.25(4) Delete from 30 CFR 800.40(a)(1) the words “established in the regulatory program or”.

40.25(5) Delete from 30 CFR 800.40(c)(2) the words “sections 515 and 515(b)(10) of the Act” and insert the words “Iowa Code section 207.7”. Delete also from 30 CFR 800.40(c)(2) the words “performed pursuant to section 507(b)(16) of the Act” and insert the words “information included in the permit application and obtained from the official soil survey for the county in which the permit is located.”.

40.25(6) Delete from 30 CFR 800.40(h) the words “section 513(b) of the Act” and insert the words “Iowa Code section 207.5”.

40.25(7) An application for bond release shall not be considered filed until a written determination of completeness for the bond release application has been provided to the applicant by the division. The division will make a determination of completeness for the bond release application within 30 days following receipt of such application.

PART 6
COAL MINING—PERMANENT PROGRAM PERFORMANCE STANDARDS

27—40.26(207) Permanent program performance standards—general provisions. The following is incorporated by reference: 30 CFR Part 810, as in effect on July 1, 2010, with the following exceptions:

40.26(1) Delete 30 CFR 810.3 and 810.4(a).

40.26(2) Delete 30 CFR 810.4(b) and substitute in lieu thereof the following:

(b) The division shall ensure that performance standards and design requirements are implemented and enforced under the Iowa program.

40.26(3) Delete 30 CFR 810.4(c) and substitute in lieu thereof the following:

(c) Each person conducting coal exploration or surface coal mining and reclamation operations is responsible for complying with the performance standards and design requirements of the approved Iowa program.

40.26(4) Delete the phrase “Parts 818 through 828” at 30 CFR 810.11 and substitute in lieu thereof “Parts 819, 823, and 827”.

27—40.27(207) Permanent program performance standards—coal exploration. The following is incorporated by reference: 30 CFR Part 815, as in effect on July 1, 2010.

27—40.28(207) Permanent program performance standards—surface mining activities. The following is incorporated by reference: 30 CFR Part 816, as in effect on July 1, 2010, except as modified by subrules 40.1(3), 40.1(4), and 40.1(5) and with the following exceptions:

40.28(1) Delete 30 CFR 816.61(c)(1) and insert the following:

(c) Blasters. (1) All blasting operations shall be conducted under the direction of a blaster certified by the division.

40.28(2) Delete 30 CFR 816.101. For “Backfilling and grading: Time and distance requirements,” the following shall apply:

a. Except as provided in paragraph 40.28(2) “*b.*,” rough backfilling and grading for surface mining activities shall be completed within 180 days following coal removal, and not more than four spoil ridges behind the pit being worked, the spoil from the active pit constituting the first ridge.

b. The division may extend the time allowed for rough backfilling and grading for the entire permit area or for a specified portion of the permit area if the permittee demonstrates in accordance with 27—40.20(207) / 30 CFR 780.18(b) “3” that additional time is necessary.

40.28(3) Add to 30 CFR 816.131(b) the sentence “The notice shall state a specific date when operations will resume.”

40.28(4) Add to 30 CFR 816.131 a paragraph (c) that shall read as follows:

(c) The period of temporary cessation shall be a period of two years after which cessation will become permanent cessation and subject to the conditions of 30 CFR 816.132. The applicant may request one 12-month extension of the two-year time period. Approval of the extension request shall be at the discretion of the division administrator.

40.28(5) Delete 30 CFR 816.10.

40.28(6) The following is incorporated by reference: “Revegetation Success Standards and Statistically Valid Sampling Techniques,” dated April 1999, as approved on December 27, 2001, and as amended December 27, 2004.

40.28(7) Add at the end of 30 CFR 816.49(a)(11)(i) the sentence “Yearly inspection of the impoundments shall be done in the second quarter of each calendar year, and the inspection report shall be submitted to the division with the second quarter water monitoring report.”

40.28(8) Delete 30 CFR 816.89 and insert in lieu thereof the following:

816.89 Disposal of noncoal mine wastes.

(a) Noncoal mine wastes including, but not limited to, grease, garbage, abandoned mining machinery, lumber and other combustible materials generated during mining activities shall be placed and stored in a controlled manner in a landfill permitted by the Iowa department of natural resources (DNR) pursuant to 561 IAC 101, 102, and 103. Lubricants, paints, and flammable liquids may not be buried in the State of Iowa but, along with other toxic wastes, must be disposed of in the legally prescribed manner. Iowa law prohibits final disposal of noncoal wastes within the permit area.

Pending final disposal at a permitted DNR facility, noncoal mine waste shall be placed and stored in a controlled manner in a designated portion of the permit area so as to ensure that leachate and surface runoff do not degrade surface or groundwater, that fires are prevented and that the area remains stable and suitable for reclamation and revegetation compatible with the natural surroundings.

Noncoal mine waste shall at no time be deposited in a refuse pile or impounding structure.

No excavation for or storage of noncoal mine waste shall be located within eight feet of any coal outcrop or coal storage area.

(b) Final disposal of noncoal mine wastes shall be in a designated, State-approved solid waste disposal site permitted by the Iowa department of natural resources pursuant to 561 IAC 101, 102, and 103.

(c) Notwithstanding any other provision in this chapter, any noncoal mine waste defined as “hazardous” under section 3001 of the Resource Conservation and Recovery Act (RCRA) (Public Law 94-580 as amended) and 40 CFR Part 261 shall be handled in accordance with the requirements of Subtitle C of RCRA and any implementing regulations.

27—40.29(207) Permanent program performance standards—underground mining activities. The following is incorporated by reference: 30 CFR Part 817, as in effect on July 1, 2010, except as modified by subrules 40.1(3), 40.1(4), and 40.1(5) and with the following exceptions:

40.29(1) Delete 30 CFR 817.10 and 817.107.

40.29(2) Delete 30 CFR 817.61(c)(1) and insert the following:

(c) Blasters (1) All blasting operations shall be conducted under the direction of a blaster certified by the division.

40.29(3) The following is incorporated by reference: “Revegetation Success Standards and Statistically Valid Sampling Techniques,” dated April 1999, as approved on December 27, 2001, and as amended December 27, 2004.

40.29(4) Add to 30 CFR 817.131 a paragraph (c) that shall read as follows:

(c) The period of temporary cessation shall be a period of two years after which cessation will become permanent cessation and subject to the conditions of 30 CFR 817.132. The applicant may request one 12-month extension of the two-year time period. Approval of the extension request shall be at the discretion of the division administrator.

27—40.30(207) Special permanent program performance standards—auger mining. The following is incorporated by reference: 30 CFR Part 819, as in effect on July 1, 2010.

27—40.31(207) Special permanent program performance standards—operations on prime farmland. The following is incorporated by reference: 30 CFR Part 823, as in effect on July 1, 2010, except for 30 CFR 823.11(a), which is deleted.

27—40.32(207) Permanent program performance standards—coal preparation plants not located within the permit area of a mine. The following is incorporated by reference: 30 CFR Part 827, as in effect on July 1, 2010, except for the following:

40.32(1) Delete 30 CFR 827.1.

40.32(2) Delete 30 CFR 827.13(a) and insert the following:

(a) Persons operating or who have operated coal preparation plants after April 10, 1981, shall comply with the applicable interim or permanent program performance standards for the Iowa program.

40.32(3) Proximity shall not be the decisive factor in deciding to regulate an off-site processing plant.

PART 7

COAL MINING—INSPECTION AND ENFORCEMENT

27—40.33(207) State regulatory authority—inspection and enforcement. The following is incorporated by reference: 30 CFR Part 840, as in effect on July 1, 2010, with the following exceptions:

40.33(1) Delete 30 CFR 840.1, 840.10, and 840.13.

40.33(2) The general word substitution for “director” does not apply in 30 CFR 840.14.

40.33(3) Delete from 30 CFR 840.11(d)(2) the words “section 521(a)(2) of the Act” and insert the words “Iowa Code section 207.14”.

40.33(4) Delete from 30 CFR 840.11(g)(3)(ii) the words “section 518(e), 518(f), 521(a)(4) or 521(c) of the Act” and insert the words “Iowa Code subsections 207.15(6), 207.15(7), 207.14(3) and 207.14(8)”, respectively.

40.33(5) Delete from 30 CFR 840.15 the words “43 CFR Part 4” and insert the words “Iowa Code section 207.14”.

27—40.34(207) Inspections and monitoring.

40.34(1) *Requests for inspections.*

a. A person may request an inspection under Iowa Code section 207.13 by furnishing to an authorized representative of the administrator a signed, written statement (or an oral report followed by a signed, written statement) giving the authorized representative reason to believe that a violation exists. The statement shall set forth a phone number and address where the person can be contacted.

b. The identity of any person supplying information to the division relating to a possible violation or imminent danger or harm shall remain confidential with the division, if requested by that person, unless that person elects to accompany the inspector on the inspection, or unless disclosure is required under Iowa Code section 22.7(18).

c. If an inspection is conducted as a result of information provided to the division by a person as described in paragraph 40.34(1)“*a.*,” the person shall be notified as far in advance as practicable when the inspection is to occur and shall be allowed to accompany the authorized representative of the administrator during the inspection. Such person has a right of entry to, upon and through the coal exploration or surface coal mining and reclamation operation about which the person supplied information but only if in the presence of and under the control, direction and supervision of the authorized representative while on the mine property. Such right of entry does not include a right to enter buildings without consent of the person in control of the building or without a search warrant.

d. Within 10 days of the inspection or, if there is no inspection, within 15 days of receipt of the person’s written statement, the division shall send the person the following:

(1) If an inspection was made, a description of the enforcement action taken, which may consist of copies of the inspection report and all notices of violation and cessation orders issued as a result of the inspection, or an explanation of why no enforcement action was taken;

(2) If no inspection was conducted, an explanation of the reason why; and

(3) An explanation of the person’s right, if any, to informal review of the action or inaction of the division under subrule 40.34(3).

e. The division shall give copies of all materials in subparagraphs 40.34(1)“*d*”(1) and “*d*”(2) within the time limits specified in those paragraphs to the person alleged to be in violation, except that the name of the person supplying information shall be removed unless disclosure of the person’s identity is permitted under paragraph 40.34(1)“*b.*”

40.34(2) *Review of adequacy and completeness of inspections.* Any person who is or may be adversely affected by a surface coal mining and reclamation operation or a coal exploration operation may notify the administrator or designee in writing of any alleged failure on the part of the division to make adequate and complete or periodic State inspections. The notification shall include sufficient information to create a reasonable belief that these rules are not being complied with and to demonstrate that the person is or may be adversely affected. The administrator or designee shall within 15 days of receipt of the notification determine whether adequate and complete or periodic inspections have been made. The administrator or designee shall furnish the complainant with a written statement of the reasons for such determination and the actions, if any, taken to remedy the noncompliance.

40.34(3) *Review of decision not to inspect or enforce.*

a. Any person who is or may be adversely affected by a coal exploration or surface coal mining and reclamation operation may ask the administrator or designee to review informally an authorized representative’s decision not to inspect or take appropriate enforcement action with respect to any

violation alleged by that person in a request for inspection under subrule 40.34(1). The request for review shall be in writing and include a statement of how the person is or may be adversely affected and why the decision merits review.

b. The administrator or designee shall conduct the review and inform the person, in writing, of the results of the review within 30 days of receipt of the request. The person alleged to be in violation shall also be given a copy of the results of the review, except that the name of the person who is or may be adversely affected shall not be disclosed unless confidentiality has been waived or disclosure is required under Iowa Code section 22.7(18).

c. Informal review shall not affect any right to formal review under Iowa Code section 207.14 or to a citizen's suit under Iowa Code section 207.17.

d. Any determination made under paragraph 40.34(3)“*b*” shall constitute a decision of the division within the meaning of Iowa Code section 207.14 and shall contain a right of appeal to the division in accordance with Iowa Code section 207.14.

27—40.35(207) Enforcement.

40.35(1) Definitions. As used in this Part 7, the following terms have the specified meanings:

“*Unwarranted failure to comply*” means the failure of a permittee to prevent the occurrence of any violation of the permit or any requirement of Iowa Code chapter 207 due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation of such permit of Iowa Code chapter 207 due to indifference, lack of diligence, or lack of reasonable care.

“*Willful violation*” means an act or omission that violates Iowa Code chapter 207, these rules or any permit condition required by Iowa Code chapter 207 or these rules, committed by a person who intends the result that actually occurs.

40.35(2) Cessation orders.

a. Cessation orders following state inspections:

(1) An authorized representative of the administrator shall immediately order a cessation of surface coal mining and reclamation operations or of the relevant portion thereof, if the representative finds, on the basis of any state inspection, any condition or practice, or any violation of Iowa Code chapter 207, these rules or any condition of an exploration approval or permit imposed under any such program, Iowa Code chapter 207 or these rules that:

1. Creates an imminent danger to the health or safety of the public; or
2. Is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.

(2) Surface coal mining and reclamation operations conducted by any person without a valid surface coal mining permit constitute a condition or practice which causes or can reasonably be expected to cause significant, imminent environmental harm to land, air or water resources, unless such operations:

1. Are an integral, uninterrupted extension of previously permitted operations, and the person conducting such operations has filed a timely and complete application for a permit to conduct such operations; or
2. Were conducted lawfully without a permit under the interim regulatory program because no permit has been required for such operations by the division.

(3) If the cessation ordered under subparagraph 40.35(2)“*a*”(1) will not completely abate the imminent danger or harm in the most expeditious manner physically possible, the authorized representative of the administrator shall impose affirmative obligations on the permittee to abate the imminent danger or significant environmental harm. The order shall specify the time by which abatement shall be accomplished.

b. Cessation orders following expiration of abatement period:

(1) When a notice of violation has been issued under 40.35(3)“*a*” and the permittee fails to abate the violation within the abatement period fixed or subsequently extended by the authorized representative, the authorized representative of the administrator shall immediately order a cessation

of coal exploration or surface coal mining and reclamation operations, or of the portion relevant to the violation.

(2) A cessation order issued under this paragraph shall require the permittee to take all steps the authorized representative of the administrator deems necessary to abate the violations covered by the order in the most expeditious manner physically possible.

c. A cessation order issued under paragraph 40.35(2)“a” or “b” shall be in writing, signed by the authorized representative who issues it, and shall set forth with reasonable specificity:

- (1) The nature of the condition, practice or violation;
- (2) The remedial action or affirmative obligation required, if any, including interim steps, if appropriate;
- (3) The time established for abatement if appropriate; and
- (4) A reasonable description of the portion of the coal exploration or surface coal mining and reclamation operation to which it applies.

The order shall remain in effect until the condition, practice or violation resulting in the issuance of the cessation order has been abated or until vacated, modified or terminated in writing by an authorized representative of the administrator, or until the order expires pursuant to Iowa Code section 207.14(6) and subrule 40.35(6).

d. Reclamation operations and other activities intended to protect public health and safety and the environment shall continue during the period of any order unless otherwise provided in the order.

e. An authorized representative of the administrator may modify, terminate or vacate a cessation order for good cause and may extend the time for abatement if the failure to abate within the time previously set was not caused by lack of diligence on the part of the permittee.

f. An authorized representative of the administrator shall terminate a cessation order by written notice to the permittee when the representative determines that all conditions, practices or violations listed in the order have been abated. Termination shall not affect the right of the division to assess civil penalties for those violations under rule 27—40.74(207).

g. Within 60 days after the issuance of a cessation order, the division shall notify in writing any person who has been identified under rule 27—40.16(207), 30 CFR 774.12, and rule 27—40.18(207), 30 CFR 778.11(c) and (d), as owning or controlling the permittee, that the cessation order was issued and that the person has been identified as an owner or controller.

40.35(3) Notices of violation.

a. An authorized representative of the administrator shall issue a notice of violation if, on the basis of a state inspection carried out during the enforcement of a state program, the representative finds a violation of Iowa Code chapter 207, these rules, or any condition of a permit or an exploration approval imposed under such program, Iowa Code chapter 207, or these rules, which does not create an imminent danger or harm for which a cessation order must be issued under subrule 40.35(2).

b. A notice of violation shall be in writing signed by the authorized representative who issues it, and shall set forth with reasonable specificity:

- (1) The nature of the violation;
- (2) The remedial action required, which may include interim steps;
- (3) A reasonable time for abatement, which may include time for accomplishment of interim steps; and
- (4) A reasonable description of the portion of the coal exploration or surface coal mining and reclamation operation to which it applies.

c. An authorized representative of the administrator may extend the time set for abatement or for accomplishment of an interim step, if the failure to meet the time previously set was not caused by lack of diligence on the part of the permittee. The total time for abatement under a notice of violation, including all extensions, shall not exceed 90 days from the date of issuance, except upon a showing by the permittee that it is not feasible to abate the violation within 90 calendar days due to one or more of the circumstances in paragraph 40.35(3)“f.” An extended abatement date pursuant to this subrule

shall not be granted when the permittee's failure to abate within 90 days has been caused by lack of diligence or intentional delay by the permittee in completing the remedial action required.

d. If the permittee fails to meet the time set for abatement the authorized representative shall issue a cessation order under paragraph 40.35(2) "b."

If the permittee fails to meet the time set for accomplishment of any interim step, the authorized representative may issue a cessation order under paragraph 40.35(2) "b."

e. An authorized representative of the administrator shall terminate a notice of violation by written notice to the permittee when it is determined that all violations listed in the notice of violation have been abated. Termination shall not affect the right of the division to assess civil penalties for those violations under rule 27—40.36(207).

f. Circumstances that may qualify a surface coal mining operation for an abatement period of more than 90 days are:

(1) Where the permittee of an ongoing permitted operation has timely applied for and diligently pursued a permit renewal or other necessary approval of designs or plans but such permit or approval has not been or will not be issued within 90 days after a valid permit expires or is required, for reasons not within the control of the permittee;

(2) Where there is a valid judicial order precluding abatement within 90 days as to which the permittee has diligently pursued all rights of appeal and as to which the permittee has no other effective legal remedy;

(3) Where the permittee cannot abate within 90 days due to a labor strike;

(4) Where climatic conditions preclude abatement within 90 days, or where, due to climatic conditions, abatement within 90 days clearly would cause more environmental harm than it would prevent; or

(5) Where abatement within 90 days requires action that would violate safety standards established by statute or regulation under the Mine Safety and Health Act of 1977.

g. Whenever an abatement time in excess of 90 days is permitted, interim abatement measures shall be imposed to the extent necessary to minimize harm to the public or the environment.

h. If any of the conditions in paragraph 40.35(3) "f" exist, the permittee may request the authorized representative to grant an abatement period exceeding 90 days. The authorized representative shall not grant such an abatement period without the concurrence of the administrator or designee and the abatement period granted shall not exceed the shortest possible time necessary to abate the violation. The permittee shall have the burden of establishing by clear and convincing proof that the permittee is entitled to an extension under the provisions of paragraphs 40.35(3) "c" and "f." In determining whether or not to grant an abatement period exceeding 90 days, the authorized representative may consider any relevant written or oral information from the permittee or any other source. The authorized representative shall promptly and fully document in the file the reasons for granting or denying the request. The authorized representative's immediate supervisor shall review this document before concurring in or disapproving the extended abatement date and shall promptly and fully document the reasons for concurrence or disapproval in the file.

i. Any determination made under paragraph 40.35(3) "h" shall contain a right of appeal to the division in accordance with Iowa Code section 207.14.

j. No extension granted under paragraph 40.35(3) "h" may exceed 90 days in length. Where the condition or circumstance that prevented abatement within 90 days exists at the expiration of any such extension, the permittee may request a further extension in accordance with the procedures of paragraph 40.35(3) "h."

40.35(4) Suspension or revocation of permits.

a. Order for show cause:

(1) The administrator shall issue an order to a permittee requiring the permittee to show cause why the permit and right to mine under Iowa Code chapter 207 should not be suspended or revoked, if the administrator determines that a pattern of violations of any requirements of Iowa Code chapter 207, these rules, or any permit condition required by Iowa Code chapter 207 exists or has existed,

and that the violations were caused by the permittee willfully or through unwarranted failure to comply with those requirements or conditions. Violations by any person conducting surface coal mining operations on behalf of the permittee shall be attributed to the permittee, unless the permittee establishes that they were acts of deliberate sabotage.

(2) The administrator may determine that a pattern of violations exists or has existed, based upon two or more State inspections of the permit area within any 12-month period, after considering the circumstances, including:

1. The number of violations, cited on more than one occasion, of the same or related requirements of Iowa Code chapter 207, these rules, or the permit;

2. The number of violations, cited on more than one occasion, of different requirements of Iowa Code chapter 207, these rules, or the permit; and

3. The extent to which the violations were isolated departures from lawful conduct.

(3) The administrator shall promptly review the history of violations of any permittee who has been cited for violations of the same or related requirements of Iowa Code chapter 207, these rules, or the permit during three or more State inspections of the permit area within any 12-month period. If, after such review, the administrator determines that a pattern of violations exists or has existed, the administrator shall issue an order to show cause as provided in subparagraph 40.35(4) "a"(1).

b. If the permittee files an answer to the show cause order and requests a hearing under Iowa Code section 207.14, a public hearing shall be provided. The division shall give 30 days' written notice of the date, time and place of the hearing to the permittee, and any intervenor. Upon receipt of the notice, the administrator shall publish it, if practicable, in a newspaper of general circulation in the area of the surface coal mining and reclamation operations and shall post it in the division.

c. Within 60 days after the hearing, and within the time limits set forth in Iowa Code section 207.14, the division shall issue a written determination as to whether a pattern of violations exists and, if appropriate, an order. If the division revokes or suspends the permit and the permittee's right to mine under Iowa Code chapter 207, the permittee shall immediately cease surface coal mining operations on the permit area and shall:

(1) If the permit and the right to mine under Iowa Code chapter 207 are revoked, complete reclamation within the time specified in the order; or

(2) If the permit and the right to mine under Iowa Code chapter 207 are suspended, complete all affirmative obligations to abate all conditions, practices, or violations as specified in the order.

d. Whenever a permittee fails to abate a violation contained in a notice of violation or cessation order within the abatement period set in the notice or order or as subsequently extended, the administrator shall review the permittee's history of violations to determine whether a pattern of violations exists pursuant to this subrule, and shall issue an order to show cause as appropriate pursuant to subparagraph 40.35(4) "a"(1).

40.35(5) *Service of notices of violation, cessation orders, and show cause orders.*

a. A notice of violation, cessation order, or show cause order shall be served on the person to whom it is directed or the person's designated agent promptly after issuance as follows:

(1) By tendering a copy at the coal exploration or surface coal mining and reclamation operation to the designated agent or to the individual who, based upon reasonable inquiry, appears to be in charge. If no such individual can be located at the site, a copy may be tendered to any individual at the site who appears to be an employee or agent of the person to whom the notice or order is issued. Service shall be complete upon tender of the notice or order and shall not be deemed incomplete because of refusal to accept.

(2) As an alternative to subparagraph 40.35(5) "a"(1), service may be made by sending a copy of the notice or order by certified mail or by hand to the permittee or designated agent. Service shall be complete upon tender of the notice or order or of the mail and shall not be deemed incomplete because of refusal to accept.

b. Designation by any person of an agent for service of notices and orders shall be made in writing to the division.

c. The division may furnish copies of notices and orders to any person having an interest in the coal exploration, surface coal mining and reclamation operation, or the permit area.

40.35(6) Informal public hearing.

a. Except as provided in paragraphs 40.35(6) "b" and "c," a notice of violation or cessation order that requires cessation of mining, expressly or by necessary implication, shall expire within 30 days after it is served unless an informal public hearing has been held within that time. The purpose of the hearing is to provide the division with information needed to decide whether or not to extend the cessation of mining. The hearing shall be held at or reasonably close to the mine site so that it may be viewed during the hearing or at any other location acceptable to the division and the person to whom the notice or order was issued. The division office shall be deemed to be reasonably close to the mine site unless a closer location is requested and agreed to by the division. Expiration of a notice or order shall not affect the division's right to assess civil penalties with respect to the period during which the notice or order was in effect. No hearing will be required where the condition, practice, or violation in question has been abated or the hearing has been waived. For purposes of this subrule only, "mining" includes (1) extracting coal from the earth or from coal waste piles and transporting it within or from the permit area and (2) the processing, cleaning, concentrating, preparing or loading of coal where such operations occur at a place other than at a mine site.

b. A notice of violation or cessation order shall not expire as provided in paragraph 40.35(6) "a" if the informal public hearing has been waived, or if, with the consent of the person to whom the notice or order was issued, the informal public hearing is held later than 30 days after the notice or order was served. For purposes of this subrule:

(1) The informal public hearing will be deemed waived if the person to whom the notice or order was issued:

1. Is informed, by written notice served in the manner provided in subparagraph 40.35(6) "b" (2), that the person will be deemed to have waived an informal public hearing unless one is requested within 30 days after service of the notice; and

2. Fails to request an informal public hearing within that time.

(2) The written notice referred to in subparagraph 40.35(6) "b"(1) shall be delivered to such person by an authorized representative or sent by certified mail to such person no later than five days after the notice or order is served on such person.

(3) The person to whom the notice or order is issued shall be deemed to have consented to an extension of the time for holding the informal public hearing if a request is received on or after the twenty-first day after service of the notice or order. The extension of time shall be equal to the number of days elapsed after the twenty-first day.

c. The division shall give as much advance notice as is practicable of the time, place, and subject matter of the informal public hearing to:

(1) The person to whom the notice or order was issued; and

(2) Any person who filed a report that led to that notice or order.

d. The division shall also post notice of the hearing in the division and, where practicable, publish it in a newspaper of general circulation in the area of the mine.

e. Iowa Code chapter 17A regarding requirements for formal adjudicatory hearings shall not govern informal public hearings. An informal public hearing shall be conducted by a representative of the division, who may accept oral or written arguments and any other relevant information from any person attending.

f. Within five days after the close of the informal public hearing, the division shall affirm, modify, or vacate the notice or order in writing. The decision shall be sent to:

(1) The person to whom the notice or order was issued; and

(2) Any person who filed a report that led to the notice or order.

g. The granting or waiver of an informal public hearing shall not affect the right of any person to formal review under Iowa Code section 207.14 or 207.15.

h. The person conducting the hearing for the division shall determine whether or not the mine site should be viewed during the hearing. In making this determination the only consideration shall be whether a view of the mine site will assist the person conducting the hearing in reviewing the appropriateness of the enforcement action or of the required remedial action.

40.35(7) *Formal review of citations.*

a. A person issued a notice of violation or cessation order under subrule 40.35(2) or 40.35(3), or a person having an interest that is or may be adversely affected by the issuance, modification, vacation or termination of a notice or order, may request review of that action by filing an application for review and request for hearing under Iowa Code section 207.14 within 30 days after receiving notice of the action.

b. The filing of an application for review and request for a hearing under this subrule shall not operate as a stay of any notice or order, or of any modification, termination or vacation of either.

40.35(8) *Inability to comply.*

a. No cessation order or notice of violation issued under this Part 7 may be vacated because of inability to comply.

b. Inability to comply may not be considered in determining whether a pattern of violations exists.

c. Unless caused by lack of diligence, inability to comply may be considered only in mitigation of the amount of civil penalty under rule 27—40.36(207) and of the duration of the suspension of a permit under paragraph 40.35(4)“*c.*”

40.35(9) *Compliance conference.*

a. A permittee may request an on-site compliance conference with an authorized representative to review the compliance status of any condition or practice proposed at any coal exploration or surface coal mining and reclamation operation. Any such conference shall not constitute an inspection within the meaning of Iowa Code section 207.13.

b. The division may accept or refuse any request to conduct a compliance conference under paragraph 40.35(9)“*a.*” Where the division accepts such a request, reasonable notice of the scheduled date and time of the compliance conference shall be given to the permittee.

c. The authorized representative at any compliance conference shall review such proposed conditions and practices as the permittee may request in order to determine whether any such condition or practice may become a violation of any requirement of Iowa Code chapter 207 or any applicable permit or exploration approval.

d. Neither the holding of a compliance conference under this subrule nor any opinion given by the authorized representative at such a conference shall affect:

(1) Any rights or obligations of the division or of the permittee with respect to any inspection, notice of violation or cessation order, whether prior or subsequent to such conference; or

(2) The validity of any notice of violation or cessation order issued with respect to any condition or practice reviewed at the compliance conference.

27—40.36(207) Civil penalties. The following is incorporated by reference: 30 CFR Part 845, as in effect on July 1, 2010, with the following exceptions:

40.36(1) Delete from 30 CFR 845.13(b)(1) the words “One point shall be assigned for each past violation contained in a notice of violation” and insert the words “One point shall be assigned for each past notice of violation of a similar nature”.

40.36(2) Delete 30 CFR 845.1.

40.36(3) Delete from 30 CFR 845.2 the words “section 518 of the Act” and insert the words “Iowa Code section 207.15”.

Delete from 30 CFR 845.15(b) the words “section 521(a) of the Act” and insert the words “Iowa Code section 207.14”.

Delete from 30 CFR 845.15(b)(1)(i) the words “section 525(c) of the Act” and insert the words “Iowa Code section 207.14, subsection 7”.

Delete from 30 CFR 845.15(b)(1)(ii) the words “section 526 of the Act” and “section 526(c) of the Act” and insert the words “Iowa Code section 207.15”.

Delete from 30 CFR 845.15(b)(2) the words “section 518(e), 518(f), 521(a)(4), or 521(c) of the Act” and insert the words “Iowa Code sections 207.15(6), 207.15(7), 207.14(3) or 207.14(8)”, respectively.

Delete from 30 CFR 845.15(b)(1)(i) the words “Office of Hearings and Appeals” and insert the word “division”.

40.36(4) Delete from 30 CFR 845.17(c) the phrase “Unless a conference has been requested,” and add a new sentence to the end of the paragraph that reads “The reassessment shall be served as a Notice of Assessment.”

40.36(5) “Procedures for assessment conference” are created by deleting 30 CFR 845.18 and establishing procedures for the same in this subrule.

a. The division will arrange for an assessment conference to review the Notice of Assessment, upon written request of the person to whom notice or order was issued, if the request is received within 30 days from the date the Notice of Assessment is mailed.

b. The division administrator or the administrator’s designee shall hold the assessment conference.

(1) The assessment conference shall be considered an informal proceeding and shall not be governed by Iowa Code chapter 17A, regarding requirements for formal adjudicatory hearings. The assessment conference shall be held within 60 days of the date the conference request is received or the end of the abatement period, whichever is later. However, failure by the division to hold such a conference within 60 days from the date of the conference request shall not be grounds for dismissal of all or part of an assessment unless the person against whom the proposed penalty has been assessed proves actual prejudice as a result of the delay.

(2) The division shall post notice of the time and place of the conference at least five days prior to the conference. Any person shall have a right to attend and participate in the conference.

(3) The division administrator or the administrator’s designee shall consider all relevant information on the violation. Within 30 days after the conference is held, the division shall either:

1. Settle the issues, in which case a settlement agreement shall be prepared and signed by the permittee and the division; or

2. Affirm, raise, lower, or vacate the penalty.

c. The division shall promptly serve the person assessed with a notice of the agency’s action in the manner provided in 30 CFR 845.17(b), and shall provide a worksheet if the penalty has been raised or lowered. The reasons for the conference officer’s actions shall be fully documented in the file.

d. Terms of settlement agreement.

(1) If a settlement agreement is entered into, the person assessed will be deemed to have waived all rights to further review of the violation or penalty in question except as otherwise expressly provided for in the settlement agreement. The settlement agreement shall contain a clause to this effect.

(2) If full payment of the amount specified in the settlement agreement is not received by the division within 30 days after the date of signing the settlement agreement, the division may enforce the agreement or rescind it and either affirm, raise, lower, or vacate the penalty within 30 days from the date of the rescission.

e. The division may terminate the conference when the administrator or the administrator’s designee determines that the issues cannot be resolved or that the person assessed is not diligently working toward resolution of the issues.

f. No evidence as to statements made or evidence produced by one party at a conference shall be introduced as evidence by another party or to impeach a witness at a subsequent contested case or judicial proceeding.

40.36(6) Procedures to prepare a Request for a Hearing are created by deleting 30 CFR 845.19 and establishing procedures for the same in this subrule.

a. The person charged with the violation may contest the proposed penalty or the fact of the violation by submitting a petition and an amount equal to the proposed penalty, or if a conference has been held, the reassessed or affirmed penalty to the division (to be held in escrow as provided for in paragraph 40.36(6)“*b*”) within 30 days of receipt of the proposed assessment or reassessment or 30 days from the date of service of the division’s action, whichever is later. The fact of the violation may not be contested if it has been decided in a review proceeding commenced under subrule 40.35(7).

b. The division shall hold all funds submitted under paragraph 40.36(6)“*a*” in an interest-bearing escrow fund, pending completion of the administrative and judicial review process, at which time funds shall be disbursed as provided in subrule 40.36(7). Interest shall accrue at the prevailing earnings rate for the fiscal year for the pooled investment fund of the State of Iowa.

40.36(7) Procedures for determining Final Assessment are created by deleting 30 CFR 845.20 and establishing procedures for the same in this subrule.

a. If the person to whom a notice of violation or cessation order is issued fails to request a hearing as provided in paragraph 40.36(6)“*a*,” the Notice of Assessment shall become a final order of the division and the penalty assessed shall become due and payable upon expiration of the time allowed to request a hearing.

b. If any party requests judicial review of a final order of the division, the proposed penalty shall continue to be held in escrow until completion of the review.

c. If the final decision in the administrative and judicial review results in an order reducing or eliminating the proposed penalty assessed under this subrule, the division shall within 30 days of receipt of the order refund to the person assessed all or part of the escrowed amount, with interest from the date of payment into escrow to the date of the refund.

d. If the review results in an order increasing the penalty, the person or entity to whom the notice or order was issued shall pay the difference to the division within 15 days after the order is mailed to such person.

40.36(8) Use of civil penalties for reclamation. In accordance with Iowa Code section 207.10(6), the division may expend funds collected from civil penalties to perform reclamation work on sites where the bond has been forfeited and additional funds are needed to complete the reclamation of the site.

40.36(9) Delete 30 CFR 845.21.

27—40.37(207) Individual civil penalties. The following is adopted by reference: 30 CFR Part 846, as in effect on July 1, 2010, with the following exceptions:

40.37(1) Delete 30 CFR 846.1.

40.37(2) Delete 30 CFR 846.17(b)(1) and insert in lieu thereof:

(1) The individual files within 30 days of service of the notice of proposed individual civil penalty assessment a petition for review with the administrator; or

40.37(3) Delete 30 CFR 846.17(c) and insert in lieu thereof the following:

(c) Service. For purposes of this subrule, service is sufficient if it would satisfy Division III of the Iowa rules of civil procedure for service of an original notice and petition.

PART 8
COAL MINING—BLASTER CERTIFICATION

27—40.38(207) Permanent regulatory program requirements—standards for certification of blasters. The following is incorporated by reference: 30 CFR Part 850, as in effect on July 1, 2010, with the following exceptions:

40.38(1) Amend 30 CFR 850.15 by adding paragraph (f) as follows:

(f) Reciprocal certification.

(1) The division may issue an Iowa blaster certificate to a qualified applicant who holds a valid blaster's certification granted by the Office of Surface Mining Reclamation and Enforcement (OSMRE).

(2) The division may issue an Iowa blaster certificate through reciprocity to a qualified applicant that holds a valid State blaster's certification granted by a State regulatory authority under OSMRE approved blaster certification and regulatory program.

(3) A reciprocal blaster's certification issued in Iowa will expire on the same date as the expiration of the original State's certification. Renewal will be by reexamination.

(4) Blaster's certification from other states will not be honored or recognized in Iowa except by reciprocal issuance as outlined in this rule. Blasters from states without OSMRE approved blaster certification may become certified in Iowa by passing the Iowa certification test.

40.38(2) Delete 30 CFR 850.10.

27—40.39(207) Certification of blasters. The following is incorporated by reference: 30 CFR Part 955, as in effect on July 1, 2010, with the following exceptions:

40.39(1) Delete 30 CFR 955.1 and 955.2.

40.39(2) Delete 30 CFR 955.13(a)(1) and (2).

40.39(3) Delete 30 CFR 955.10.

40.39(4) Delete from 30 CFR 955.5 the definition of "Reciprocity" and delete 30 CFR 955.16.

40.39(5) Delete from 30 CFR 955.17(c) the phrase "to the Department of the Interior Board of Land Appeals under 43 CFR 4.1280 and 4.1286" and insert in lieu thereof the phrase "as a contested case action pursuant to Iowa Code chapter 17A".

PART 9

COAL MINING—CONTESTED CASES AND PUBLIC HEARINGS

27—40.40(17A,207) Procedural rules—contested cases and public hearings. These rules shall govern procedures in contested cases, as defined in Iowa Code section 17A.2(2), and public hearings required to be held pursuant to the provisions of Iowa Code chapter 207.

27—40.41(17A,207) Contested cases. Contested cases include but are not limited to the following:

40.41(1) An appeal of a decision to grant or deny a permit pursuant to Iowa Code sections 207.4 and 207.5; approval or failure to approve a transfer pursuant to Iowa Code section 207.12(5); appeal of a decision of the division on an application for coal exploration pursuant to Iowa Code section 207.18.

40.41(2) Permit suspension or revocation proceedings pursuant to Iowa Code sections 207.14(3) and 207.14(4).

40.41(3) Review of a notice or order pursuant to Iowa Code section 207.14(7).

40.41(4) Employee discrimination complaints pursuant to Iowa Code section 207.28.

40.41(5) Suspension or revocation of a mining license pursuant to Iowa Code section 207.3.

40.41(6) Bond forfeiture proceedings pursuant to Iowa Code section 207.14.

40.41(7) Appeal of the determination by the division of the amount of a bond pursuant to Iowa Code section 207.10.

40.41(8) A request to conduct mining in areas where otherwise prohibited by Iowa Code section 207.8 and 30 CFR 761.11, revised July 1, 2010.

40.41(9) A petition requesting designation of an area as unsuitable for mining, or termination of such a designation, pursuant to Iowa Code section 207.8 and rule 27—40.23(207).

40.41(10) Review of a civil penalty pursuant to Iowa Code section 207.15.

27—40.42(17A,207) Commencement of proceeding. A notice of order by the division shall be served as in civil actions, delivered by certified mail, or personally served by a division employee with

a signed acknowledgment of receipt being taken from an employee or agent of the permittee. In bond forfeiture, the surety shall also be served.

27—40.43(17A,207) Appeals of division notices and orders.

40.43(1) An appeal of a notice or order for which a contested case hearing is requested shall be mailed or personally delivered to the administrator and:

- a. Shall be made in writing and signed by the requesting party or representative;
- b. Shall identify the notice or order being appealed;
- c. Shall be served in a timely manner as stated in Iowa Code section 207.14;
- d. May state other relevant information as desired by the requesting party.

40.43(2) In a bond forfeiture proceeding a copy of the notice of appeal shall be served to the surety.

40.43(3) Upon receipt of an appeal, the administrator shall assign a docket number to the appeal as follows: D.S.C. (coal) (State fiscal year in which received)—(number, being consecutively numbered in each year).

27—40.44(17A,207) Prehearing motions. To the greatest extent possible and not inconsistent with Iowa Code chapters 17A and 207, prehearing motions may be filed and ruled upon in a manner consistent with the Iowa rules of civil procedure. In considering a prehearing motion, the administrative law judge may consider the practicality of receiving evidence or consolidating the motion into the full evidentiary hearing.

27—40.45(17A,207) Issuance of notices of hearing.

40.45(1) A hearing date shall be set upon the request of the division or any party and shall be arranged by the division through the department of inspections, appeals, and licensing. The department of inspections, appeals, and licensing shall assign an administrative law judge to the proceeding. The request shall be served to all parties of record.

40.45(2) The administrative law judge shall issue notice of hearing to all parties at least 30 days prior to the date of hearing, unless an earlier date is agreed to by all parties.

40.45(3) The notice of hearing shall conform to Iowa Code section 17A.12(2).

27—40.46(17A,207) Hearing procedures.

40.46(1) An administrative law judge selected pursuant to Iowa Code section 17A.11 shall preside at all contested cases.

40.46(2) Oral proceedings of a contested case shall be recorded by electronic or mechanized means or by certified shorthand reporters.

27—40.47(17A,207) Posthearing procedures.

40.47(1) Within 20 days of the conclusion of the hearing, each party may file with the administrative law judge and all parties of record proposed findings of fact, conclusions of law, a proposed order, or a brief in support of specified findings and conclusion. Said brief shall contain all arguments concerning evidentiary rulings made during hearing or challenges to the jurisdiction of the division to conduct the hearing and order the relief requested by the division or a party of record.

40.47(2) Within 20 days of receipt of proposed findings of fact, conclusions of law, order, or brief, parties may file a brief responding to opposing briefs, and may submit additional proposed findings of fact, conclusions of law, or order.

27—40.48(17A,207) Decision of the administrative law judge, procedure in appeals before the committee, extensions of time, public hearings, and judicial review of the committee decision.

40.48(1) *Decision of the administrative law judge.*

a. Decisions of the administrative law judge shall conform to the provisions of Iowa Code section 17A.16(1).

b. A decision of the administrative law judge is a proposed decision pursuant to Iowa Code section 17A.15(2).

c. An appeal to the committee may be initiated by the division or a party of record by filing with the administrator, and serving on all parties, a written statement captioned "Notice of Appeal to the State Soil Conservation and Water Quality Committee," which shall also state the number of the notice or order involved in the hearing and the docket number assigned by the administrator to the contested case proceeding.

d. Appeal of the decision of the administrative law judge shall be made pursuant to Iowa Code section 17A.15(3). If an application for a rehearing has been filed, appeal to the committee shall be made within 30 days after the issuance of a decision after rehearing, a decision denying a rehearing, or the date on which the rehearing is deemed denied pursuant to Iowa Code section 17A.16(2).

40.48(2) *Procedure in appeals before the committee.*

a. An appeal before the committee shall be conducted according to the provisions of Iowa Code section 17A.15(3).

b. The administrator shall set a date for the committee hearing at least 30 days after receipt of the notice of appeal to the committee.

c. A decision of the committee shall be issued within 60 days of the close of the hearing before them.

40.48(3) *Extensions of time.* The period of time in which an action is required by Part 9 of these rules may be extended for good cause by the administrative law judge or the committee, as appropriate.

40.48(4) *Public hearings.* Public hearings, also referred to as informal conferences, are held by the division to gather information prior to making a decision regarding the approval of a permitting action, issues relating to lands unsuitable for mining, or the extension of cessation of mining.

The administrator or designee shall act as the administrative law judge.

The division will provide notice to the public by publishing in a newspaper of local circulation at least 14 days prior to the hearing the following: purpose of the hearing, the place, date, and time of the hearing.

40.48(5) *Judicial review of committee decision.* Judicial review of a decision of the committee shall be in accordance with Iowa Code chapter 17A. In the case of judicial review of a civil penalty assessment, the petitioner shall post a bond in the district court equal to the amount of the assessed penalty or shall deposit a sum equal in amount to the assessed penalty in an interest-bearing escrow fund approved by the division, as required under Iowa Code section 207.15.

These rules are intended to implement Iowa Code chapter 207.

RA 26-106**SOIL CONSERVATION AND WATER QUALITY DIVISION[27]****Regulatory Analysis**

Notice of Intended Action to be published: 27—Chapter 50
“Iowa Abandoned Mined Land Reclamation Program”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 161A and 207

State or federal law(s) implemented by the rulemaking: Iowa Code section 207.21

Public Hearing

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

July 14, 2026
9 to 10 a.m.

Borlaug Conference Room
Hoover State Office Building
Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Soil Conservation and Water Quality Division no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Colin Tadlock
1305 East Walnut Street
Des Moines, Iowa 50319
Email: colin.tadlock@iowaagriculture.gov

Purpose and Summary

This proposed rulemaking establishes rules to participate in the federal Abandoned Mine Land Reclamation Program as established in the Federal Surface Mining Control Act of 1977, Public Law 95-98, and Iowa Code chapter 207. These rules also provide for the establishment of a State Abandoned Mined Land Fund to reclaim abandoned coal mines and establish authority for the Iowa Department of Agriculture and Land Stewardship (IDALS) to request, receive, and administer grant moneys for use in the program.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**
 - **Classes of persons that will bear the costs of the proposed rulemaking:**
No costs are incurred by the public to comply with this proposed rulemaking.
 - **Classes of persons that will benefit from the proposed rulemaking:**
Reclamation of abandoned coal mines will benefit all Iowans by improving water quality, remediating hazardous features found on abandoned mine sites, and reclaiming lands that can be used for agricultural purposes such as grazing.
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 will be no significant impact associated with this proposed rulemaking.

- **Qualitative description of impact:**
There will be no significant impact associated with this proposed rulemaking.
- 3. **Costs to the State:**
 - **Implementation and enforcement costs borne by the agency or any other agency:**
Not applicable.
 - **Anticipated effect on State revenues:**
Not applicable.
- 4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**
Not applicable.
- 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:**
No alternative methods 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?

This proposed rulemaking will have no significant impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 27—Chapter 50 and adopt the following **new** chapter in lieu thereof:

CHAPTER 50
IOWA ABANDONED MINED LAND RECLAMATION PROGRAM

27—50.1(207) Authority and scope.

50.1(1) This chapter establishes procedures and standards to be followed by the division of soil conservation and water quality, Iowa department of agriculture and land stewardship, in accordance with the policies of the state soil conservation and water quality committee, to participate in the federal abandoned mined land and reclamation program as established in the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, and Iowa Code chapter 207.

50.1(2) These rules will also provide for the establishment of a state abandoned mined land fund for use in conducting the Iowa abandoned mined land reclamation program, and will also establish authority for the division to request, receive and administer grant moneys for use in the program.

27—50.2(207) Rules are severable. If any provision of a rule or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the rule that can be given effect without invalid provision or application, and to this end, the provisions of these rules are severable.

27—50.3(207) Definition of terms.

“Emergency” means a sudden danger or impairment that presents a high probability of substantial physical harm to the health, safety or general welfare of people before the danger can be abated under normal program operation procedures.

“Extreme danger” means a condition that could reasonably be expected to cause substantial physical harm to persons, property, or the environment and to which persons or improvements on real property are currently exposed.

“Left or abandoned in either an unreclaimed or inadequately reclaimed condition” means land and water:

1. Where all mining processes ceased and no current permit for continuing operations existed as of August 3, 1977, or, if a permit did exist on that date, but all mining processes had ceased, it has since lapsed and has not been renewed or superseded by a new permit as of the date of the request for reclamation assistance; and

2. That continue, in their present condition, to substantially degrade the quality of the environment, prevent or damage the beneficial use of the land or water resources, or endanger the health or safety of the public.

“Reclamation activities” means restoration, reclamation, abatement, control or prevention of adverse effects of mining.

“State abandoned mined land fund” or *“fund”* means a separate fund established by the division for the purpose of accounting for moneys granted by the director of the office of surface mining reclamation and enforcement (OSM) under an approved state reclamation program and other moneys authorized by these rules to be deposited in the fund.

“State reclamation program” or *“program”* means a program established by the division in this chapter for reclamation of land and water adversely affected by past mining, including the reclamation plan and annual applications for grants under the plan.

27—50.4(207) State abandoned mined land fund. Revenue to the fund shall include:

50.4(1) Amounts granted to the state by OSM for purpose of conducting the Iowa reclamation plan.

50.4(2) Moneys collected by the state from charges for uses of land acquired or reclaimed with moneys from the fund.

50.4(3) Moneys recovered by the state through the satisfaction of liens filed against privately owned lands reclaimed with moneys from the fund.

50.4(4) Moneys recovered by the state from the sale of lands acquired with moneys from the fund.

50.4(5) Such other moneys as the state decides should be deposited in the fund for use in carrying out the Iowa abandoned mined land program.

27—50.5(207) Eligible lands and water.

50.5(1) Coal mined lands and associated waters are eligible for reclamation activities if:

- a. They were mined or affected by mining processes;
- b. They were mined prior to August 3, 1977, and left or abandoned in either an unreclaimed or inadequately reclaimed condition; and

c. There is no continuing responsibility for reclamation by the operator, permittee or agent of the permittee under statutes of the state or federal government, or the state as a result of bond forfeiture. Bond forfeiture will render lands or water ineligible only if the amount forfeited is sufficient to pay the total cost of the necessary reclamation.

50.5(2) Lands and water that were mined or affected by mining for minerals and materials other than coal shall be eligible for reclamation activities if:

- a.* The conditions of subrule 50.5(1) have been met;
- b.* The reclamation has been requested by the governor;
- c.* All reclamation with respect to abandoned coal mined land and water has been accomplished within the state or the reclamation is necessary for the protection of the public health and safety.

27—50.6(207) Reclamation objectives and priorities.

50.6(1) Reclamation projects shall reflect the priorities set out in Section 403 of Public Law 95-87 (30 U.S.C. 1233) and should be accomplished in accordance with OSM's "Final Guidelines for Reclamation Programs and Projects" (45 FR 14810-14819, March 6, 1980).

50.6(2) Reclamation of eligible noncoal mined lands and waters shall comply with the provisions of Section 409 of Public Law 95-87 (30 U.S.C. 1239).

27—50.7(207) Reclamation project evaluation. Proposed reclamation projects and completed reclamation work shall be evaluated in terms of the factors stated in this rule. The factors shall be used to determine whether or not proposed reclamation will be undertaken and to assign priorities to proposals intended to meet the same objective as rule 27—50.6(207). Completed reclamation shall be evaluated in terms of the factors set forth below as a means of identifying conditions that should be avoided, corrected, or improved in plans for future reclamation work. The factors shall include:

50.7(1) The need for reclamation work to accomplish one or more specific reclamation objectives.

50.7(2) The availability of technology to accomplish the reclamation work with reasonable assurance of success. In the case of research and demonstration projects, the research capability and plans shall provide reasonable assurance of beneficial results without residual adverse impacts.

50.7(3) The specific benefits of reclamation that are desirable in the area in which the work will be carried out. Benefits to be considered include but are not limited to:

- a.* Protection of human life, health, or safety.
- b.* Protection of the environment, including air and water quality, abatement of erosion sedimentation, fish, wildlife, and plant habitat, visual beauty, historic or cultural resources and recreation resources.
- c.* Protection of public or private property.
- d.* Abatement of adverse social and economic impacts of past mining on persons or property, including employment, income, and land values or uses, or assistance to persons disabled, displaced or dislocated by past mining practices.
- e.* Improvement of environmental conditions that may be considered to generally enhance the quality of human life.
- f.* Improvement of the use of natural resources, including postreclamation land uses that:
 - (1) Increase the productive capability of the land to be reclaimed.
 - (2) Enhance the use of surrounding lands consistent with existing land use plans.
 - (3) Provide for construction or enhancement of public facilities.
 - (4) Provide for residential, commercial, or industrial developments consistent with the needs and plans of the community in which the site is located.
- g.* Demonstration to the public and industry of methods and technologies that can be used to reclaim areas disturbed by mining.

50.7(4) The acceptability of any additional adverse impacts to people or the environment that will occur during or after reclamation and of uncorrected conditions, if any, that will continue to exist after reclamation.

50.7(5) The costs of reclamation. Consideration shall be given to both the economy and efficiency of the reclamation work and to the results obtained or expected as a result of reclamation.

50.7(6) The availability of additional coal or other mineral or material resources within the project area that:

a. Results in a reasonable probability that the desired reclamation will be accomplished during the process of future mining; or

b. Requires special consideration to ensure that the resource is not lost as a result of reclamation and that the benefits of reclamation are not negated by subsequent, essential resource recovery operations.

50.7(7) The acceptability of postreclamation land uses in terms of compatibility with land uses in the surrounding area; consistency with applicable state, regional, and local land use plans and laws; and the needs and desires of the community in which the project is located.

50.7(8) The probability of postreclamation management, maintenance and control of the area consistent with the reclamation completed.

27—50.8(207) Consent to entry. The division shall take all reasonable actions to obtain written consent from the owner of record of the land or property to be entered in advance of such entry. The consent shall be in the form of a signed statement by the owner of record or the owner of record's authorized agent that, as a minimum, includes a legal description of the land to be entered, the projected nature of work to be performed on the lands and any special conditions for entry. This statement shall not include any commitment by the division to perform reclamation work nor to compensate the owner for entry.

27—50.9(207) Entry for studies or exploration.

50.9(1) The division or its agents, employees, or contractors shall have the right to enter upon any property for the purpose of conducting studies or exploratory work to determine the existence of adverse effects of past coal mining practices and the feasibility of restoration, reclamation, abatement, control, or prevention of such adverse effects.

50.9(2) If the owner of the land to be entered under this rule will not provide consent to entry, the division shall give notice in writing to the owner of its intent to enter for purposes of study and exploration to determine the existence of adverse effects of past coal mining practices that may be harmful to public health, safety, or general welfare. The notice shall be by mail, return receipt requested, to the owner, if known, and shall include a statement of the reasons why entry is believed necessary. If the owner is not known, the current mailing address of the owner is not known, or the owner is not readily available, the notice shall be posted in one or more places on the property to be entered where it is readily visible to the public and advertised once in a newspaper of general circulation in the locality in which the land is located. Notice shall be given at least 30 days before entry.

27—50.10(207) Entry and consent to reclaim.

50.10(1) The division or its agents, employees, or contractors may enter upon land to perform reclamation activities if the consent of the owner cannot be obtained.

50.10(2) Prior to entry under this rule, the division shall find in writing with support reasons that:

a. Land or water resources have been adversely affected by past coal mining practices;

b. The adverse effects have advanced, so that in the interest of public health, safety, or the general welfare, action to restore, reclaim, abate, control or prevent should be taken; and

c. The owner of the land or water resources where entry must be made to restore, reclaim, abate, control, or prevent the adverse effects of past coal mining practices is not known or readily available; or

d. The owner will not give permission for the division or its agents, employees, or contractors to enter upon such property to restore, reclaim, abate, control, or prevent the adverse effects of past coal mining practices.

50.10(3) The division shall give notice of its intent to enter for purposes of conducting reclamation at least 30 days before entry upon the property. The notice shall be in writing and shall be mailed, return receipt requested, to the owner, if known, with a copy of the findings required by this rule. If the owner is not known, or if the current mailing address of the owner is not known, notice shall be posted in one or more places on the property to be entered where it is readily visible to the public and advertised once in a newspaper of general circulation in the locality in which the land is located. The notice posted on the property and advertised in the newspaper shall include a statement of where the findings required by this rule may be inspected or obtained.

27—50.11(207) Land eligible for acquisition.

50.11(1) Land adversely affected by past coal mining practices may be acquired with moneys from the fund if approved in advance by OSM. OSM will determine if:

a. The acquired land will serve recreation, historic, conservation, or reclamation purposes or provide open space benefits after restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices; or

b. Permanent facilities such as a mine drainage treatment plant or a relocated stream channel will be constructed on the land for the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices.

50.11(2) Coal refuse disposal sites and all coal refuse thereon may be acquired with moneys from the fund if approved in advance by OSM and if the acquisition of the land is necessary for successful reclamation and will serve the purposes of the program or if public ownership is desirable to meet an emergency situation and prevent reoccurrence of adverse effects of past coal mining practices.

50.11(3) The division shall acquire only such interests in the land as are necessary for the reclamation work planned or the postreclamation use of the land. Interest in improvements on the land, mineral rights, or associated water rights may be acquired if:

a. The interests are necessary to the reclamation work planned or the postreclamation use of the land; and

b. Adequate written assurance cannot be obtained from the owner of the severed interest that future use of the severed interest will not be in conflict with the reclamation to be accomplished.

27—50.12(207) Procedures for acquisition.

50.12(1) An appraisal of the fair market value of all land or interest in land to be acquired shall be obtained from a professional appraiser. The appraisal shall state the fair market value of the land as adversely affected by past mining and shall otherwise conform to the requirements of the handbook on “Uniform Appraisal Standards for Federal Land Acquisitions” (Interagency Land Acquisition Conference, 1973).

50.12(2) When practical, acquisition shall be by purchase from a willing seller. The amount paid for interests acquired shall reflect the fair market value of the interests as adversely affected by past mining.

50.12(3) When necessary, land or interests in land may be acquired by condemnation. Condemnation procedures shall not be started until all reasonable efforts have been made to purchase the land or interests in lands from a willing seller.

27—50.13(207) Acceptance of gifts of land.

50.13(1) The division may accept donations of title to land or interest in land that is necessary for reclamation activities. A donation shall not be accepted if the terms or conditions of acceptance are inconsistent with the objectives or requirements of the program.

50.13(2) Offers to make a gift of the land or interests in land shall be in writing and shall include:

- a.* A statement of the interest that is being offered.
- b.* A legal description of the land and a description of any improvements on it.
- c.* A description of any limitations on the title or conditions as to the use or disposition of the land existing or to be imposed by the donor.
- d.* A statement that:
 - (1) The donor is the record owner of interest being offered.
 - (2) The interest offered is free and clear of all encumbrances except as clearly stated in the offer.
 - (3) There are no adverse claims against the interest offered.
 - (4) There are not unredeemed tax deeds outstanding against the interest offered.
 - (5) There is no continuing responsibility by the operator under state or federal statutory law for reclamation.
- e.* An itemization of any unpaid taxes or assessments levied, assessed or due that could operate as a lien on the interest offered.

50.13(3) If the offer is accepted, a deed of conveyance shall be executed, acknowledged and recorded. The deed shall state that it is made “as a gift under the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, and Iowa Code chapter 207.” Title to donated land shall be in the name of the state of Iowa.

27—50.14(207) Management of acquired lands.

50.14(1) Land acquired under this rule may be used pending disposition under rule 27—50.15(207) for any lawful purpose that is not inconsistent with the reclamation activities and postreclamation uses for which it was acquired.

50.14(2) Any user of land acquired under this part shall be charged a use fee. The fee shall be determined on the basis of the fair market value of the benefits granted to the user, charges for comparable uses within the surrounding area, or the cost to the state for providing the benefit, whichever is appropriate. The division may waive the fee if found in writing that such a waiver is in the public interest.

50.14(3) All use fees collected shall be deposited in the state abandoned mined land fund, unless previously appropriated or otherwise authorized by the general assembly, for the specific purpose of operating and maintaining improvement of the land.

27—50.15(207) Disposition of reclaimed lands.

50.15(1) Prior to disposition of any acquired land, the division shall publish a notice that describes the proposed disposition of the land in a newspaper of general circulation in the area where the land is located for a minimum of four successive weeks. The notice shall provide at least 30 days for public comment and state where copies of plans for disposition of the land may be obtained or reviewed and the address to which comments on the plans should be submitted. The notice shall also state that a public hearing will be held if requested by a person.

50.15(2) The division may transfer administrative responsibility for land acquired under this part to any agency or political subdivision of the state with or without cost to that agency. The agreement, including amendments, under which a transfer is made shall specify:

- a.* The purposes for which the land may be used consistent with the authorization under which the land was acquired; and
- b.* That the administrative responsibility for the land will revert to the division if, at any time in the future, the land is not used for the purposes specified.

50.15(3) The division may transfer title to abandoned and unreclaimed land to the United States to be reclaimed and administered by OSM, and maintain a preference right to purchase land from OSM after reclamation is completed. The price shall be the fair market value of the land in its reclaimed condition less any portion of the land acquisition price paid by the division.

50.15(4) The division may sell land acquired under this part by public sale if the land is suitable for industrial, commercial, residential, or recreational development and if the development is consistent with local, state or federal land use plans for the area in which the land is located.

a. Land shall be sold by public sale only if it is found that retention by the state or disposal under other paragraphs of this rule is not in the public interest.

b. Land shall be sold for not less than the fair market value under a system of competitive bidding that includes at a minimum:

(1) Publication of a notice once a week for four weeks in a newspaper of general circulation in the locality in which the land is located. The notice shall describe the land to be sold, state the appraised value, state any restrictive covenants that will be a condition of the sale, and state the time and place of the sale.

(2) Provisions for sealed bids to be submitted prior to the sale date followed by an oral auction open to the public.

50.15(5) All moneys received from the disposal of land under this rule shall be deposited in the state abandoned mined land fund.

27—50.16(207) Operations on private land. Reclamation activities may be carried out on private land if a consent to enter is obtained or if entry is required and made.

27—50.17(207) Appraisals.

50.17(1) A notarized appraisal of the fair market value of private land to be reclaimed shall be obtained from an independent professional appraiser, with exceptions as noted in subrule 50.17(4). Such appraisal shall meet the quality of appraisal practices found in the handbook on “Uniform Appraisal Standards for Federal Land Acquisitions” (Interagency Land Acquisition Conference, 1973). The appraisal shall be obtained before any reclamation activities are started, unless the work must start without delay to abate an emergency. Where an emergency exists, the appraisal shall be completed at the earliest practical time and before related nonemergency work is commenced. The appraisal shall state the fair market value of the land as adversely affected by past mining.

50.17(2) An appraisal of the fair market value of all land reclaimed shall be obtained after all reclamation activities have been completed. The appraisal shall be obtained in accordance with subrule 50.17(1) and shall state the market value of the land reclaimed.

50.17(3) The landowner shall receive a statement of the increase in market value, an itemized statement of reclamation expenses and notice that a lien will or will not be filed against the property.

50.17(4) Appraisals for privately owned land that fall under subrule 50.18(1) shall be obtained from an independent professional appraiser.

27—50.18(207) Liens.

50.18(1) The division shall place a lien against land reclaimed if the reclamation results in an increase in the fair market value based on the pre- and postreclamation appraisals.

a. A lien shall not be placed against the property of a surface owner who acquired title prior to May 2, 1977, and who did not consent to, participate in, or exercise control over the mining operations that necessitated the reclamation work.

b. The division may waive the lien if the cost of filing it, including indirect costs, exceeds the increase in fair market value as a result of reclamation activities.

c. The lien may be waived if the reclamation work performed on private land primarily benefits health, safety or environmental values of the greater community or area in which the land is located, or if reclamation is necessitated by an unforeseen occurrence and the work performed to restore that

land will not result in a significant increase in the market value of the land as it existed immediately before the occurrence.

50.18(2) If a lien is to be filed, the division shall, within six months after completion of the reclamation work, file a statement in the district court of the county for the lands to be liened. Such statement shall consist of an account of moneys expended for the reclamation work, together with notarized copies of the appraisals obtained. The amount reported to be the increase in value of the property shall constitute the amount of the lien recorded and shall have priority as a lien second only to the lien of real estate taxes imposed upon the land.

50.18(3) Within 60 days after the lien is filed by the division, the landowner may bring civil action in the district court of the county in which the reclaimed land lies to determine the increase in market value of the land as a result of reclamation work. Any aggrieved party may appeal in the manner provided by law.

27—50.19(207) Satisfaction of liens.

50.19(1) A lien placed on private property shall be satisfied to the extent of the value of the consideration received at the time of transfer of ownership. Any unsatisfied portion shall remain as a lien on the property and shall be satisfied in accordance with this subrule. Testate and intestate transfers are excluded from this rule if the entire parcel of land subject to the lien is transferred and the transferee is related to the transferor within the second degree of consanguinity or affinity.

50.19(2) The department shall maintain or renew liens from time to time as may be required.

50.19(3) Moneys derived from the satisfaction of liens established under this chapter shall be deposited in the state abandoned mined land fund.

These rules are intended to implement Iowa Code chapter 207.

27—50.20(207) Abandoned mined land (AML) program forms.

50.20(1) *Availability of forms.* Copies of forms utilized in the AML program are available at the following address: Division of Soil Conservation and Water Quality, Iowa Department of Agriculture and Land Stewardship, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319.

50.20(2) *Bidding forms for construction projects.*

Form number	Description
AML-001	<i>Proposal.</i> This form is used to document bid proposals from potential contractors for conducting reclamation work on abandoned mined lands. The form also includes a noncollusion affidavit. 2 pages.
AML-002	<i>Proposal Guarantee Bond.</i> This form identifies the bidder and the surety, lists the amount of the bid guarantee bond and provides for notarization of the signatures of the bound parties. 1 page.
AML-003	<i>Nondiscrimination Clause.</i> This form is used to document that the contractor is morally and legally committed to nondiscrimination in employment. 1 page.
AML-004	<i>Minority and Women Business Enterprise Solicitation Reporting Form.</i> This form is used to document the contractor's solicitation of subcontract or subsubcontract bids from minority or women business enterprises. 1 page.
AML-005	<i>Certificate of Nonsegregated Facilities.</i> This form is used to certify that the construction contractor does not maintain or provide employees any segregated facilities at any of contractor's establishments. 1 page.
AML-006	<i>Contract.</i> This form documents the agreement between the contractor and the division for the fulfillment of work in accordance with performance set forth and the payment therefor in accordance with the agreed-upon price. 2 pages.
AML-007	<i>Performance Bond.</i> This form identifies the contractor and the surety and binds them to the state of Iowa performing the contract in accordance with the plans, specifications, and contract documents. The form lists the amount of the bond and provides for notarization of the signatures of the contractor and surety. 2 pages.

This rule is intended to implement Iowa Code section 207.21.

RA 26-107

SOIL CONSERVATION AND WATER QUALITY DIVISION[27]**Regulatory Analysis**

Notice of Intended Action to be published: 27—Chapter 60
“Minerals Program”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 161A and 208
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 208

Public Hearing

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

July 14, 2026
9 to 10 a.m.

Borlaug Conference Room
Hoover State Office Building
Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Soil Conservation and Water Quality Division no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Colin Tadlock
1305 East Walnut Street
Des Moines, Iowa 50319
Email: colin.tadlock@iowaagriculture.gov

Purpose and Summary

This proposed rulemaking establishes procedures and standards to be followed by the Division in implementing Iowa Code chapter 208 to ensure reclamation upon completion of mining operations for gypsum, clay, stone, sand, and other ores or mineral solids, except coal.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**
 - **Classes of persons that will bear the costs of the proposed rulemaking:**
No costs are incurred by the public.
 - **Classes of persons that will benefit from the proposed rulemaking:**
This proposed rulemaking provides for the regulation of land affected by mining.
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 Division has added a requirement to include a reclamation plan for companies registering a new mine site. The Division has also eliminated repetition between the Iowa Code and this chapter’s definitions and requirements and updated the formatting of references. There are no costs incurred, but added definitions will help clarify regulatory requirements for the program.
 - **Qualitative description of impact:**

The added definitions will help clarify regulatory requirements for the program to ensure reclamation responsibilities are clear and meet the intent of the law.

3. **Costs to the State:**

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

There will be no impact to the State.

• **Anticipated effect on State revenues:**

There will be no impact on State revenues.

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

Not applicable.

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:**

No alternative methods 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?

This rulemaking will have minimal effects on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 27—Chapter 60 and adopt the following **new** chapter in lieu thereof:

CHAPTER 60
MINERALS PROGRAM

27—60.1(208) Authority and scope.

60.1(1) This chapter establishes procedures and standards to be followed by the division of soil conservation and water quality, Iowa department of agriculture and land stewardship, in implementing the requirements of Iowa Code chapter 208 to ensure reclamation upon completion of mining operations for gypsum, clay, stone, sand, gravel, and other ores or mineral solids, except coal.

60.1(2) Information and forms can be obtained on the department's website or by contacting: Mines and Minerals Bureau, Division of Soil Conservation and Water Quality, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319. Telephone: 515.306.1636.

27—60.2(208) Rules are severable. If any provision of a rule or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the rule that can be given effect without the invalid provision or application, and to this end, the provisions of these rules are severable.

27—60.3(208) Definitions. When used in this chapter, the following definitions apply:

“Acceptable species” means plant species recognized as desirable permanent species and normally used in conjunction with agriculture, forestry, wildlife or similar plans for reclamation.

“Angle of repose” means the maximum angle of slope (measured from horizontal) at which loose cohesion materials will come to rest on a pile of similar material.

“Critical slope angle” means the maximum slope incline that the soil and rock materials underlying the slope can support, without failure, under existing climate, vegetation, and land use.

“Department” means the department of agriculture and land stewardship.

“Dredge operation” means an operation to mine sand, gravel, or other nonfuel minerals for sale or for processing or consumption in the regular operation of a business by removing the product directly from its natural state beneath the surface of a river, lake or other body of water.

“Official notice” means service of a written notice or order to an operator via personal service or certified mail to the last-known address. Service shall not be deemed incomplete because of refusal to accept.

“Reclamation” means the process of restoring disturbed or affected lands to the premined uses of the lands or other productive uses.

“Registered site” means a site that meets the requirements of Iowa Code section 208.13 and for which the operator has received a valid registration certificate from the division.

“Water impoundment” means the collection or storage of water within a defined structure at the normal water line but shall not include the surrounding banks, shorelines, or land adjacent to the impoundment.

27—60.4(208) License.

60.4(1) *Application for mining license.* All operators wanting to mine minerals in Iowa shall apply for a mining license. The application shall be complete only if submitted on the form supplied by the division, signed by the operator or an authorized representative, and accompanied by a license application fee.

60.4(2) *Fees.* Licensing and license renewal fees are established by Iowa Code section 208.7 at \$50 for an initial license and \$20 for a license renewal.

60.4(3) *License term and expiration.*

a. A license shall be maintained by the operator until all sites have been properly reclaimed or transferred to another licensed operator.

b. The initial license shall expire on December 31 of the year in which the license was obtained. A license for renewal shall expire on December 31 of the second year in which the license was issued. Any applications for renewal received within 30 days of the expiration date shall be accepted as renewals for the previous license. New licenses obtained after November 1 shall remain valid for a period to include the next calendar year or years.

60.4(4) *License renewal.* Any operator who fails to renew the mining license within the 30-day period following the expiration deadline established in subrule 60.4(3) will be required to apply for an initial license. Failure to renew a license within 30 days after official notice will invalidate all registrations.

60.4(5) *Valid license.* A license to mine is valid only if approved by the division and acknowledged by a license certificate that has been signed by the administrator and lists the operator and the assigned license number.

27—60.5(208) Registration.

60.5(1) *Registration required.* All mine sites shall be registered at least seven days prior to the beginning of mining or the removal of overburden. Exploration activities are exempt from registration requirements unless they affect more than 10,000 square feet of surface area.

60.5(2) *Application fee.* The registration application fee shall be \$50 per site.

60.5(3) *Application for registration.* An application for registration shall be acceptable only if completed on the form provided by the division and signed by the operator or an authorized representative and accompanied by a bond or bond increase, a map of the area to be mined, a reclamation plan, and the registration fee. The completed registration application, registration fee, map, reclamation plan, and bond or bond increase shall be received at least seven days prior to the removal of overburden.

60.5(4) *Valid registration.* A registration is valid only if approved by the division and acknowledged by a registration certificate signed by the division administrator, listing site name, location, and operator to which the site is registered.

a. Failure to fulfill the requirements of this rule or chapter may result in the invalidation of a site registration following notification to the operator by the division.

b. The division may request additional information or materials to further distinguish a site from other sites.

c. A single registration shall consist of contiguous describable tracts of land that can be enclosed by a single unbroken boundary line and including only that property upon which the operator has a legal right to conduct mining.

60.5(5) *Registration conflicts.* If more than one operator is extracting minerals from a given contiguous site within the same time frame, then each operator shall file with the division a statement signed by the operator, including a map defining the scope of operations and bond responsibility of each operator in regard to the final reclamation of the site.

60.5(6) *Registration information.* It shall be the responsibility of the operator to ensure that all information in connection with the application for registration and the registration certificate is correct.

60.5(7) *Registration exclusion.* No site or portion thereof will be released by exclusion from registration under subrules 60.5(1) through 60.5(6).

60.5(8) *Sign.* Any signs required by other governmental bodies may be used to comply with Iowa Code section 208.9(2) provided that the sign is posted at the main entrance of the site or at the scale house, if the scale house is visible from the nearest roadway, and includes the operator's name, telephone number, and the site registration number.

60.5(9) *Duration of registration.* A valid registration shall be maintained by the operator until approval for release has been granted by the division.

27—60.6(208) Registration renewal and fee.

60.6(1) *Registration renewal.* All site registrations shall expire on December 31 of the second year. Registrations shall be renewed by the division upon submittal of renewal fee by the operator within 30 days of the expiration date.

60.6(2) *Notice of registration renewal and fee.*

a. All registrations shall be renewed by the operator upon receipt of a fee statement from the division.

b. The registration renewal fee shall be \$70 per site.

60.6(3) Changes in a registration. If, in the course of operation, any changes in the description, size or boundaries of a site become necessary the licensee shall be required to file a new registration application in accordance with rule 27—60.5(208).

27—60.7(208) Bonding. Bond is required by these rules and by Iowa Code chapter 208 to ensure that all applicable mineral operations are properly reclaimed. Failure on the part of an operator to accomplish required reclamation may result in forfeiture of the bond by the division.

60.7(1) Bonding requirements. Each registration application shall be accompanied by a bond or a bond endorsement increasing an already existing bond. The bond or bond increase shall be equal to the amount set forth by a representative of the division or, if no amount is stipulated, the minimum set forth in subrule 60.7(6).

60.7(2) Bond form. All surety bonds shall be written on the form provided and approved by the division. In lieu of a surety bond, the operator may deposit cash or certificates of deposit with the division on the same conditions as prescribed by Iowa Code section 208.23.

60.7(3) Surety bond.

a. A surety bond shall be written by a company authorized to do business in Iowa and shall be made on a form provided by the division. A surety bond shall be signed by the operator or an authorized representative of the operator as well as a representative of the surety.

b. The surety bond shall be written to cover all acres affected by the mining process pursuant to Iowa Code chapter 208. An attachment shall be included as part of the bond document that lists the sites by name and location (county, township, range, section, and legal description). This attachment shall be signed by representatives of the surety and the principal.

60.7(4) Certificates of deposit. Certificates of deposit posted as bond shall be made payable to the State of Iowa, Division of Soil Conservation and Water Quality AND (Operator). All interest earned shall be paid to the operator.

60.7(5) Cash. Cash deposited as bond does not pay interest to the operator.

60.7(6) Minimum bond.

a. The minimum required bond on each site shall be the greater of \$2,000 per site or \$500 per affected acre on the site.

b. Actual bond shall be based on factors including but not limited to affected lands, size of the site, thickness of overburden, type of mineral extracted, type of mining process, and stockpiling procedures for topsoil, overburden and product.

60.7(7) Interest-bearing account. Penalties, interest, bond reversions and bond forfeitures collected under the provisions of Iowa Code chapter 208 or these rules shall be deposited in an interest-bearing account and may be used for the cost and administrative expense of reclamation or rehabilitation activities for any mine site as deemed necessary and appropriate by the division.

27—60.8(208) Bond release.

60.8(1) Release of bond. No bond shall be released unless the bonded area has met reclamation requirements of Iowa Code section 208.17, a replacement bond has been filed, or the site has been registered by another licensed operator who agrees, in writing, to complete all remaining required reclamation and has a valid registration for the site(s) in question.

60.8(2) Bond release request. When a bond needs to be decreased, replaced, or is no longer needed, a Request for Bond Release form shall be filed by the operator, a registered agent, or an authorized representative. One Request for Bond Release form shall be filed for each bond.

60.8(3) Return of bond.

a. Upon release of a certificate of deposit or cash posted as bond, the certificate of deposit or cash payment shall be returned to the operator.

b. Upon the release of a surety bond, the original bond shall be returned to the surety company and the operator shall be notified of the action by the mailing of a courtesy copy.

60.8(4) *Reverting of cash bond.* If the operator fails to request a release of cash bond after termination or expiration of a mining license, cash bond funds held shall revert to an interest-bearing account maintained by the division, provided a period of at least five years has elapsed since the license expiration. These funds may be used for the cost and administrative expenses of reclamation or rehabilitation activities for any mine site as deemed necessary and appropriate by the division.

27—60.9(208) Transfers.

60.9(1) *Registration transfer request.* If control of a registered site is acquired by an operator other than the operator holding authorization to conduct surface mining on the site, then both operators shall fill out the required portions of a Transfer Application form. The completed form shall then be filed with the division within 30 days of the actual transfer and prior to the start of any work by the new operator.

60.9(2) *Transfer information.* In addition to the Transfer Application form, the new operator shall file a Registration Application form in accordance with rule 27—60.5(208). A Request for Bond Release may be filed by the original operator in accordance with rule 27—60.8(208).

60.9(3) *Transfer action.* No action shall be taken in relation to bond releases for the original operator or registration of the new operator regarding the site in question until the transfer request has been filed with the division and approved.

60.9(4) *Other agreements.* A transfer request does not prevent the new operator from making any agreement with the previous operator or any other party dealing with reclamation or mining of the site.

27—60.10(208) Registration cancellation.

60.10(1) *Reclamation approval request.* Upon completion of reclamation activities on a mine site or any part thereof, the operator may file a Reclamation Approval Request with the division. The form shall be completed and signed by the operator.

60.10(2) *Inspection for approval.* Upon receiving a request, the division shall, within 12 months, visit the site in question and shall respond, in writing, to the operator indicating either the approval or disapproval of the site condition.

60.10(3) *Approval denied.* If the site condition is not approved, the division shall notify the operator, in writing, and explain the reason for the disapproval. The operator shall then complete the reclamation specified by the division and reapply for approval.

27—60.11(208) Enforcement actions.

60.11(1) *Notice of violation.* Notice to an operator of violations of these rules or Iowa Code chapter 208 shall include:

- a. A description of the violation, including a citation of the rule or statute violated,
- b. A description of the action required to abate the violation, and
- c. A deadline for abatement.

60.11(2) *Issuance of administrative order.* If an operation fails to complete abatement measures in the time allowed, the division may initiate an administrative order in accordance with these rules and Iowa Code chapter 208.

60.11(3) *Referral to attorney general.* Pursuant to Iowa Code section 208.10A, the division may also notify the attorney general in the event of noncompliance by the operator following notice. The attorney general shall institute a civil action in district court for injunctive relief and for the assessment of a civil penalty not to exceed \$10,000. The division may make such referral either in lieu of or in conjunction with the issuance of an administrative order.

27—60.12(208) Annual mining report.

60.12(1) *Annual reports—surface operations.* Annual reports shall be filed for each site on the form provided by the division. These reports may include but shall not be limited to information concerning the location of the mine site, types of material mined, thickness and types of overburden

materials, area of land disturbed during the report year, and area of land reclaimed during the report year, as well as any other pertinent information concerning the mining operation and deemed necessary by the division.

60.12(2) *Underground mine maps.* The state geologist shall provide the division with copies of each map and map extension received pursuant to Iowa Code section 456.11.

60.12(3) *Filing date.* Reports shall be filed by January 31 for the previous year. Reports not received within 30 days after the specified date shall invalidate the registration of a site.

27—60.13(208) General mining activities.

60.13(1) *Topsoil and overburden stockpiles.* Topsoil shall not be buried or mixed with nontopsoil materials. All stockpiles (topsoil and overburden) shall be seeded and stabilized if they are to remain in place for a period of time in excess of 12 months.

60.13(2) *Erosion control.* Affected areas that will not be disturbed by future operations shall be graded, disked, mulched, fertilized, and seeded as necessary within a period of nine months to attain substantial and appropriate grass, legume, shrub, tree, crop, or other acceptable species and to ensure viable erosion control.

60.13(3) *Setback.*

a. A minimum excavation setback distance of 25 feet shall be maintained from all registered site boundaries to protect the adjacent property from erosion or damage that might result from mining activities.

b. In areas where excavation depth exceeds 25 feet, a minimum excavation setback distance of at least 50 feet shall be maintained from registered site boundaries.

c. A minimum excavation setback distance of 50 feet shall be maintained from all buildings, dwellings, public right-of-way boundaries and other man-made structures not associated with the mining operation.

d. The requirements of this subrule shall not apply to registered operations where mining has exceeded the setback limitation as of January 1, 1991, provided that the operator has filed adequate documentation as of July 1, 1991, detailing the area being grandfathered into these requirements.

The operator shall be responsible for maintaining a permanent record of all documentation once approved by the division.

e. The division may grant a variance from this subrule, provided the operator submits a complete application that meets the requirements of rule 27—60.15(208) at least 60 days prior to the proposed starting date of any mining within the setback limitations.

27—60.14(208) Reclamation.

60.14(1) *Schedule.* The operator, upon filing a mine report indicating the conclusion of all mining activities, will have a period of three years to complete all reclamation activities.

60.14(2) *Requirements.* The operator shall grade all remaining affected lands, except stockpiles, processing areas, pit floors, and highwalls, to allowable slopes within six months following the filing of the final report. Stockpiles and processing areas shall be graded or the material exported from the site within one year following the final report.

60.14(3) *Extension of time.* The operator shall be allowed a three-month extension of time on subrule 60.14(2) provided a written request is filed at least 30 days (or 20 working days) prior to the original deadline. Only one extension will be allowed the operator per release request.

60.14(4) *Grading.* All lands affected by the mining process, with the exception of pit floors, highwalls and water impoundments, shall be graded to slopes having a maximum one-foot vertical rise for every four feet horizontal distance or graded to blend with the surrounding terrain.

60.14(5) *Waste disposal.*

a. In grading the site, all mining-related waste products and machinery incompatible with the care and growth of vegetation shall be removed from the site and disposed of in a manner consistent

and acceptable with state law. Materials acceptable for on-site disposal, such as concrete and clay products free of reinforcing shall be buried a minimum of three feet below final grade.

b. Boulders and stones incompatible with the proposed postmining use of the site shall be buried or removed from the site.

60.14(6) Vegetation.

a. Seeding of an area with grasses and legumes shall be accomplished within three months following the conclusion of all earthwork, weather permitting. Erosion control methods shall be used where necessary to prevent rill and gully formation. The operator shall be responsible for attaining a ground cover of acceptable species of grass, legume, shrub, tree or crop.

b. The vegetation shall be allowed at least one growing season to become established prior to the filing of a release request by the operator.

c. If necessary, additional seedings shall be performed to establish a viable vegetative cover.

60.14(7) Failure to comply. Failure to adhere to the reclamation schedule may be grounds for an administrative order, revocation of the operator's license to mine, or initiation of bond forfeiture proceedings.

60.14(8) Variance. The division may grant a variance from rule 27—60.14(208) provided the operator submits a complete application that meets the requirements of rule 27—60.15(208). Examples of variances would include wetland areas, building sites, or use of overburden materials for protective berms and screens.

27—60.15(208) Criteria for variance application and approval.

60.15(1) Application for variance. A complete application for a variance must include:

a. Site name, registration number, and location by county, township, range, section and quarter section.

b. A copy of an aerial photograph or a topographic map of the site on an 8½" × 11" page, in a scale not less than 1 to 24,000 (2½" to the mile), showing the areas to be affected by the proposed encroachment.

c. A reclamation plan that will address the final grading and revegetation for the area in question and a statement as to the postmining land use.

d. Name, address, and telephone number for current owner or owners of property adjacent to the area for which the variance is being requested.

e. Estimated time period when the mineral extraction will occur.

f. A brief narrative stating why the variance is being sought and how adverse effects of mining will be mitigated.

g. Other information requested by the division as needed for clarification.

h. Additional bond, if determined to be necessary by the division.

60.15(2) Criteria for approval of a variance. A variance filed with the division shall be approved or disapproved within 30 days of receiving a completed application for a variance.

In either approving or disapproving the variance request, the division will consider the reclamation plan, the postmining land use, the effects on the adjacent properties, the extent to which reclamation requirements are being met, and other relevant factors.

27—60.16(208) Administrative orders and assessment of penalties. The division may issue an administrative order directing an operator to desist in an activity or practice that constitutes a violation of these rules or to take corrective action to abate the violation.

60.16(1) Issuance of administrative order. Any administrative order issued by the division shall be signed by the division administrator and shall include:

a. A description of the violation or violations being addressed, including a citation to each rule or provision being violated, a summary of the facts and legal requirements, and a general rationale for the prescribed penalty.

b. A description of corrective measures or actions required to abate the violation or violations.

c. A time period for commencing and completing corrective actions called for in the administrative order.

d. A proposed penalty assessment.

e. The time allowed for filing an appeal to contest the order.

60.16(2) Assessment of penalty. An administrative order issued by the division shall include a proposed penalty assessment for the violation or violations being cited. The proposed penalty called for in the order shall not exceed \$5,000 for each violation.

a. A point system will be used in assessing each violation. Criteria for assigning points shall be as follows:

(1) For history, up to 20 points may be assigned based on the history of previous violations.

(2) For seriousness,

1. Up to 20 points may be assigned based on the seriousness of the violation in terms of its potential or actual damage, or

2. Up to 15 points may be assigned for a violation of the administrative requirements of these rules. Administrative requirements would include items such as license and registration, payment of fees, posting of signs, and submittal of reports.

(3) For negligence, up to 10 points may be assigned on the basis of negligence on the part of the operator to whom the order is issued for failing to correct the cause of the violation. Up to 25 points may be assigned for a violation that occurs through a greater degree of fault than negligence, which means reckless, knowing, or intentional conduct. The division may also consider the degree to which the operator gained an economic benefit as a result of failing to comply with these regulations.

A reduction of the assigned points by up to 20 points may be allowed for good-faith efforts by the operator to achieve better than normal compliance.

b. The dollar value for points assigned shall be \$20 for each point from 1 to 25 and \$100 for each point thereafter to a maximum of 70 points. An abridged table summarizing dollar values for point assessments is as follows:

Points	\$		Points	\$
5	100		40	2,000
10	200		45	2,500
15	300		50	3,000
20	400		55	3,500
25	500		60	4,000
30	1,000		70 and above	5,000
35	1,500			

c. When a penalty will be assessed.

(1) The division may assess a penalty for a proposed order that becomes a final order when 30 or fewer points are assigned to the administrative order.

(2) The division shall assess a penalty for a proposed assessment that becomes a final order when 31 or more points are assigned to the administrative order.

d. A proposed assessment worksheet shall accompany each administrative order issued by the division.

60.16(3) Waiver of point system.

a. Upon the division administrator's own initiative or upon written request from an operator within 15 days of receipt of an administrative order, the division may waive the use of the point system as a means of determining a proposed penalty. In so doing, the administrator must determine that the penalty is demonstrably unjust based upon factors present in the particular case.

b. When the division has waived the use of the point system in determining a penalty, the division administrator shall document the basis for the waiver in the case record and shall also provide

a written explanation of the basis for the assessment made to the operator to whom the administrative order was issued.

60.16(4) *Submittal of information.* Within 15 days of receipt of an administrative order, an operator may provide the division information about the violation or violations addressed in the order. The division will consider any such information in determining the facts of the violation or violations and the amount of the final penalty.

60.16(5) *Final assessment and payment of penalty.*

a. Unless an appeal contesting the administrative order has been received, the proposed assessment shall become a final order within 30 days following service of the administrative order and the penalty assessed shall become due and payable. If the administrative order is appealed, the proposed assessment shall become a final order and the penalty assessed due and payable within 30 days following service of a final decision on the appeal.

b. All penalties shall be paid within 30 days of the date that the order assessing the penalty becomes final. An operator who fails to pay an administrative penalty assessed by a final order of the division shall pay, in addition, interest at the rate of 1½ percent of the unpaid balance of the assessed penalty for each month or part of a month that the penalty remains unpaid.

(1) Failure to pay all penalties within 30 days of the date that the order assessing the penalty becomes final shall constitute a violation of these rules.

(2) The division may request the attorney general to institute proceedings to recover all penalties assessed in the event of failure of the operator to make payment.

60.16(6) *Deposit of penalty moneys.* Penalties collected under the provisions of these rules shall be deposited in an interest-bearing account and may be used for the cost and administrative expenses of reclamation or rehabilitation activities for any mine site as deemed necessary and appropriate by the division.

27—60.17(208) Forms.

60.17(1) *Annual mine report.* This two-sided, one-page form requires identification of the operator and legal description of the mine site. This form requests a listing of the number of acres affected during the report year, the number of acres reclaimed, the number of acres estimated to be affected in the coming year and the number of acres presently bonded.

60.17(2) *Assignment form.* This one-page form will be used by the operator to assign a certificate of deposit (CD) to the division when the CD is used in lieu of a surety bond or by the division to assign a CD to the operator, when the division is releasing a CD to the operator.

60.17(3) *Bonding form.* This one-page form identifies the operator and the bonding company, lists the amount of the bond, the operator's license number, the bond number, the enforcement date, the surety's mailing address and provides for notarization of the signature for the surety.

60.17(4) *Final report.* Upon conclusion of mining at any site the operator shall file a mining report indicating that all mining activity is completed. This report shall be filed regardless of any other reports filed in connection with subrule 60.12(3).

60.17(5) *Interest release form.* This one-page form is used by the division to authorize banking authorities to release interest accumulated on a certificate of deposit, held in lieu of bond, to the operator.

60.17(6) *License application.* This one-page form is used for both new applications and annual license renewals. This form serves to identify the person, firm, partnership or corporation applying for or renewing the license to mine minerals.

60.17(7) *License certificate.* This one-page form is issued by the division upon successful application by the person, firm, partnership or corporation for a mining license.

60.17(8) *Reclamation approval request.* This one-page form identifies the operator and the name and location of the site. This form also requires operator certification that all reclamation work has been completed as set forth in Iowa Code sections 208.17 and 208.19 and rule 27—60.14(208).

60.17(9) *Reclamation plan.* This form is used to inform the division of the mining company's reclamation plans for the registered mine site per Iowa Code sections 208.17 and 208.19 and rule 27—60.14(208).

60.17(10) *Registration application.* This one-page form is used by the applicant desiring to engage in surface mining. This form includes the name of the licensee, the site name and location, the material produced, the source of the operator's legal right to mine the described area and the owner(s) of the mineral rights and the land to be surface mined.

60.17(11) *Registration certificate.* This one-page form is issued by the division upon successful application by an operator for site registration or updated registration.

60.17(12) *Request for bond release.* This one-page form identifies the operator and the bonding company, lists the amount of bond and the bond number, states the reason for the release request, and provides for an approval signature by the division.

60.17(13) *Transfer application.* This one-page form identifies the transferee and the transferor and their respective surety companies, lists the site and site location, and provides a prewritten agreement for transfer of all bonding and site reclamation responsibilities to the transferee.

27—60.18(208) Political subdivisions engaged in mining. Any political subdivision of the state of Iowa that engages in or intends to engage in operating a mine as defined under rule 27—60.3(208) shall meet all requirements of this chapter except that the subdivision shall not be required to pay the license fee under rule 27—60.4(208) and shall not be required to post bonds as required under rule 27—60.7(208). An official representative of the political subdivision shall complete a license application form for informational purposes only.

These rules are intended to implement Iowa Code chapter 208.

ARC 0378D

CIVIL RIGHTS, OFFICE OF[161]**Notice of Intended Action****Proposing rulemaking related to contested cases and providing an opportunity for public comment**

The Iowa Office of Civil Rights hereby proposes to adopt new Chapter 2506, “Contested Cases,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 216.5(14).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2026 Iowa Acts, Senate File 2463.

Purpose and Summary

This proposed rulemaking modifies the Uniform Rules on Agency Procedure related to contested cases (7—Chapter 2506) to ensure that claims governed by Iowa Code chapter 216 (Iowa Civil Rights Act) specify the correct administrative appellate body.

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 Office for a waiver of the discretionary provisions, if any, pursuant to 161—Chapter 15.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Office no later than 4:30 p.m. on July 14, 2026. Comments should be directed to:

Katie Fiala
Iowa Office of Civil Rights
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.281.8086
Email: katie.fiala@iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rulemaking may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Emergency Rulemaking Adopted by Reference

This proposed rulemaking is also published herein as an Adopted and Filed Emergency rulemaking (see **ARC 0377D**, IAB 6/24/26). The purpose of this Notice of Intended Action is to solicit public comment on that emergency rulemaking, whose subject matter is hereby adopted by reference.

ARC 0382D

HUMAN RIGHTS DEPARTMENT[421]

Notice of Intended Action

**Proposing rulemaking related to rescission of chapters
and providing an opportunity for public comment**

The Department of Health and Human Services hereby proposes to rescind Chapter 1, "Organization and Operations," Chapter 20, "Functions of Division," Chapter 21, "Community Services Block Grant (CSBG)," Chapter 22, "Low-Income Home Energy Assistance Program (LIHEAP)," Chapter 23, "Weatherization," and Chapter 25, "Individual Development Account (IDA)," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapters 216A and 541A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2023 Iowa Acts, Senate File 514, and Executive Order 10.

Purpose and Summary

The chapters in legacy agency [421] are due for Red Tape Review in 2026. As part of that review and under the government realignment authorized by 2023 Iowa Acts, Senate File 514, these chapters are proposed to be rescinded. Some of the chapters are concurrently proposed to be repromulgated under agency [441] (**ARCs 0379D, 0381D, 0383D, and 0384D**, IAB 6/24/26).

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on May 13, 2026. A public hearing was held on the following date(s):

- June 2, 2026

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

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 July 14, 2026. Comments should be directed to:

Victoria Daniels
 Department of Health and Human Services
 Lucas State Office Building
 321 East 12th Street
 Des Moines, Iowa 50319
 Phone: 515.829.6021
 Email: compliance@hhs.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

July 14, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 275 593 971 020 806 Passcode: Dp6oW2fe
July 14, 2026 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 218 304 666 603 048 Passcode: oX7Ex26e

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 **421—Chapter 1.**
- ITEM 2. Rescind and reserve **421—Chapter 20.**
- ITEM 3. Rescind and reserve **421—Chapter 21.**
- ITEM 4. Rescind and reserve **421—Chapter 22.**
- ITEM 5. Rescind and reserve **421—Chapter 23.**
- ITEM 6. Rescind and reserve **421—Chapter 25.**

ARC 0381D**HUMAN SERVICES DEPARTMENT[441]****Notice of Intended Action****Proposing rulemaking related to the community services block grant and providing an opportunity for public comment**

The Department of Health and Human Services hereby proposes to adopt new Chapter 58, “Community Services Block Grant (CSBG),” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 216A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 216A and 42 U.S.C. 9901 et seq.

Purpose and Summary

This proposed rulemaking describes the Department’s administration of the Community Services Block Grant (CSBG). The grant provides assistance to states and local communities, working through a network of community action agencies and other neighborhood-based organizations, for the reduction of poverty, the revitalization of low-income communities, and the empowerment of low-income families and individuals in rural and urban areas to become self-sufficient.

This proposed chapter underwent a Red Tape Review pursuant to Executive Order 10. As a result of the review, the Department removed redundant information and added dates certain. The Department also standardized appeal language to refer to the Department’s uniform chapter on contested cases. The content of this chapter was originally located under legacy agency [421].

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on May 13, 2026. A public hearing was held on the following date(s):

- June 2, 2026

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

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 July 14, 2026. Comments should be directed to:

Victoria L. Daniels
 Department of Health and Human Services
 Lucas State Office Building
 321 East 12th Street
 Des Moines, Iowa 50319
 Phone: 515.829.6021
 Email: compliance.rules@hhs.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

July 14, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 275 593 971 020 806 Passcode: Dp6oW2fe
July 14, 2026 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 218 304 666 603 048 Passcode: oX7Ex26e

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 58:

CHAPTER 58
 COMMUNITY SERVICES BLOCK GRANT (CSBG)

441—58.1(216A,PL97-35) Definitions. For the purpose of these rules, unless context otherwise requires:

“Community action agency” or “eligible entity” means any organization that was officially recognized as a community action agency under the provisions of Section 673(1) of the CSBG Act and Iowa Code sections 216A.91 and 216A.93.

“CSBG” means community services block grant program.

“CSBG Act” means the Omnibus Budget Reconciliation Act of 1981, PL 97-35, Title VI, Subtitle B, as amended to August 1, 2026. All references to the CSBG Act herein are as amended to August 1, 2026.

“Program year” means the year beginning October 1 and ending the succeeding September 30. The program year is numbered for that year in which it ends.

“Reduction” means funding reduced below the proportional share of funding the eligible entity received in the previous program year.

“Termination” means permanent withdrawal of the eligible entity’s authority to obligate funds before that authority would otherwise expire. If an eligible entity’s authority to obligate funds is terminated, no funds may be obligated by the eligible entity after the effective date of the termination.

441—58.2(216A,PL97-35) Purposes. The CSBG as established by the CSBG Act provides assistance to states and local communities, working through a network of community action agencies and other neighborhood-based organizations, for the reduction of poverty, the revitalization of low-income communities, and the empowerment of low-income families and individuals in rural and urban areas to become self-sufficient.

Pursuant to Iowa Code section 216A.92, the department administers the community services block grant.

441—58.3(216A,PL97-35) Uses of funds. The CSBG makes available to the state of Iowa funds to be used:

58.3(1) To support the following activities that are designed to assist low-income families and individuals:

- a. Removing obstacles and solving problems that block the achievement of self-sufficiency;
- b. Securing and retaining meaningful employment;
- c. Attaining an adequate education;
- d. Making better use of available income;
- e. Obtaining and maintaining adequate housing and a suitable living environment;
- f. Obtaining emergency assistance through loans, grants, or other means to meet immediate and urgent family and individual needs; and
- g. Achieving greater participation in the affairs of the communities involved.

58.3(2) To address the needs of youth in low-income communities through youth development programs.

58.3(3) To make more effective use of, and to coordinate with, other programs related to the purposes of this program.

441—58.4(216A,PL97-35) Apportionment distribution.

58.4(1) *Iowa apportionment.* There are appropriated to the department from the fund created by Iowa Code section 8.41(1) funds to implement the CSBG as described in the CSBG Act.

58.4(2) *Distribution of funds.* CSBG funds received according to subrule 58.4(1) will be allocated to the department and eligible entities as provided by federal law and in accordance with Iowa law.

58.4(3) *Poverty-level population.* The state will use U.S. census statistics to determine the poverty-level population in each community action area.

58.4(4) *Local share.* There shall be no local share required under the CSBG.

441—58.5(216A,PL97-35) Eligibility requirements. The eligibility requirements for an organization to receive and administer CSBG funds are as follows.

58.5(1) *Organization.* The organization must meet the definition of a “community action agency” as defined in these rules.

58.5(2) *Board composition.* A recognized community action agency shall be governed by a board of directors composed of at least nine members. The board membership shall follow the requirements in Iowa Code section 216A.94.

441—58.6(216A,PL97-35) Community action plan. All eligible entities shall submit a community action plan for the purpose of applying for CSBG funds. Community action plans must be outcome-based and antipoverty-focused and tie directly to the eligible entity’s community assessment.

58.6(1) *Timing.* Eligible entities shall be informed in writing by the department of the due date for the community action plan and the amount of the eligible entities’ allocation in accordance with subrule 58.4(2).

58.6(2) *Contents.* The department will provide instructions for preparing the community action plan to all eligible entities. In addition to other information specified in the instructions, the community action plan must:

- a. Document the continuous use of the full federal model for the Results Oriented Management and Accountability cycle of assessment, planning, implementation, achievement of results, and evaluation for planning and administering the CSBG;
- b. Include a budget that equals the amount of the eligible entity's allocation;
- c. Include a description of the service delivery system targeted to low-income individuals and families in the service area;
- d. Include a description of how linkages will be developed to fill identified gaps in the services through the provision of information, referrals, case management, and follow-up consultations;
- e. Include a description of how CSBG funds will be coordinated with other public and private resources;
- f. Include a description of how CSBG funds will be used to support innovative community and neighborhood-based initiatives related to the purposes in rule 441—58.2(216A,PL97-35); and
- g. Include outcome measures to be used to measure eligible entity performance in promoting self-sufficiency, family stability, and community revitalization.

58.6(3) *Nondiscrimination provisions.* Eligible entities must ensure that no person shall, on the basis of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any activity funded in whole or in part with CSBG funds.

58.6(4) *Community assessment.* Eligible entities must conduct a community assessment at least once every three years. The community assessment shall include data specific to poverty, qualitative and quantitative data, and key findings on the causes and conditions of poverty and the needs of the communities assessed. The results of the assessment shall be used to plan activities contained in the community action plan.

58.6(5) *Contract.* The department will issue the eligible entity a CSBG contract once the department accepts the community action plan.

441—58.7(216A,PL97-35) Review and acceptance of community action plans.

58.7(1) *Compliance review.* All activities proposed in the community action plan will be reviewed by the department for:

- a. Compliance with the specific purposes and uses of funds outlined in rules 441—58.2(216A,PL97-35) and 441—58.3(216A,PL97-35);
- b. Inclusion of assurances that the eligible entity will conduct the CSBG in compliance with all applicable laws; and
- c. Inclusion and proper completion of all forms and instructions included in the request for community action plans.

58.7(2) *Performance.* Acceptance of community action plans is dependent on the satisfactory performance of the eligible entity in the past funding year(s). Additionally, available records, audits, and determinations from other relevant state and federal agencies may be utilized.

441—58.8(216A,PL97-35) Ineligible items. CSBG funds cannot be used for the following activities or costs:

58.8(1) Any partisan or nonpartisan political activity or any political activity associated with a candidate, or faction group, in an election for public or party office; any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election; or any voter registration activity.

58.8(2) The purchase or improvement of land, or the purchase, construction, or permanent improvement (other than low-cost residential weatherization or other energy-related home repairs) of any building or other facility. Exceptions shall only be provided through the waiver procedure described in Section 678F(a) of the CSBG Act.

441—58.9(216A) Audits and records. Eligible entities shall arrange and pay for an annual audit. Audits shall be performed by a certified public accountant and in accordance with generally accepted auditing standards. Audit procedures shall conform to 2 CFR Chapter I, Office of Management and Budget

Governmentwide Guidance for Grants and Agreements as amended to August 1, 2026, and Chapter II, Part 200, et al., Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards as amended to August 1, 2026. In addition, the department may request more frequent audits or examinations of financial records of the eligible entity in order to ensure adequate financial controls are in place and operating.

441—58.10(216A,PL97-35) Designating eligible entities for unserved areas. If any geographic area of the state is not, or ceases to be, served by a community action agency and the governor decides to serve such area, the department will adhere to the requirements in Section 676A of the CSBG Act, U.S. Department of Health and Human Services statutory guidance, and other federal and state laws to solicit applications from qualified organizations.

441—58.11(216A,PL97-35) Termination and reduction of funding. The department may terminate the designation of or reduce the share of CSBG funds allocated to an eligible entity if the department determines that an eligible entity fails to comply with the terms of an agreement, or the Iowa CSBG State Plan as amended to August 1, 2026, to provide CSBG services or to meet appropriate standards, goals, and other requirements established by the department, including performance objectives. If the department finds cause to terminate the designation of or reduce the funding of an eligible entity, the department will adhere to the requirements in Section 678C of the CSBG Act, U.S. Department of Health and Human Services statutory guidance, and other federal and state laws, including provisions of notification, technical assistance, corrective action, opportunity for a hearing under 441—Chapter 2506, and federal review, to initiate proceedings to terminate the designation of or reduce the funding of the eligible entity.

441—58.12(216A,PL97-35) Client grievance and appeal process.

58.12(1) Eligible entities shall adopt client grievance procedures to address CSBG client complaints. The grievance procedures must be approved by the department. The procedures shall be used for all clients to file a complaint for nonappealable items. If complaints are unable to be resolved, the eligible entity shall forward the issue to the department for assistance with resolution.

58.12(2) The department will handle client appeals pursuant to 441—Chapter 2506. Items that are appealable are denial of eligibility, services, or benefits when services are solely CSBG-funded assistance or for services provided through co-funded programs where there is no other dispute resolution avenue.

441—58.13(216A,PL97-35) Further criteria. The Iowa CSBG State Plan and Application as amended to August 1, 2026, and the Iowa CSBG Policies and Procedures Manual as amended to August 1, 2026, are incorporated by reference as part of these rules. If any rule in this chapter conflicts with federal law or rules, federal law or rules shall prevail.

These rules are intended to implement Iowa Code chapter 216A and PL 97-35.

ARC 0383D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to the low-income home energy assistance program and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to adopt new Chapter 59, “Low-Income Home Energy Assistance Program (LIHEAP),” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 216A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 216A, PL 97-35, and PL 98-558.

Purpose and Summary

This proposed rulemaking describes the Department's administration of the Low-Income Home Energy Assistance Program (LIHEAP). LIHEAP is designed to aid qualifying low-income Iowa households (homeowners and renters) in the payment of a portion of their residential heating costs for the winter heating season; to encourage regular utility payments; to promote energy awareness; and to encourage reduction of energy usage through energy efficiency, client education, and weatherization.

This proposed chapter underwent a Red Tape Review pursuant to Executive Order 10. As a result of the review, the Department removed redundant information and restrictive terms and added pertinent definitions and dates certain. The Department also standardized appeals language to refer to the Department's uniform chapter on contested cases. The Department is concurrently rescinding 421—Chapter 22 (**ARC 0382D**, IAB 6/24/26), which is the legacy Department of Human Rights chapter that outlines LIHEAP.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on May 13, 2026. A public hearing was held on the following date(s):

- June 2, 2026

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

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 July 14, 2026. Comments should be directed to:

Victoria L. Daniels
Department of Health and Human Services
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

July 14, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 275 593 971 020 806 Passcode: Dp6oW2fe
July 14, 2026 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 218 304 666 603 048 Passcode: oX7Ex26e

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 59:

CHAPTER 59
LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

441—59.1(216A,PL97-35,PL98-558) Definitions. For the purposes of this chapter, the following definitions apply:

“*Assurance 16*” means a provision of 42 U.S.C. Sections 8621 through 8630 as amended to August 1, 2026, that provides low-income home energy assistance program (LIHEAP) subrecipients the option of spending no more than 5 percent of their LIHEAP funds on services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance.

“*DHHS*” means the United States Department of Health and Human Services.

“*Energy crisis*” means weather-related (including natural disasters) supply shortage emergencies or other household energy-related emergencies as follows:

1. Nonworking heating unit (there must be a heating unit present).
2. Temporary need for alternate shelter due to lack of energy or fuel source.
3. Disconnected from utility service.
4. Past-due amounts owed create the risk of disconnection or an empty liquid propane (LP) or fuel oil (FO) tank.
5. LP tank 30 percent or less remaining.
6. Window or portable air conditioning unit or repair of existing central air unit, when medically necessary.

“*Household*” includes all the people who occupy a housing unit (such as a house or apartment) as their usual place of residence. A household includes the related family members and all the unrelated people, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone in a housing unit or a group of unrelated people sharing a housing unit, such as partners or roomers, is also counted as a household.

“*LAA*” means a local administering agency with which the department contracts to administer LIHEAP.

“*Manual*” or “*the manual*” means the LIHEAP Policy and Procedures Manual that is available on the department’s website. All references herein are to those as amended to August 1, 2026.

“*State plan*” means the LIHEAP state plan that is available on the department’s website. All references herein are to those as amended to August 1, 2026.

441—59.2(216A,PL97-35,PL98-558) Household eligibility.

59.2(1) Households with incomes at or below the annually determined federal poverty guidelines, but not to exceed 150 percent of the guidelines, or an amount equal to 60 percent of the state median income for the state, according to DHHS, that are published annually in the Federal Register, may be eligible for assistance under LIHEAP. To receive benefits, an application must be made, eligibility must be determined, and program funds must be available before any payments may be made.

59.2(2) Proof of income eligibility is required as outlined in the manual. Any individual listed on a LIHEAP-approved application for the current fiscal year will not be listed on another application unless an exception is granted by the department.

59.2(3) Income criteria and guidelines are contained in the state plan and the manual.

59.2(4) All households applying for assistance under LIHEAP will simultaneously be making application for weatherization assistance, and 441—Chapter 63 will govern weatherization applications.

441—59.3(216A,PL97-35,PL98-558) LAAs.

59.3(1) The department shall administer the LIHEAP program by contracting with LAAs that meet program and fiscal guidelines as required by federal law.

59.3(2) Each LAA will conduct outreach activities to ensure that eligible households are made aware of the program. In addition to its normal outreach functions, each LAA will authorize its workers to take applications in an applicant’s home and other locations specified in the manual. A notice of the appeal and hearing procedure pursuant to 441—Chapter 2506 must be posted at each intake site, and a copy of the appeal and hearing procedure and any other state-required handouts must be given to each client at the time of application or determination.

441—59.4(216A,PL97-35,PL98-558) Application period. The application period for the program is between October 1, or the first working day of October, and April 30, or the last working day of April, or as defined in the manual.

441—59.5(216A,PL97-35,PL98-558) Payments.

59.5(1) *Types of payments.* The following types of energy assistance payments may be made:

a. Payments may be made to suppliers on behalf of eligible households. The client’s assistance shall remain as a credit on the client account until the program assistance is expended or the account is terminated.

b. Eligible households that pay an undesignated portion of the rent toward energy costs will receive assistance sent directly to the secondary vendor.

c. Direct payments may be made to eligible households as outlined in the manual.

59.5(2) *Duplicate and fraudulent payment control.* Each LAA is required to monitor, refer to the department, and prevent possible duplicate and other fraudulent applications and payments pursuant to the federal Office of Management and Budget guidance on the Payment Integrity Information Act of 2019 (PL 116-117) as amended to August 1, 2026, and the manual.

441—59.6(216A,PL97-35,PL98-558) Change in status. The level of assistance for the program year will be determined based on the household’s circumstances at the time of approval. If a household moves, a household of one passes away, or a household moves to a different service territory, etc., after applying for the program, the process outlined in the manual is to be followed.

441—59.7(216A,PL97-35,PL98-558) Vendor agreement. A signed utility vendor agreement must be on file with the LAA before payments may be made to the vendor. If a fuel supplier does not sign a vendor agreement, a direct payment may be made to the eligible applicant. In cases where a vendor has not complied with all provisions of the vendor agreement, the state may approve direct payments to clients as an alternative.

441—59.8(216A,PL97-35,PL98-558) Crisis assistance.

59.8(1) Eligibility. To be eligible for crisis assistance, a household must file an application, meet the income guidelines of LIHEAP, and meet the definition of “energy crisis.”

59.8(2) Evaluation. Each crisis application will be evaluated individually by the LAA, which shall determine the appropriate resolution and the amount of assistance to be provided as defined by the manual.

441—59.9(216A,PL97-35,PL98-558) Assurance 16 activities. LIHEAP customer services that encourage and enable households to reduce their home energy needs, and thereby reduce their need for energy assistance, shall be provided as Assurance 16 activities as outlined in the manual.

441—59.10(216A,PL97-35,PL98-558) Grievances and appeals. Each LAA shall have a grievance process and procedures approved by the department for nonappealable actions. The following appeal and hearing procedures shall be used:

59.10(1) An applicant may initiate an appeal:

- a. If an application is denied.
- b. If an application is not acted upon within the required time frame.
- c. If the benefit awarded is less than expected or less than previously notified.
- d. If immediate or emergency support is refused or delayed beyond 48 hours or 18 hours for an energy crisis.

59.10(2) The department will process appeals pursuant to 441—Chapter 2506.

441—59.11(216A,PL97-35,PL98-558) Further criteria. The state plan, the manual, and assistance award criteria for the program are incorporated by reference as part of these rules. If any rule in this chapter conflicts with federal law or rule, federal law or rule shall prevail.

These rules are intended to implement Iowa Code chapter 216A, PL 97-35 and PL 98-558.

ARC 0384D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to weatherization and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to adopt new Chapter 63, “Weatherization,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 216A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 216A, PL 94-385, and PL 98-558.

Purpose and Summary

This proposed chapter outlines the Department’s administration of the Weatherization Assistance Program (WAP). The purpose of the program is to reduce heating and cooling costs for low-income households, particularly those with elderly members, persons with disabilities, or young children, by improving the energy efficiency of their homes while ensuring their health and safety.

This proposed chapter underwent a Red Tape Review pursuant to Executive Order 10. As a result of the review, the Department eliminated redundant information and restrictive terms and added clarifying information and dates certain. The Department also standardized the appeals procedure

to the Department's uniform chapter on contested cases. The Department is concurrently rescinding 421—Chapter 23 (**ARC 0382D**, IAB 6/24/26), which is the legacy Department of Human Rights chapter that implements the WAP.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on May 13, 2026. A public hearing was held on the following date(s):

- June 2, 2026

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

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 July 14, 2026. Comments should be directed to:

Victoria L. Daniels
Department of Health and Human Services
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

July 14, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 275 593 971 020 806 Passcode: Dp6oW2fe
July 14, 2026 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 218 304 666 603 048 Passcode: oX7Ex26e

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 63:

CHAPTER 63
WEATHERIZATION

441—63.1(216A,PL94-385,PL98-558) Eligible households.

63.1(1) A household includes all the people who occupy a housing unit (such as a house or apartment) as their usual place of residence. A household includes the related family members and all the unrelated people, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone in a housing unit or a group of unrelated people sharing a housing unit, such as partners or roomers, is also counted as a household. A household occupying a dwelling unit is eligible for assistance under the weatherization assistance program if the household:

a. Has an annual income no higher than 200 percent of the federal poverty guidelines determined in accordance with criteria established by the Director of the Office of Management and Budget (OMB).

b. Is receiving supplemental security income (SSI) or family investment program (FIP) assistance, regardless of income.

63.1(2) Household eligibility, including income verification, will be determined in accordance with the application requirements for the low-income home energy assistance program (LIHEAP), the application for which is considered a joint application. Household eligibility and prioritization for weatherization services are established annually.

63.1(3) Both owner-occupied and renter-occupied dwellings may be weatherized. However, rental units occupied by low-income residents shall be weatherized providing benefits accrue primarily to the low-income tenants, rents are not raised because of the weatherization, and no undue or excessive enhancement occurs to the value of the dwelling unit. Landlords of rental dwellings must agree to have their dwellings weatherized before assistance is provided.

63.1(4) Provision of all weatherization program services are contingent upon the availability of funds.

441—63.2(216A,PL94-385,PL98-558) Local administering agencies (LAAs).

63.2(1) The department will administer the program by utilizing community action agencies (CAAs) or their approved subcontractors or other public or nonprofit entities that have shown the ability or have the capacity to undertake a timely and effective weatherization program. Program funds shall be used for the purchase and installation of weatherization materials, training and technical assistance, administration, and supportive services.

63.2(2) LAAs will be required to sign a contractual agreement that specifies required and allowable program activities, including U.S. Department of Energy regulations, special conditions, participant forms, program and fiscal reporting, and audit requirements.

441—63.3(216A,PL94-385,PL98-558) Application period. Households may apply for weatherization assistance between October 1, or the first working day of October, and September 30, or the last working day of September, as defined in the annual Weatherization Assistance Program State Plan as amended to August 1, 2026.

441—63.4(216A,PL94-385,PL98-558) Payments.

63.4(1) *Duplicate and fraudulent payment control.* Each LAA is required to provide a system to monitor and prevent possible duplicate and other fraudulent applications and payments. Duplication cross-checks shall be based on the unique client or vendor identifier.

63.4(2) Referrals. Each LAA is required to refer all suspected cases of fraud, including duplicate payments, overpayments, and fraudulent statements on applications, to the department for investigation.

441—63.5(216A,PL94-385,PL98-558) Grievances and appeals.

63.5(1) Each LAA shall have grievance policies and procedures approved by the department for nonappealable items, including quality or extent of work performed.

63.5(2) Items that are appealable to the department pursuant to 441—Chapter 2506 are:

- a. Services that have been denied for eligibility.
- b. Weatherization work that is delayed or postponed for extenuating circumstances. The LAA must document the reasons for the delay of services and inform the client and the department.
- c. Quality or completeness of work, if the LAA has exhausted its grievance process.
- d. LAA contractors and subcontractors that have exhausted the grievance process.

441—63.6(216A,PL94-385,PL98-558) Further criteria. The Weatherization Assistance Program State Plan as amended to August 1, 2026, and Weatherization Assistance Program Policy and Procedures Manual as amended to August 1, 2026, are incorporated by reference as part of these rules. If any rule in this chapter conflicts with federal law or rule, the federal law or rule shall prevail.

These rules are intended to implement Iowa Code section 216A.99, PL 94-385 and PL 98-558.

ARC 0379D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to individual development accounts and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to adopt new Chapter 64, “Individual Development Account (IDA),” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 541A.5.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 541A.5.

Purpose and Summary

The purpose of this proposed chapter is to outline the Department’s administration of the individual development account program outlined in Iowa Code chapter 541A. The program has not been funded since SFY 2016.

This proposed chapter underwent a Red Tape Review pursuant to Executive Order 10. As a result of the review, the Department removed redundant or duplicative information and restrictive terms and added dates certain. The Department is concurrently proposing to rescind 421—Chapter 25 (**ARC 0382D**, IAB 6/24/26), which was the legacy Department of Human Rights chapter that corresponds to this new proposed chapter in agency [441].

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on May 13, 2026. A public hearing was held on the following date(s):

- June 2, 2026

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

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 July 14, 2026. Comments should be directed to:

Victoria L. Daniels
 Department of Health and Human Services
 Lucas State Office Building
 321 East 12th Street
 Des Moines, Iowa 50319
 Phone: 515.829.6021
 Email: compliancerules@hhs.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

July 14, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 275 593 971 020 806 Passcode: Dp6oW2fe
July 14, 2026 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 218 304 666 603 048 Passcode: oX7Ex26e

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 64:

CHAPTER 64
 INDIVIDUAL DEVELOPMENT ACCOUNT (IDA)

441—64.1(541A) Definitions. As used in these rules, unless the context otherwise requires:

“*Account holder*” means the same as defined in Iowa Code section 541A.1.

“*Charitable contributor*” means an individual, company or organization that makes a contribution through a nonprofit association described in Section 501(c)(3) of the Internal Revenue Code as amended to August 1, 2026, which association makes a deposit to an individual development account and which association is exempt from taxation under Section 501(a) of the Internal Revenue Code as amended to August 1, 2026.

“*Federal poverty level*” means the poverty income guidelines established annually for a calendar year and published in the Federal Register by the U.S. Department of Health and Human Services.

“*Financial institution*” means a financial institution, including but not limited to a bank, savings and loan, or credit union, approved by the department to accept individual development accounts.

“*Household*” means the adults who are related by blood, marriage or adoption or who are unrelated but have maintained a stable family relationship together over a period of time and the individuals who are under 18 years of age related to the above adults by marriage, blood or adoption who are living together. “Living together” refers to domicile as evidenced by the parties’ intent to maintain a home for their family and does not include a temporary visit.

“*Individual contributor*” means the same as defined in Iowa Code section 541A.1.

“*Individual development account*” or “*IDA*” means an investment account that has the characteristics described in Iowa Code section 541A.2 and is operated by the operating organization.

“*Individual development account state match fund*” means the fund established in the state treasury under the authority of the department into which are deposited funds for payment to operating organizations for state match payments to individual investment accounts and administrative costs to implement the individual investment account program.

“*Minor account holder*” means an account holder who is younger than 18 years of age.

“*Operating organization*” means an entity selected by the department for involvement in operating individual development accounts directed to the eligible target population.

“*Source of principal*” means any of the following sources of a deposit:

1. Deposits made by the account holder.
2. Deposits of state match payments.
3. Deposits of individual development account moneys that are transferred from another individual development account holder. The moneys transferred from another individual development account will be considered to be a deposit of principal made by the account holder.
4. Deposits made on behalf of the account holder by an individual contributor or a charitable contributor.

441—64.2(541A) Establishment of individual development accounts. An investment account qualifies as an IDA when it is established and operates in accordance with the following.

64.2(1) *Operating organization.* The investment account shall be established through an operating organization.

64.2(2) *Account.* The account shall be opened at a financial institution and kept in the name of an individual account holder.

64.2(3) *Deposits.* Deposits made to an IDA are also known as sources of principal and shall be made in any of the manners indicated in the definition of “source of principal” in rule 441—64.1(541A).

64.2(4) *Investment of funds.* The funds deposited in the IDA may be invested in any investment that the financial institution is authorized to offer to the public.

64.2(5) *Income.* The account earns income.

64.2(6) *Maximum deposits of principal.* The total of all sources of principal in an individual development account may not exceed \$30,000.

441—64.3(541A) Eligibility, state match payments, and state tax provisions.

64.3(1) *Eligibility based on countable household income level.* Eligibility will be based on the prospective account holder’s household income for the calendar year preceding the calendar year in

which the IDA will be opened. The household income shall not exceed 200 percent of the federal poverty level as published in the same year. If an account holder's household income exceeds 200 percent of the federal poverty level in any subsequent year following the year that the account holder established the account, the account will remain open, but the account holder will not be eligible to receive the state savings match payment for deposits made during the year following the year when the household income exceeds 200 percent of the federal poverty level. If the prospective account holder files an income tax return on a fiscal year basis, the household income must nonetheless be computed on a calendar year basis.

64.3(2) *Countable household income.*

a. The household's countable income shall be the Iowa net income as defined in Iowa Code section 422.7, with the following inclusions and exclusions:

(1) Inclusions to the extent not already included in Iowa net income are as follows:

1. Capital gains.
2. Alimony.
3. Child support money.
4. Cash public assistance and relief, except property tax relief under Iowa Code chapter 425, subchapter II.

5. The gross payment amount of any pension or annuity, including but not limited to railroad retirement benefits.

6. Military retirement and veterans' disability pensions.
7. Interest received from local, state or federal government securities.
8. Workers' compensation.
9. The gross amount of disability income or "loss of time" insurance.

(2) Exclusions are as follows:

1. Gifts from nongovernmental sources.
2. Surplus foods, including food assistance.
3. Payments received by an individual under the age of 18 under the federal Social Security Act.
4. Other in-kind relief supplied by a governmental agency.

b. Income shall not be reduced by either a net operating loss carryover or by a capital loss carryover.

64.3(3) *Determination of income status and eligibility.*

a. In lieu of calculating countable household income as provided in subrule 64.3(2) to determine income status and eligibility of an individual to hold an IDA, the operating organization may use evidence of an individual's enrollment in a program with income eligibility restrictions that are equal to or less than the maximum household income provided in subrule 64.3(1) as sufficient for determining the individual's eligibility to hold an IDA.

b. In order to determine the amount of countable household income of an individual seeking to open an IDA and to maintain household income records on an annual basis, the operating organization shall use any of the following methods or other methods deemed appropriate by the operating organization to obtain accurate income information:

(1) The operating organization shall ask both the individual who wishes to establish an IDA and other members of the individual's household who have filed federal or state income tax returns to furnish a copy of the returns with attached W-2 statements and to sign a release of information form permitting the operating organization to receive from the Iowa department of revenue summary information indicating the Iowa net income or to receive a copy of the state income tax return for the specific calendar year used to establish income eligibility to participate in the IDA program and for specified successive calendar years during which the IDA account is open. The operating organization shall protect the confidentiality of this information.

(2) If the individual and members of the individual's household have not filed federal or state income tax returns for the calendar year used to determine eligibility, the operating organization shall ask the individual to provide copies of available financial records of the household to determine the amount of countable income for the calendar year used to determine eligibility.

(3) The operating organization may also ask the individual seeking to hold an IDA to sign a release of information form allowing the operating organization to obtain individual and household income records held by agencies administering the programs referred to in paragraph 64.3(3)“a.” The operating organization shall use this information to verify and maintain household income records of individuals seeking to hold an IDA, thereby facilitating the administration of the IDA program. The operating organization shall maintain the confidentiality of this information. Countable household income determinations shall include the amount of the cash assistance provided through the programs referred to in paragraph 64.3(3)“a.”

(4) If the individual has minimal or no financial records and the operating organization determines that the totality of the individual’s circumstances corroborates a credible explanation for the absence of said records, the operating organization may accept a written self-declaration from the individual as sufficient to document initial income eligibility to hold an IDA.

c. The operating organization shall obtain and maintain income information records from an account holder and all members of the account holder’s family on a yearly basis to determine continued IDA eligibility.

64.3(4) *Exemption from income tax for income earned on assets in an IDA.* Income earned on principal in an IDA will be exempt from state income tax even if the account holder’s household income is greater than 200 percent of the federal poverty level for the tax year.

64.3(5) *State match payments.* The operating organization shall determine the account holder’s countable household income and account deposits on an annual basis for the purpose of computing the state match payment. The operating organization shall file with the department a claim for a state match payment on behalf of the account holder by April 30 of the year following the year in which the account holder made deposits into the IDA. The claim shall be filed on a form provided by the department. The department will make a payment of a savings match on a 1:1 ratio on amounts of up to \$2,000 that an eligible account holder deposited in the account holder’s account the previous year. The total state savings match for all years shall not exceed \$2,000 for any IDA. Neither the moneys transferred to an IDA from another IDA nor the state match received by the account holder pursuant to this subrule will be considered an account holder deposit for purposes of determining a state match payment. The department or operating organization shall make the state match payment directly to the IDA in the manner deemed appropriate by the department.

64.3(6) *Tax implications.* IDAs shall be subject to rule 701—302.44(422,541A).

441—64.4(541A) Requests for proposals—operation of IDAs.

64.4(1) *Issuance of requests for proposals.* The department may issue requests for proposals (RFPs) for operating organizations interested in operating an IDA program. The RFP will require the operating organization to provide information in its proposal regarding the financial institution that the operating organization will use for the proposed IDA program. The department will include such information in evaluating proposals submitted in response to the RFP.

64.4(2) *Review criteria used to evaluate and select proposals responding to the RFP.* The department will evaluate and select proposals submitted by operating organizations in response to the RFP based upon but not limited to the criteria as provided in the RFP.

64.4(3) *Other considerations and guidelines.* Other considerations and guidelines in implementing IDAs are:

a. The department shall have the authority to designate and limit the number of locations where IDA projects will be implemented, taking into account demographic characteristics and geographic considerations.

b. The department will require all IDA operating organizations and projects to comply with any federal individual development account program requirements for drawing federal funding.

c. The department and the operating organization shall enter into an agreement that specifies the responsibilities of both parties. The agreement will incorporate by reference the provisions of the RFP.

d. The operating organization shall maintain a clear and precise audit trail of all deposits and withdrawals of funds in IDAs. All withdrawals from an IDA shall require a signature of approval from

the operating organization. Upon the termination of the agreement between the operating organization and the department or upon the discontinuance of the IDA program for any reason, the IDA accounts under the management of that operating organization shall terminate and the funds in the IDAs shall be distributed to the account holders unless the operating organization and a successor operating organization located in the same geographic area and operating an IDA program approved by the department enter into an agreement for the transfer of IDA accounts to the successor operating organization. The department shall have authority to review and approve in advance the agreement between the two operating organizations.

e. Upon the termination of an operating organization's relationship with the financial institution holding its IDA accounts, the operating organization managing the accounts shall enter into an agreement with a department-approved successor financial institution to hold the accounts and shall arrange for the transfer of the accounts to the new financial institution. The new agreement shall be subject to the department's review and advance approval.

f. If an account holder moves within the state to a location that is not served by the operating organization but is served by another operating organization with a department-approved IDA program, the original operating organization shall arrange for the transfer of the account to a financial institution that has an agreement with the operating organization in the new location. If there is no operating organization in the new location, the IDA account shall be closed, with funds in the account distributed to the account holder; alternatively, the operating organization and the account holder may jointly agree to maintain the account under the management of the existing operating organization and financial institution. The operating organization shall provide a written notification to the department of all transfers of IDA accounts to the management of a new operating organization.

441—64.5(541A) Authorized withdrawals of principal and income.

64.5(1) *Approved purposes for withdrawal of funds from an IDA.* An account holder may withdraw principal and income earned on principal from an IDA only with the written approval of the operating organization and only for the purposes outlined in Iowa Code section 541A.2(4).

64.5(2) *Conditions on withdrawals of principal and income.* An account holder may withdraw funds from the account holder's IDA subject to the following conditions:

a. Any amount of principal and income earned on principal, provided the sum is authorized under Iowa Code section 541A.2(4) and in accordance with the procedure for authorized withdrawals set forth under subrule 64.5(3).

b. If the account holder is 59½ years of age or older, any amount of principal and income earned on principal. Such withdrawals shall not require the approval of the operating organization.

64.5(3) *Procedures for account holder deposits and withdrawals.* The operating organization and the financial institution shall agree upon and provide to account holders procedures to facilitate authorized withdrawals.

441—64.6(541A) Notice of nonapproved withdrawals and closure of the account.

64.6(1) *Nonapproved withdrawals and attempted withdrawals for nonapproved purposes.* The financial institution shall notify the operating organization within five calendar days of any withdrawals or attempted withdrawals that appear to be nonapproved. The financial institution shall refuse to release any funds that do not have the written authorization of approval from the operating organization.

64.6(2) *Closure of an IDA by the operating organization.* The operating organization may close an IDA pursuant to Iowa Code section 541A.2(6).

441—64.7(541A) Transfers of assets of an IDA.

64.7(1) *Transfers by an adult account holder.* An adult account holder may transfer all or part of the assets in the adult account holder's IDA to any other account holder's IDA. Upon compliance by the operating organization and financial institution with the requirements of rule 441—64.5(541A), IDA account holders who have transferred funds into another individual's IDA account and any beneficiaries of the transferee's IDA account shall sign a waiver of liability form releasing the operating organization and the financial institution from civil liability and responsibility for the wrongful withdrawals of funds

by the account holder due to the account holder's false representation of the purpose of the withdrawal, resulting in the loss to the account balance of deposited principal funds, including individual and charitable contributions, transferred funds, and the state match payments.

64.7(2) *No transfers of assets from a minor account holder's IDA.* Neither a minor account holder nor the parents or legal guardian of such minor account holder shall have the right or ability to transfer assets from the minor account holder's IDA to the IDA of any other account holder.

64.7(3) *Transfers when an account holder dies.* At the time an IDA is established, an account holder shall name a contingent beneficiary or contingent beneficiaries or an account holder transferee to whom the assets of the account holder's IDA shall be transferred upon the account holder's death. Upon the account holder's death, the account assets shall be transferred to the named contingent beneficiary or contingent beneficiaries or to the account holder transferee's IDA, as applicable. A named contingent beneficiary or contingent beneficiaries or account holder transferee may be changed at the discretion of the account holder. If the named contingent beneficiary or contingent beneficiaries or account holder transferee is deceased or otherwise does not accept the transfer, the assets of the deceased account holder's IDA shall be transferred to the IDA state match fund.

These rules are intended to implement Iowa Code chapter 541A.

ARC 0380D

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rulemaking related to IV-A emergency assistance program and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 133, "IV-A Emergency Assistance Program," Iowa Administrative Code, and to adopt a new Chapter 133 with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 235.3.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 235.3.

Purpose and Summary

This proposed chapter defines and structures the Department's IV-A emergency assistance program. This program is designed to extend a menu of services to children who are victims of or at risk of abuse or neglect, at risk of out-of-home placement, or in need of care or treatment. These proposed rules define emergency assistance services as family-centered services, family preservation services, foster care, protective day care, and wrap-around services. The proposed rules further outline an application process, eligibility criteria, methods of service provision, and duration of service.

Upon a Red Tape Review of the proposed chapter pursuant to Executive Order 10, the Department removed restrictive terms and outdated or redundant definitions and cross-references.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on May 13, 2026. A public hearing was held on the following date(s):

- June 2, 2026

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

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 July 14, 2026. Comments should be directed to:

Victoria L. Daniels
 Department of Health and Human Services
 Lucas State Office Building
 321 East 12th Street
 Des Moines, Iowa 50319
 Phone: 515.829.6021
 Email: compliance.rules@hhs.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

July 14, 2026 10 to 10:30 a.m.	Microsoft Teams Meeting ID: 275 593 971 020 806 Passcode: Dp6oW2fe
July 14, 2026 2 to 2:30 p.m.	Microsoft Teams Meeting ID: 218 304 666 603 048 Passcode: oX7Ex26e

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 441—Chapter 133 and adopt the following **new** chapter in lieu thereof:

CHAPTER 133
 IV-A EMERGENCY ASSISTANCE PROGRAM

441—133.1(235) Definitions.

“*Child*” means the same as defined in Iowa Code section 234.1.

“*Emergency assistance*” means any one or more of the following services provided in response to a IV-A emergency assistance application:

1. Family-centered services as set forth in 441—Chapter 172.
2. Shelter care as set forth in 441—Chapters 156 and 202, except for placements of less than 48 hours.
3. Protective child care as set forth in 441—Chapter 170.

“*Family*” includes the following members:

1. Legal spouses (including common-law) who reside in the same household.
2. Natural, adoptive, or stepmother or stepfather, and children who reside in the same household.
3. An individual or child who lives alone or who resides with a person, or persons, not legally responsible for the child’s support.

441—133.2(235) Application. An application for emergency assistance shall be made on a form prescribed by the department. An application shall be completed any time a decision is made to provide emergency assistance or when an adult family member requests emergency assistance on behalf of a child.

133.2(1) The application shall be filed by a parent, except where both parents are absent or unwilling to apply on behalf of a child who meets all other eligibility conditions, in which case another adult member of the family with whom the child resides or has resided within the past six months acting on behalf of the child may file the application.

133.2(2) If the application is made on behalf of a child for whom the department has legal custody, the department may sign the application on behalf of the child.

441—133.3(235) Eligibility. To be eligible for emergency assistance, the family shall meet all of the following criteria.

133.3(1) *Existence of an emergency.* An emergency situation shall exist. An emergency exists when one of the following situations exists:

- a. Abuse, neglect, or abandonment of a child, or risk of same.
- b. Children are in imminent danger where continued presence in the home is not in the best interests of the child.
- c. Children have been removed from the home or are at risk of removal from the home because of abuse; neglect, which may include homelessness; or inability of parents to provide needed care or treatment or to control the behavior of the child.

133.3(2) *No refusal to accept employment or training.* The emergency situation did not arise out of an applicant’s or applicant’s family’s refusal without good cause to accept employment or training for employment within 30 days of the date of the application.

133.3(3) *Residence.* The child is living, or within six months prior to the month in which assistance is requested has been living, with a specified relative. “Relative” includes people related by blood, marriage, or adoption. The child may be considered as meeting the requirement of living with a specified relative if the child’s home is with one of the following or with a spouse of one of the following even though the marriage is terminated by death or divorce:

- a. Father—adoptive father.
- b. Mother—adoptive mother.
- c. Grandfather—grandfather-in-law, meaning the subsequent husband of the child’s natural grandmother, i.e., stepgrandfather—adoptive grandfather.
- d. Grandmother—grandmother-in-law, meaning the subsequent wife of the child’s natural grandfather, i.e., stepgrandmother—adoptive grandmother.
- e. Great-grandfather—great-great-grandfather.
- f. Great-grandmother—great-great-grandmother.
- g. Stepfather, but not his parents.

- h.* Stepmother, but not her parents.
- i.* Brother—brother-of-half-blood—stepbrother—brother-in-law—adoptive brother.
- j.* Sister—sister-of-half-blood—stepsister—sister-in-law—adoptive sister.
- k.* Uncle—aunt, of whole or half blood.
- l.* Uncle-in-law—aunt-in-law.
- m.* Great uncle—great-great-uncle.
- n.* Great aunt—great-great-aunt.
- o.* First cousins—nephews—nieces.
- p.* Second cousins, meaning the son or daughter of one’s parent’s first cousin.

133.3(4) Service need. The applicant must demonstrate a need for one or more of the emergency assistance services as follows:

- a.* Family-centered services as established in 441—Chapter 172.
- b.* Shelter care as established in rule 441—202.2(234).
- c.* Protective child care as established in 441—subparagraph 170.2(2)“*b*”(3).

133.3(5) Receipt of assistance. An application for IV-A emergency assistance was not previously approved within 12 months of the current application for IV-A emergency assistance.

133.3(6) Financial eligibility. The applicant family:

- a.* Is receiving family investment program (FIP), supplemental security income (SSI), Supplemental Nutrition Assistance Program (SNAP) benefits, or Medicaid in the month of the application, or
- b.* Does not have money to provide needed emergency care or services as evidenced by the applicant family’s income not exceeding 800 percent of the poverty guidelines established by the federal Office of Management and Budget.

441—133.4(235) Method of service provision. Services shall be provided through the department or through purchase of service agreements with providers that are approved by the department as qualified to provide specified services and have a current contract with the department to provide services.

441—133.5(235) Duration of services. Services to families and children provided through the emergency assistance program as a result of a single application may be provided for either a period not to exceed 12 months or until there is no longer a need for services according to eligibility criteria for the specified services, whichever occurs first.

441—133.6(235) Discontinuance of the program. The program will be discontinued when federal funds have been exhausted.

These rules are intended to implement Iowa Code section 235.3(9).

ARC 0371D

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to elevator safety board administrative and regulatory authority and providing an opportunity for public comment

The Elevator Safety Board hereby proposes to amend Chapter 365, “Elevator Safety Board Administrative and Regulatory Authority,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 89A.3.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2026 Iowa Acts, Senate File 2463.

Purpose and Summary

Pursuant to 2026 Iowa Acts, Senate File 2463, section 5, subsection (2)“b,” these proposed rules have been determined to be necessary by the agency to enhance procedures related to contested cases and waivers before the Board. These proposed rules supplement the Uniform Rules on Agency Procedure in a way that assists both applicants and the Board. This proposed rulemaking modifies the Board’s administrative and regulatory authority rules to supplement the agency’s Uniform Rules on Agency Procedure on contested case provisions found in 7—Chapter 2506 and on waivers found in 7—Chapter 2504.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Board no later than 4:30 p.m. on July 14, 2026. Comments should be directed to:

Mitchell Mahan
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Phone: 515.443.1051
Email: mitchell.mahan@dia.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rulemaking may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Emergency Rulemaking Adopted by Reference

This proposed rulemaking is also published herein as an Adopted and Filed Emergency rulemaking (see **ARC 0372D**, IAB 6/24/26). The purpose of this Notice of Intended Action is to solicit public comment on that emergency rulemaking, whose subject matter is hereby adopted by reference.

ARC 0386D

INSURANCE DIVISION[191]

Notice of Intended Action

**Proposing rulemaking related to contested cases
and providing an opportunity for public comment**

The Insurance Division hereby proposes to adopt new Chapter 2506, “Contested Cases,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 17A and 2026 Iowa Acts, Senate File 2463, section 5.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A and 2026 Iowa Acts, Senate File 2463, section 5.

Purpose and Summary

This proposed rulemaking modifies the Uniform Rules on Agency Procedure related to contested cases (7—Chapter 2506) to ensure that matters coming before the Division are governed by these administrative procedures and not the contested case provisions of 7—Chapter 2506.

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 Division for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Division no later than 4:30 p.m. on July 14, 2026. Comments should be directed to:

Angela Burke Boston
Iowa Insurance Division
1963 Bell Avenue, Suite 100
Des Moines, Iowa 50315
Phone: 515.654.6543

Fax: 515.654.6500

Email: angela.burke.boston@iid.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rulemaking may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Emergency Rulemaking Adopted by Reference

This proposed rulemaking is also published herein as an Adopted and Filed Emergency rulemaking (see **ARC 0385D**, IAB 6/24/26). The purpose of this Notice of Intended Action is to solicit public comment on that emergency rulemaking, whose subject matter is hereby adopted by reference.

ARC 0369D

LAW ENFORCEMENT ACADEMY[501]

Notice of Intended Action

Proposing rulemaking related to uniform rules on agency procedure and providing an opportunity for public comment

The Iowa Law Enforcement Academy hereby proposes to adopt new Chapter 2504, “Rule Waivers—Modifications to Uniform Rules,” Chapter 2505, “Fair Information Practices—Modifications to Uniform Rules,” and Chapter 2506, “Contested Cases—Modifications to Uniform Rules,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in 2026 Iowa Acts, Senate File 2463, and Iowa Code chapters 17A, 22, 80B, and 80D.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A.

Purpose and Summary

This proposed rulemaking implements the transition to the statewide Uniform Rules on Agency Procedure as mandated by 2026 Iowa Acts, Senate File 2463. While the Iowa Law Enforcement Academy Council adopts most of the Uniform Rules on Agency Procedure, this proposed rulemaking includes critical additions and exceptions necessary to maintain high professional standards, public trust and public safety.

Pursuant to 2026 Iowa Acts, Senate File 2463, section 5, the Council has determined that the following modifications are necessary to fulfill its statutory responsibilities under Iowa Code chapter 80B and ensure public safety. These modifications include the following:

- **Item 1:** 501—Chapter 2504, Rule Waivers—Modifications to Uniform Rules

Modification: 501—paragraphs 2504.1(1)“a” through “d,” regarding availability of waivers.

This amendment modifies the Uniform Rules on Agency Procedure related to rule waivers (7—Chapter 2504) to ensure that four specific minimum standards for law enforcement officers and reserve officers are not waivable. Iowa Code section 80B.11(1)“a” mandates the minimum age for officers, and the Iowa Appellate Courts have approved the Council’s position that the minimum standards for vision, hearing, and physical fitness are not waivable.

- **Item 2:** 501—Chapter 2505, Fair Information Practices—Modifications to Uniform Rules

Modification: Rules 501—2505.9(22,80B,80D) through 501—2505.12(22,80B,80D), regarding personally identifiable information.

This amendment modifies the Uniform Rules on Agency Procedure related to fair information practices (7—Chapter 2505) to ensure that the Academy complies with the statutory mandate to identify the personally identifiable information collected and maintained by the agency.

- **Item 3:** 501—Chapter 2506, Contested Cases—Modifications to Uniform Rules

Modification: Rule 501—2506.8(17A), regarding telephone proceedings.

This amendment modifies the Uniform Rules on Agency Procedure related to contested cases (7—Chapter 2506) to ensure that licensing hearings for law enforcement officers allow the flexibility for remote testimony. Licensing hearings frequently involve multiple witnesses from a single agency. While the State and local agencies have an interest in cooperating to present their testimony, the agency must balance its need to still fully function as a law enforcement agency in its jurisdiction.

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 Council for a waiver of the discretionary provisions, if any, pursuant to 501—Chapter 2504.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking, which must be received by the Council no later than 4:30 p.m. on July 14, 2026. Comments should be directed to:

Kristi Traynor
Iowa Law Enforcement Academy
Building A41
P.O. Box 130
Johnston, Iowa 50131
Email: kristi.traynor@iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rulemaking may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any

individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Emergency Rulemaking Adopted by Reference

This proposed rulemaking is also published herein as an Adopted and Filed Emergency rulemaking (see **ARC 0370D**, IAB 6/24/26). The purpose of this Notice of Intended Action is to solicit public comment on that emergency rulemaking, whose subject matter is hereby adopted by reference.

ARC 0374D

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

**Proposing rulemaking related to for-hire interstate motor carrier authority
and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 529, "For-Hire Interstate Motor Carrier Authority," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 307.12(1)"j."

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 327B and section 307.27.

Purpose and Summary

The purpose of the proposed amendment is to adopt the most recent version of the Code of Federal Regulations cited in the chapter. Iowa Code section 307.27 requires the Department to administer the registration of interstate authority of motor carriers pursuant to United States Department of Transportation regulations.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on April 15, 2026. A public hearing was held on the following date(s):

- May 5, 2026

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 761—Chapter 11.

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 July 15, 2026. Comments should be directed to:

Ryan Pell
 Department of Transportation
 DOT Rules Administrator, Office of the Director
 800 Lincoln Way
 Ames, Iowa 50010
 Phone: 515.239.1358
 Email: ryan.pell@iowadot.us

Public Hearing

Public hearings at which persons may present their views orally will be held as follows:

July 15, 2026 9 to 9:30 a.m.	Microsoft Teams Or dial: 515.817.6093 Conference ID: 415 092 736#
July 15, 2026 2 to 2:30 p.m.	Microsoft Teams Or dial: 515.817.6093 Conference ID: 154 625 682#

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 impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Amend rule 761—529.1(307,327B) as follows:

761—529.1(307,327B) Motor carrier regulations. The department adopts the Code of Federal Regulations, 49 CFR Parts 365 through 368 and 370 through 379, dated October 1, ~~2024~~ 2025, for regulating interstate for-hire carriers. Copies of this publication are available from the state law library or at www.fmcsa.dot.gov.

ARC 0373D

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

**Proposing rulemaking related to commercial driver licensing
and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 607, “Commercial Driver Licensing,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 321.188.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 321.187, 321.188 and 321.207 through 321.208A.

Purpose and Summary

The purpose of the proposed amendments is to update the chapter to reflect the most recent version of the Code of Federal Regulations and to align Iowa’s rules with federal regulations governing the transportation of certain quantities of diesel fuel by holders of a restricted commercial driver’s license (CDL) and transportation of certain quantities of jet fuel in support of seasonal agricultural aircraft operations by holders of a Class A CDL. Iowa Code section 321.188 requires the Department to adopt rules for administering CDLs in accordance with the procedures outlined in 49 CFR Part 383. Additionally, 49 CFR §383.3(f)(3)(v) permits restricted CDL holders to transport up to 1,000 gallons of diesel fuel without needing a hazardous materials endorsement and 49 CFR §383.3(i) permits Class A CDL holders to transport up to 1,000 gallons of jet fuel in support of seasonal agricultural aircraft operations without needing a hazardous materials endorsement. Although Iowa Code section 321.176B(2) already allows a restricted commercial driver’s license holder to operate a commercial vehicle to the fullest extent authorized by 49 CFR §383.3(f), the administrative rule implementing this code section does not mention the diesel fuel hauling allowance, thus making enforcement of this provision unclear. The new exemption for jet fuel transportation was just recently adopted by the Federal Motor Carrier Safety Administration (FMCSA) on March 10, 2026.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on April 15, 2026. A public hearing was held on the following date(s):

- May 5, 2026

The Department received no comments. The Department made two changes from the Regulatory Analysis. Pursuant to the enactment of 2026 Iowa Acts, Senate File 2190, the term “physician assistant” was changed to the term “physician associate.” The legislation only changed the term of reference and made no substantive changes to the rights and responsibilities of a physician associate. The Department also proposes to adopt a change to the Federal Motor Carrier Safety regulations effective March 10, 2026, which allows states to waive the hazardous material endorsement for Class A CDL holders who transport no more than 1,000 gallons of jet fuel in support of seasonal agricultural aircraft operations.

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 761—Chapter 11.

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 July 15, 2026. Comments should be directed to:

Ryan Pell
 Department of Transportation
 DOT Rules Administrator, Office of the Director
 800 Lincoln Way
 Ames, Iowa 50010
 Phone: 515.239.1358
 Email: ryan.pell@iowadot.us

Public Hearing

Public hearings at which persons may present their views orally will be held as follows:

<p>July 15, 2026 11:30 a.m. to 12 noon</p>	<p>Microsoft Teams Or dial: 515.817.6093 Conference ID: 280 061 62#</p>
<p>July 15, 2026 2:30 to 3 p.m.</p>	<p>Microsoft Teams Or dial: 515.817.6093 Conference ID: 489 837 127#</p>

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 impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Amend rule **761—607.3(321)**, definitions of “Commercial driver’s license downgrade,” “Medical examiner,” “National drug and alcohol clearinghouse” and “Self-certification,” as follows:

“*Commercial driver’s license downgrade*” or “*CDL downgrade*” means the same as defined in 49 CFR Section 383.5 (October 1, ~~2024~~ 2025).

“*Medical examiner*” means a person who is licensed, certified or registered, in accordance with applicable state laws and regulations, to perform physical examinations. The term includes but is not limited to doctors of medicine, doctors of osteopathy, physician ~~assistants~~ associates, advanced registered nurse practitioners, and doctors of chiropractic.

“*National drug and alcohol clearinghouse*” means the database maintained by the Federal Motor Carrier Safety Administration as defined in 49 CFR Section 382.107 (October 1, ~~2024~~ 2025).

“*Self-certification*” means a written certification of which category of type of driving an applicant for a commercial driver’s license engages in or intends to engage in, from the following categories:

1. Non-excepted interstate. The person certifies that the person operates or expects to operate in interstate commerce, is both subject to and meets the qualification requirements under 49 CFR Part 391 effective October 1, ~~2024~~ 2025, and is required to obtain a medical examiner’s certificate by 49 CFR Section 391.45 effective October 1, ~~2024~~ 2025.

2. Excepted interstate. The person certifies that the person operates or expects to operate in interstate commerce but engages exclusively in transportation or operations excepted under 49 CFR Section 390.3(f), 391.2, 391.68 or 398.3 effective October 1, ~~2024~~ 2025, from all or parts of the qualification requirements of 49 CFR Part 391 effective October 1, ~~2024~~ 2025, and is therefore not required to obtain a medical examiner's certificate by 49 CFR Section 391.45 effective October 1, ~~2024~~ 2025.

3. Non-excepted intrastate. The person certifies that the person operates only in intrastate commerce and is subject to state driver qualification requirements.

4. Excepted intrastate. The person certifies that the person operates only in intrastate commerce, but engages exclusively in transportation or operations excepted from all or parts of the state driver qualification requirements as set forth in Iowa Code section 321.449.

ITEM 2. Amend subrule 607.5(1) as follows:

607.5(1) *Code of Federal Regulations.* The department's administration of commercial driver's licenses shall be in compliance with the state procedures set forth in 49 CFR Section 383.73, and this chapter shall be construed to that effect. The department adopts the following portions of the Code of Federal Regulations, which are referenced throughout this chapter of rules:

a. and b. No change.

c. 49 CFR Part 380, Subpart F (October 1, ~~2024~~ 2025).

d. The following portions of 49 CFR Part 383 (October 1, ~~2024~~ 2025):

(1) to (5) No change.

e. 49 CFR Part 384, Subpart B (October 1, ~~2024~~ 2025).

ITEM 3. Amend paragraph **607.7(2)“c”** as follows:

c. A Class C commercial driver's license allows a person to operate a commercial motor vehicle as specified in Iowa Code sections 321.1(11) and 321.189(1)“a”(3) if the vehicle is designed to transport 16 or more passengers, including the driver, or is used in the transportation of hazardous materials as defined in 49 CFR Section 383.5 effective October 1, ~~2024~~ 2025. With the required endorsements and subject to the applicable restrictions, a Class C commercial driver's license is valid to operate any vehicle except a vehicle requiring a Class A or Class B commercial driver's license. Before the department administers the skills test for a Class C commercial driver's license to an applicant for the first time, the applicant must comply with the entry-level driver training requirements as provided in Iowa Code section 321.188 for the applicable endorsement sought (P/Passenger or S/School Bus endorsements). Before the department administers the knowledge test for a Class C commercial driver's license to an applicant for the first time, the applicant must comply with the entry-level driver training requirements provided in Iowa Code section 321.188 for the applicable endorsement sought (H/Hazardous materials endorsement).

ITEM 4. Amend subrule 607.7(3) as follows:

607.7(3) *Age.* The minimum age to obtain a commercial driver's license is set out in 49 CFR Part 391, Subpart B, effective October 1, ~~2024~~ 2025, except that, for a person operating solely intrastate, the driver age qualifications are set out in Iowa Code section 321.449(3).

ITEM 5. Rescind subrule 607.8(1) and adopt the following **new** subrule in lieu thereof:

607.8(1)

a. A hazardous material endorsement (H) is required to transport hazardous materials. The hazardous material endorsement is only valid when the applicant or holder of the endorsement complies with the Transportation Security Administration's security threat assessment standards specified in 49 CFR Sections 383.71(b)(8) and 383.141 effective October 1, 2025. Before the department administers the knowledge test for a hazardous material endorsement to an applicant for the first time, the applicant shall comply with the entry-level driver training requirements as provided in Iowa Code section 321.188. To obtain or retain the hazardous material endorsement, the applicant or holder must pass a knowledge test as required under 49 CFR Section 383.121 and pay the endorsement fee. Retesting and fee payment are also required when an applicant transfers a commercial driver's license from another state unless, as

provided in 49 CFR Section 383.73, the transfer applicant provides evidence of passing the knowledge test as required under 49 CFR Section 383.121 within the preceding 24 months.

b. Pursuant to 49 CFR Section 173.5 effective October 1, 2025, a farmer or a person working for a farmer is not subject to the hazardous material endorsement while operating either a pickup or a special truck within 150 air miles of the farmer's farm to transport supplies to or from the farm.

c. Pursuant and subject to all the requirements of 49 CFR Section 383.3(i) effective March 10, 2026, a person acting within the scope of the person's employment with an agrichemical business, custom harvester, farm retail outlet or supplier, livestock feeder or agricultural aviation operation is not subject to the hazardous material endorsement while operating a service vehicle that meets the following criteria:

- (1) Is transporting diesel or jet fuel in a quantity of 1,000 gallons or less.
- (2) Is clearly placarded in accordance with 49 CFR part 172, subpart F.

ITEM 6. Amend subrule 607.12(5) as follows:

607.12(5) Military waiver. The department may waive the requirement that an applicant pass a required knowledge test for an applicant who is a current or former military service member as defined in 49 CFR Section 383.5 effective October 1, ~~2024~~ 2025. An applicant for a waiver of the knowledge test under this subrule shall certify and provide evidence, as required by the department, that the following apply:

a. to g. No change.

ITEM 7. Amend subrule **607.14(1)**, definition of "Motor carrier," as follows:

"Motor carrier" means the same as defined in 49 CFR Section 390.5 effective October 1, ~~2024~~ 2025.

ITEM 8. Amend paragraph **607.14(2)"b"** as follows:

b. An entity seeking certification as a third-party tester shall contact the motor vehicle division and schedule a review of the proposed testing program, including the proposed testing courses and facilities, and provide information sufficient to identify all proposed third-party test examiners, and any other information necessary to demonstrate compliance with 49 CFR Parts 383 and 384 as amended to October 1, ~~2024~~ 2025, applicable to knowledge and skills testing.

ITEM 9. Amend paragraph **607.17(1)"b"** as follows:

b. If the licensee currently holds and wants to retain a hazardous material endorsement, pass the test required in 49 CFR Section 383.121 and comply with the Transportation Security Administration security threat assessment standards specified in 49 CFR Section 383.71(b)(8) and 49 CFR Section 383.141 effective October 1, ~~2024~~ 2025, for such endorsement. A lawful permanent resident of the United States must also provide the licensee's U.S. Citizenship and Immigration Services alien registration number.

ITEM 10. Amend paragraph **607.22(2)"b"** as follows:

b. A restricted commercial driver's license is not valid for transporting hazardous materials requiring placarding, except as follows:

(1) Liquid fertilizers such as anhydrous ammonia may be transported in vehicles or implements of husbandry with total capacities of 3,000 gallons or less.

(2) Solid fertilizers, such as ammonium nitrate, may be transported, provided they are not mixed with any organic substance.

(3) Diesel fuel in quantities of 1,000 gallons or less.

~~(3)~~ (4) A hazardous material endorsement is not needed to transport the products listed in the preceding subparagraphs.

ITEM 11. Amend subrule 607.25(1) as follows:

607.25(1) Actual weight prohibited. In determining whether the vehicle is a representative vehicle for the skills test and the group of commercial driver's license for which the applicant is applying, the vehicle's gross weight rating or gross combination weight rating must be used, not the vehicle's actual gross weight or gross combination weight. For purposes of this rule, "gross weight rating" and "gross

combination weight rating” mean the same as defined in 49 CFR Section 383.5 effective October 1, 2024 2025.

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:

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%
December 1, 2025 — December 31, 2025	6.00%
January 1, 2026 — January 31, 2026	6.00%
February 1, 2026 — February 28, 2026	6.25%
March 1, 2026 — March 31, 2026	6.25%
April 1, 2026 — April 30, 2026	6.25%
May 1, 2026 — May 31, 2026	6.25%
June 1, 2026 — June 30, 2026	6.25%
July 1, 2026 — July 31, 2026	6.50%

ARC 0376D

UTILITIES COMMISSION[199]

Notice of Intended Action

Proposing rulemaking related to uniform rules on agency procedure and providing an opportunity for public comment

The Utilities Commission hereby proposes to amend Chapter 1, “Organization and Operation”; to rescind Chapter 7, “Practice and Procedure”; and to adopt new Chapter 2505, “Fair Information Practices,” and Chapter 2506, “Contested Cases,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code chapter 17A and sections 474.5 and 476.2.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A.

Purpose and Summary

Effective January 13, 2026, the Administrative Rules Coordinator adopted the new Uniform Rules on Agency Procedure, including procedures for contested cases (7—Chapter 2506), which are effective for any agency that does not have existing rules covering the subject matter of that uniform rule. The current Commission rules that govern contested cases, as shown in Chapter 7, have been specifically curated over many years and continuous engagement between the Commission and stakeholders. Prior

to Executive Order 10, the Commission had a standard five-year rolling chapter review schedule, which included stakeholder engagement. The stakeholder engagement remained as the Commission's contested case rules were reviewed again during the Executive Order 10 process. The area of utility regulates the type of cases (dockets) that come before the Commission that require specialty rules, as utility regulation is complex and specific in nature. The Uniform Rules on Agency Procedure were drafted for agencies with presiding officers who conduct hearings and handle other prehearing matters, which is not how the Commission is statutorily configured pursuant to Iowa Code section 474.1. (The Commission is a quasijudicial agency with three Commissioners who make policy and adjudicate the matters that come before the Commission). These complex matters and procedures include detailed filings and the need for expert witnesses, which utilize prefiled testimony and exhibits and extensive discovery that can last up until the time of hearing. By retaining the Commission's contested case rules, stakeholders who come before the Commission are able to continue using the rules stakeholders have spent time in helping develop. This will allow stability within the utility sector because the stakeholders know what is expected when the parties/stakeholders file with the Commission, the time frame for motions/answers, the time frame for intervention, and the expectation for discovery will all remain the same; as will the myriad of other concerns expressed by stakeholders during discussions of the Uniform Rules on Agency Procedure. The Commission is appreciative of the Administrative Rules Coordinator's agreement to the opt-out request for the contested case rules.

Similarly, rule 199—1.7(22) covers how the Commission handles requests for confidential treatment/open records. While not granted opt-out privileges for fair information practices, the Commission was allowed by the Administrative Rules Coordinator to include two additional provisions to Chapter 2505. These are subrule 2505.5(4) for compliance and rule 199—2505.9(17A,22) for a laundry list of items that automatically receive confidential treatment. The Commission receives numerous requests for confidential treatment due to the utility regulatory environment. The Commission's rule is the result of collaboration with industry and offers an efficient and predictable way to handle the requests. By adding these additional rules, the Commission is able to adopt the Uniform Rules on Agency Procedure while maintaining its current practices. This allows the utility stakeholders to continue with the known standard leading to a more predictable process for the handling of confidential treatment requests.

Due to the continuous stakeholder engagement, streamlined processes, and niche regulatory environment, the Commission was granted opt-out permission from the Administrative Rules Coordinator for the uniform rule regarding contested cases. To be consistent with other executive agencies, the Commission's contested cases chapter will be renumbered to 199—Chapter 2506. To be consistent with the Uniform Rules on Agency Procedure, this subrule and rule will be numbered 199—subrule 2505.5(4) and rule 199—2505.9(17A,22).

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

No waiver provision is included in the proposed amendments because the Commission has a general waiver provision in rule 199—1.3(17A,474,476) that provides procedures for requesting a waiver of the rules in these chapters.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Commission no later than 4:30 p.m. on July 14, 2026. Comments should be directed to:

IT Support
Iowa Utilities Commission
Phone: 515.725.7300
Email: ITSupport@iuc.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rulemaking may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Emergency Rulemaking Adopted by Reference

This proposed rulemaking is also published herein as an Adopted and Filed Emergency rulemaking (see **ARC 0375D**, IAB 06/24/26). The purpose of this Notice of Intended Action is to solicit public comment on that emergency rulemaking, whose subject matter is hereby adopted by reference.

ARC 0377D

CIVIL RIGHTS, OFFICE OF[161]**Adopted and Filed Emergency****Rulemaking related to contested cases**

The Iowa Office of Civil Rights hereby adopts new Chapter 2506, “Contested Cases,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 216.5(14).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2026 Iowa Acts, Senate File 2463.

Purpose and Summary

This rulemaking modifies the Uniform Rules on Agency Procedure related to contested cases (7—Chapter 2506) to ensure that claims governed by Iowa Code chapter 216 (Iowa Civil Rights Act) specify the correct administrative appellate body.

*Reason for Adoption of Rulemaking Without
Prior Notice and Opportunity for Public Participation*

Pursuant to Iowa Code section 17A.4(3), the Agency finds that notice and public participation are unnecessary or impractical because statute so provides. 2026 Iowa Acts, Senate File 2463, section 5, authorizes emergency rulemaking to provide for additions, exceptions, or amendments to the Uniform Rules on Agency Procedure.

Reason for Waiver of Normal Effective Date

Pursuant to Iowa Code section 17A.5(2)“b”(1)(a), the Office also finds that the normal effective date of rulemaking, 35 days after publication, should be waived and the rulemaking made effective on June 30, 2026, because 2026 Iowa Acts, Senate File 2463, section 5, authorizes emergency rulemaking to provide for additions, exceptions, or amendments to the Uniform Rules on Agency Procedure. After June 30, 2026, the Office’s current rules will be rescinded consistent with the new Uniform Rules on Agency Procedure, and there are small inconsistencies between the contested case provisions of the Uniform Rules on Agency Procedure and the procedure laid out under the Iowa Civil Rights Act.

Adoption of Rulemaking

This rulemaking was adopted by the Office on March 16, 2026.

Concurrent Publication of Notice of Intended Action

In addition to its adoption on an emergency basis, this rulemaking has been initiated through the normal rulemaking process and is published herein under Notice of Intended Action as **ARC 0378D** to allow for public comment.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Office for a waiver of the discretionary provisions, if any, pursuant to 161—Chapter 15.

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 June 30, 2026.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 161—Chapter 2506:

CHAPTER 2506
CONTESTED CASES

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

161—2506.26(17A) Final decision.

2506.26(2) When the commission does not preside over receiving evidence, the presiding officer will issue a proposed decision. The proposed decision becomes the final decision of the commission without further proceedings unless there is an appeal of the proposed decision to the commission, or review of the proposed decision on the commission's own motion, in accordance with rule 161—2506.27(17A).

161—2506.27(17A) Appeals and review.

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

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

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

- a. The parties initiating the appeal;
- b. The proposed decision or order appealed from;
- c. The specific findings or conclusions to which exception is taken and any other exceptions to the decision or order;
- d. The relief sought; and
- e. The grounds for relief.

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

commission may remand a case to the presiding officer to take additional evidence or may itself preside at the taking of additional evidence.

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

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

161—2506.29(17A) Stays of commission actions.

2506.29(1) *When available.*

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

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

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

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

[Filed Emergency 6/1/26, effective 6/30/26]

[Published 6/24/26]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/24/26.

ARC 0372D

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed Emergency

Rulemaking related to elevator safety board administrative and regulatory authority

The Elevator Safety Board hereby amends Chapter 365, “Elevator Safety Board Administrative and Regulatory Authority,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 89A.3.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2026 Iowa Acts, Senate File 2463.

Purpose and Summary

Pursuant to 2026 Iowa Acts, Senate File 2463, section 5, subsection (2)“b,” these rules have been determined to be necessary by the agency to enhance procedures related to contested cases and waivers before the Board. These rules supplement the Uniform Rules on Agency Procedure in a way that assists both applicants and the Board. This rulemaking modifies the Board’s administrative and regulatory authority rules to supplement the agency’s Uniform Rules on Agency Procedure on contested case provisions found in 7—Chapter 2506 and on waivers found in 7—Chapter 2504.

*Reason for Adoption of Rulemaking Without
Prior Notice and Opportunity for Public Participation*

Pursuant to Iowa Code section 17A.4(3), the Board finds that notice and public participation are unnecessary or impractical because statute so provides. 2026 Iowa Acts, Senate File 2463, section 5, authorizes emergency rulemaking to provide for additions, exceptions, or amendments to the Uniform Rules on Agency Procedure.

Reason for Waiver of Normal Effective Date

Pursuant to Iowa Code section 17A.5(2)“b”(1)(a), the Board also finds that the normal effective date of this rulemaking, 35 days after publication, should be waived and the rulemaking made effective on May 29, 2026, because 2026 Iowa Acts, Senate File 2463, section 5, authorizes emergency rulemaking to provide for additions, exceptions, or amendments to the Uniform Rules on Agency Procedure.

Adoption of Rulemaking

This rulemaking was adopted by the Department of Inspections, Appeals, and Licensing on March 11, 2026.

Concurrent Publication of Notice of Intended Action

In addition to its adoption on an emergency basis, this rulemaking has been initiated through the normal rulemaking process and is published herein under Notice of Intended Action as **ARC 0371D** to allow for public comment.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on May 29, 2026.

The following rulemaking action is adopted:

ITEM 1. Renumber rule **481—365.5(89A)** as **481—365.7(89A)**.

ITEM 2. Adopt the following **new** rule 481—365.5(17A,89A):

481—365.5(17A,89A) Procedures for waivers in addition to 7—Chapter 2504.

365.5(1) *Filing petition.* A petition is deemed filed when it is received in the board's office. The petition shall include the state identification number of the conveyance and the age of the conveyance. A petition should be sent to the Elevator Safety Board, Department of Inspections, Appeals, and Licensing, 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321. The petitioner shall submit the petition and all related materials for consideration at least three weeks prior to a scheduled board meeting for board review of the petition at the meeting.

365.5(2) *Waiver form.* Waiver applicants shall use the board's petition for waiver form. The board may request additional information from the petitioner.

365.5(3) *Posting of orders granting waivers.* The order or a copy of the order granting a waiver shall be conspicuously and permanently posted in the machine room corresponding to the conveyance. The order or a copy of the order granting a waiver that relates to a conveyance that does not have a machine room shall be posted in a protective sleeve attached to the inside of the controller cabinet door corresponding to the conveyance.

365.5(4) *Violations.* Violation of a condition in a waiver order will be treated as a violation of the particular rule for which the waiver was granted. As a result, the recipient of a waiver under this rule who violates a condition of the waiver may be subject to the same remedies or penalties as a person who violates the rule at issue.

ITEM 3. Adopt the following **new** rule 481—365.6(17A,89A):

481—365.6(17A,89A) Procedures for contested cases in addition to 7—Chapter 2506.

365.6(1) *Reconsideration of inspection report.* The owner or operator of a piece of equipment subject to a written inspection report may petition the director for reconsideration of the report within 30 days of the issuance of the report. Failure to seek timely reconsideration of the inspection report is a waiver of all appeal rights. The burden of demonstrating compliance with all applicable statutory provisions, administrative rules, and codes adopted by reference rests upon the petitioning owner or operator.

a. A petition for reconsideration shall be in writing and must be signed by the requesting party or a representative of that party. The required form for a petition for reconsideration is available on the board's website. A petition for reconsideration specifies:

- (1) The party seeking reconsideration, including mailing address and telephone number;
- (2) The location of the equipment subject to the challenged inspection report;
- (3) The inspection date;
- (4) The inspector who issued the challenged inspection report;
- (5) The specific findings or conclusions to which exception is taken;
- (6) The relief sought.

b. A copy of the challenged inspection report shall be attached to the petition for reconsideration. The petitioning party shall also include all relevant documents that the petitioning party desires the director to consider when evaluating the petition.

c. The director or a designee of the director is authorized to seek additional information relating to a petition for reconsideration from the petitioning party or any other entity possessing information the director deems relevant to the petition. This subrule, however, does not impose any responsibility or duty on the director to discover documents or other information that was not submitted with the petition for reconsideration.

d. Any petition for reconsideration that is not received by the office of the director within 30 days of the issuance of the challenged inspection report is untimely and will not be considered by the director.

e. The director will not consider any request for waiver of an administrative rule made as part of a petition for reconsideration. Requests for waivers of administrative rules may only be made to the board pursuant to the provisions of 481—Chapter 365.

f. In ruling on a petition for reconsideration, the director may:

- (1) Affirm the inspection report as issued;
- (2) Issue an amended inspection report;

(3) Rescind the inspection report;

(4) Deny the petition as untimely.

g. Any petition for reconsideration that is not ruled upon by the director within 20 days of receipt by the office of the director shall be deemed denied and the challenged inspection report affirmed as issued.

365.6(2) *Appeal to the board.* The director's ruling on a petition for reconsideration or the director's deemed denial of a petition for reconsideration may be appealed to the board. An appeal must be filed in writing with the board within 30 calendar days of the earlier of either the issuance of the director's written ruling on a petition for reconsideration or the director's deemed denial of a petition for reconsideration. At a minimum, an appeal includes a short and concise statement of the basis for the appeal. The required form for an appeal is available on the board's website. Consideration of an appeal of a ruling on a petition for reconsideration is a contested case proceeding subject to the provisions of Iowa Code chapter 17A. The director has an automatic right of intervention in any appeal of the ruling on petition for reconsideration and may defend the ruling in a contested case proceeding.

365.6(3) *Informal review.*

a. In order to preserve the ability of board members to participate in decision-making, a party who elects an informal review under this rule waives the party's right to seek disqualification of a board member as a presiding officer in a later contested case proceeding based on the board member's participation in the informal review. Parties would not be waiving their right to seek disqualification on any other ground.

b. The board may propose a preliminary order at the time of informal review. If a party does not consent to the preliminary order, the party must submit a request to proceed with formal contested case proceedings, including hearing, within ten days of the informal review.

c. File transmitted to the board. Upon receipt of a notice of hearing issued by the board, the director shall within 30 days forward to the board and all parties of record to the appeal copies of the challenged inspection report, the appellant's petition for reconsideration and all supporting documents, all other documents collected by the director in ruling on the petition for reconsideration, and the director's ruling on the petition for reconsideration.

365.6(4) *Presiding officer.*

a. The presiding officer in all contested cases is the board, a panel of board members, or an administrative law judge assigned by the department of inspections, appeals, and licensing. When board members act as presiding officer, the board members shall conduct the hearing and issue either a final decision or, if a quorum of the board is not present, a proposed decision. The board may be assisted by an administrative law judge when the board acts as presiding officer.

b. The board or a panel of board members when acting as presiding officer may request that an administrative law judge perform certain functions as an aid to the board or board panel, such as ruling on prehearing motions, conducting the prehearing conference, ruling on evidentiary objections at hearing, assisting in deliberations, or drafting the written decision for review by the board or board panel.

c. All rulings by an administrative law judge who acts either as presiding officer or assistant to the board are subject to appeal to the board. A party must timely seek intra-agency appeal of prehearing rulings or proposed decisions in order to exhaust adequate administrative remedies. While a party may seek immediate board or board panel review of rulings made by an administrative law judge when sitting with and acting as an aid to the board or board panel during a hearing, such immediate review is not required to preserve error for judicial review.

d. Unless otherwise provided by law, when reviewing a proposed decision of a panel of the board or an administrative law judge, board members have the powers of and shall comply with the provisions of this chapter that apply to presiding officers.

365.6(5) *Subpoenas in a contested case.*

a. A request for a subpoena shall include the following information, as applicable:

- (1) The name, address, and telephone number of the person requesting the subpoena;
- (2) The name and address of the person to whom the subpoena will be directed;

(3) The date, time, and location at which the person shall be commanded to attend and give testimony;

(4) Whether the testimony is requested in connection with a deposition or hearing;

(5) A description of the books, papers, records, or other evidence requested;

(6) The date, time, and location for production or inspection and copying.

b. Each subpoena shall contain, as applicable:

(1) The caption of the case;

(2) The name, address, and telephone number of the person who requested the subpoena;

(3) The name and address of the person to whom the subpoena is directed;

(4) The date, time, and location at which the person is commanded to appear;

(5) Whether the testimony is commanded in connection with a deposition or hearing;

(6) A description of the books, papers, records, or other evidence the person is commanded to produce;

(7) The date, time, and location for production or inspection and copying;

(8) The time within which a motion to quash or modify the subpoena must be filed;

(9) The signature, address, and telephone number of the presiding officer;

(10) The date of issuance;

(11) A return of service attached to the subpoena.

c. Any person who is aggrieved or adversely affected by compliance with the subpoena or any party to the contested case who desires to challenge the subpoena must, within 14 days after service of the subpoena, or before the time specified for compliance if such time is less than 14 days, file with the board a motion to quash or modify the subpoena. The motion shall describe the legal reasons why the subpoena should be quashed or modified and may be accompanied by legal briefs or factual affidavits.

d. Upon receipt of a timely motion to quash or modify a subpoena, the board chairperson shall request an administrative law judge to hold a hearing and issue a decision. Oral argument may be scheduled at the discretion of the board or the administrative law judge. The administrative law judge may quash or modify the subpoena or deny the motion.

e. A person aggrieved by a ruling of an administrative law judge who desires to challenge that ruling must appeal the ruling to the board by serving on the board, either in person or by certified mail, a notice of appeal within ten days after service of the decision of the administrative law judge. If the decision of the administrative law judge to quash or modify the subpoena or to deny the motion to quash or modify the subpoena is appealed to the board, the board may uphold or overturn the decision of the administrative law judge.

f. If the person contesting the subpoena is not the party whose appeal is the subject of the contested case, the board's decision is final for purposes of judicial review. If the person contesting the subpoena is the party whose appeal is the subject of the contested case, the board's decision is not final for purposes of judicial review until there is a final decision in the contested case.

365.6(6) *Decisions.*

a. Proposed decision. Decisions issued by a panel of less than a quorum of the board or by an administrative law judge are proposed decisions. A proposed decision issued by a panel of the board or an administrative law judge becomes a final decision if not timely appealed by any party or reviewed by the board.

b. Final decision. When a quorum of the board presides over the reception of evidence at the hearing, the decision is a final decision. A copy of the final decision and order shall immediately be sent by certified mail to the appellant's last-known post office address or may be served as in the manner of original notices. Copies shall be mailed by interoffice mail or first-class mail to the counsel of record.

[Filed Emergency 5/27/26, effective 5/29/26]

[Published 6/24/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/24/26.

ARC 0385D**INSURANCE DIVISION[191]****Adopted and Filed Emergency****Rulemaking related to contested cases**

The Insurance Division hereby adopts new Chapter 2506, “Contested Cases,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 17A and 2026 Iowa Acts, Senate File 2463, section 5.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A and 2026 Iowa Acts, Senate File 2463, section 5.

Purpose and Summary

This rulemaking modifies the Uniform Rules on Agency Procedure related to contested cases (7—Chapter 2506) to ensure that matters coming before the Division are governed by these administrative procedures and not the contested case provisions of 7—Chapter 2506.

*Reason for Adoption of Rulemaking Without
Prior Notice and Opportunity for Public Participation*

Pursuant to Iowa Code section 17A.4(3), the Division finds that notice and public participation are unnecessary or impractical because statute so provides. 2026 Iowa Acts, Senate File 2463, section 5, authorizes emergency rulemaking to provide for additions, exceptions, or amendments to the Uniform Rules on Agency Procedure.

Reason for Waiver of Normal Effective Date

Pursuant to Iowa Code section 17A.5(2)“b”(1)(a), the Division also finds that the normal effective date of this rulemaking, 35 days after publication, should be waived and the rulemaking made effective on June 30, 2026, because 2026 Iowa Acts, Senate File 2463, section 5, authorizes emergency rulemaking to provide for additions, exceptions, or amendments to the Uniform Rules on Agency Procedure. The new Uniform Rules on Agency Procedure are effective as of January 13, 2026, which means there is an inconsistency between the contested case provisions of the Uniform Rules on Agency Procedure and the procedures that the Division requires to process the Division’s significant regulatory caseload. An earlier effective date will allow the Division to ensure any respondent coming before the Division has clear direction as to the appropriate procedural requirements.

Adoption of Rulemaking

This rulemaking was adopted by Douglas Ommen, Iowa Insurance Commissioner, on June 3, 2026.

Concurrent Publication of Notice of Intended Action

In addition to its adoption on an emergency basis, this rulemaking has been initiated through the normal rulemaking process and is published herein under Notice of Intended Action as **ARC 0386D** to allow for public comment.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Division for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

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 June 30, 2026.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 191—Chapter 2506:

CHAPTER 2506
CONTESTED CASES

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

191—2506.5(17A) Notice of hearing.

2506.5(3) *Timing of hearing.* The hearing in a contested case shall be held within 90 days after the commencement of the contested case unless a continuance is granted by the presiding officer, or as otherwise permitted by law.

191—2506.13(17A) Discovery.

2506.13(1) *Discovery procedures.* Discovery procedures applicable in civil actions are applicable in contested cases. Unless lengthened or shortened by these rules or by order of the presiding officer, time periods for compliance with discovery are as set forth in the Iowa Rules of Civil Procedure. No new discovery under Iowa Rules of Civil Procedure 1.509, 1.510, and 1.512 may be served within 40 days of the scheduled hearing. All discovery must be completed no later than 15 days before the prehearing conference.

2506.13(5) *Notice of discovery.* Discovery is only permitted after a party has filed, pursuant to rule 7—2506.12(17A), a notice of discovery no later than 15 days after the filing of an answer unless extended by the presiding officer for good cause shown or by agreement of the parties. The notice of discovery shall be a general notice that the party is serving discovery. The notice should include a statement regarding the type of discovery being conducted and the due date.

2506.13(6) *Discovery responses.* Parties must respond to discovery within 15 days of receipt unless the parties mutually agree there is good cause to lengthen the response period or by order of the

presiding officer. Time periods for compliance with discovery may be lengthened or shortened by order of the presiding officer.

191—2506.17(17A) Continuances.

2506.17(1)

a. Be made at the earliest possible time and no less than 14 days before the hearing, except in case of unanticipated emergencies or consent of all parties;

191—2506.26(17A) Final decision.

2506.26(1) When the commissioner presides over the reception of evidence at the hearing, the commissioner's decision is the final decision. When the commissioner does not preside over the reception of evidence, the presiding officer shall make a proposed decision. The proposed decision becomes the final decision of the agency when adopted by the commissioner or without further proceedings after the time provided in rule 7—2506.27(17A).

191—2506.32(17A) Summary cease and desist orders. When a statute authorizes action to be taken without a prior hearing, the commissioner's order shall be sent to the last-known address of the party by return receipt requested unless the party is a licensee in which case the order shall be sent by restricted certified mail. The order shall include a brief statement of findings of fact, conclusions of law, and policy reasons for the decision; direct the person or insurer to cease and desist from engaging in the act or practice or to take other affirmative action as necessary, in the judgment of the commissioner, to comply with the statute; and state that the party will be afforded a contested case proceeding and a hearing if a request is filed with the commissioner within 30 days from the date that the order is issued unless a different time is specified by statute. The commissioner shall issue a notice of hearing no later than 30 days from the date of receipt of a timely request for a contested case proceeding and hearing. If a statute requires a hearing to be held following issuance of a summary order, the date and time of that hearing shall be set forth in the order. Summary orders shall remain effective during the pendency of proceedings.

191—2506.33(17A) Report by administrative law judge. Any administrative law judge serving as a presiding officer in a contested case shall report to the commissioner on a monthly basis all matters taken under advisement for longer than 60 days, together with an explanation of the reasons for the delay and an expected date of a proposed decision. A matter shall be reported when all hearings have been completed and the matter awaits the issuance of a proposed decision without further appearance of the parties or their attorneys, even though briefs or transcripts have been ordered but have not yet been filed. The report shall be due on the tenth day of each calendar month for the period ending with the last day of the preceding calendar month. The report shall be signed by the administrative law judge. All reports received will be filed with the division as records available for public inspection.

191—2506.34(17A) Settlement.

2506.34(1) A party to a controversy that may culminate or has culminated in contested case proceedings may attempt settlement by complying with the procedures set forth in this subrule. No party shall be required to settle the controversy or contested case by submitting to settlement procedures.

2506.34(2) Parties desiring settlement shall set forth in writing the various points of a proposed settlement, including findings of facts.

2506.34(3) When signed by the parties and approved by the commissioner, a settlement shall represent final disposition of the matter.

2506.34(4) When there is more than one party adverse to the division, a separate settlement between one party and the division is permissible.

2506.34(5) A proposed settlement that is not accepted or signed by the parties and the commissioner shall not be admitted as evidence in the record of a contested case proceeding. Evidence of conduct or statements made in settlement negotiations likewise are not admissible. This rule does not require exclusion when the evidence is offered for another purpose, such as proving bias or prejudice of

a witness, negating a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution.

[Filed Emergency 6/3/26, effective 6/30/26]

[Published 6/24/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/24/26.

ARC 0370D

LAW ENFORCEMENT ACADEMY[501]

Adopted and Filed Emergency

Rulemaking related to modifications to uniform rules

The Iowa Law Enforcement Academy hereby adopts new Chapter 2504, “Rule Waivers—Modifications to Uniform Rules,” Chapter 2505, “Fair Information Practices—Modifications to Uniform Rules,” and Chapter 2506, “Contested Cases—Modifications to Uniform Rules,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in 2026 Iowa Acts, Senate File 2463, and Iowa Code chapters 17A, 22, 80B, and 80D.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A.

Purpose and Summary

This rulemaking implements the transition to the statewide Uniform Rules on Agency Procedure as mandated by 2026 Iowa Acts, Senate File 2463. While the Iowa Law Enforcement Academy Council adopts most of the Uniform Rules on Agency Procedure, this rulemaking includes critical additions and exceptions necessary to maintain high professional standards, public trust and public safety.

Pursuant to 2026 Iowa Acts, Senate File 2463, section 5, the Council has determined that the following modifications are necessary to fulfill its statutory responsibilities under Iowa Code chapter 80B and ensure public safety. These modifications include the following:

- **Item 1:** 501—Chapter 2504, Rule Waivers—Modifications to Uniform Rules

Modification: 501—paragraphs 2504.1(1)“a” through “d,” regarding availability of waivers.

This amendment modifies the Uniform Rules on Agency Procedure related to rule waivers (7—Chapter 2504) to ensure that four specific minimum standards for law enforcement officers and reserve officers are not waivable. Iowa Code section 80B.11(1)“a” mandates the minimum age for officers, and the Iowa Appellate Courts have approved the Council’s position that the minimum standards for vision, hearing, and physical fitness are not waivable.

- **Item 2:** 501—Chapter 2505, Fair Information Practices—Modifications to Uniform Rules

Modification: Rules 501—2505.9(22,80B,80D) through 501—2505.12(22,80B,80D), regarding personally identifiable information.

This amendment modifies the Uniform Rules on Agency Procedure related to fair information practices (7—Chapter 2505) to ensure that the Academy complies with the statutory mandate to identify the personally identifiable information collected and maintained by the agency.

- **Item 3:** 501—Chapter 2506, Contested Cases—Modifications to Uniform Rules

Modification: Rule 501—2506.8(17A), regarding telephone proceedings.

This amendment modifies the Uniform Rules on Agency Procedure related to contested cases (7—Chapter 2506) to ensure that licensing hearings for law enforcement officers allow the flexibility for

remote testimony. Licensing hearings frequently involve multiple witnesses from a single agency. While the State and local agencies have an interest in cooperating to present their testimony, the agency must balance its need to still fully function as a law enforcement agency in its jurisdiction.

*Reason for Adoption of Rulemaking Without
Prior Notice and Opportunity for Public Participation*

Pursuant to Iowa Code section 17A.4(3), the Council finds that notice and public participation are unnecessary or impractical because statute so provides. 2026 Iowa Acts, Senate File 2463, section 5, authorizes emergency rulemaking to provide for additions, exceptions, or amendments to the Uniform Rules on Agency Procedure.

Reason for Waiver of Normal Effective Date

Pursuant to Iowa Code section 17A.5(2)“b”(1)(a), the Council also finds that the normal effective date of this rulemaking, 35 days after publication, should be waived and the rulemaking made effective on June 30, 2026, because 2026 Iowa Acts, Senate File 2463, section 5, authorizes emergency rulemaking for the purpose stated above. The new Uniform Rules on Agency Procedure are effective as of January 13, 2026, which means the waiver rules, fair information practices, and contested case provisions of the Uniform Rules on Agency Procedure will not adequately maintain the high professional standards and public safety upon enactment of 2026 Iowa Acts, Senate File 2463. An earlier effective date will allow the Council to ensure high professional standards, public trust, and public safety.

Adoption of Rulemaking

This rulemaking was adopted by the Council on May 26, 2026.

Concurrent Publication of Notice of Intended Action

In addition to its adoption on an emergency basis, this rulemaking has been initiated through the normal rulemaking process and is published herein under Notice of Intended Action as **ARC 0369D** to allow for public comment.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Council for a waiver of the discretionary provisions, if any, pursuant to 501—Chapter 2504.

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 June 30, 2026.

The following rulemaking action is adopted:

ITEM 1. Adopt the following **new** 501—Chapter 2504:

CHAPTER 2504

RULE WAIVERS—MODIFICATION TO UNIFORM RULES

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

501—2504.1(17A) Application.

2504.1(1) Availability. Any person may submit a petition to waive, in whole or in part, a rule in the council’s jurisdiction by submitting the petition to the council, except for the rules applying to minimum standards for law enforcement and reserve officers regarding:

- a. Age at the time of appointment, 501—subrule 2.1(2);
- b. Vision standards, 501—subrule 2.1(9);
- c. Hearing standards, 501—subrule 2.1(10); or
- d. Physical fitness standards, 501—paragraph 2.2(1)“a.”

This rule is intended to implement Iowa Code chapters 80B and 80D.

ITEM 2. Adopt the following **new** 501—Chapter 2505:

CHAPTER 2505

FAIR INFORMATION PRACTICES—MODIFICATIONS TO UNIFORM RULES

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

501—2505.9(22,80B,80D) Additional definitions. As used in this chapter:

“*Record*” means the whole or a part of a public record as defined in Iowa Code section 22.1 that is owned by or in the physical custody of the academy.

“*Record system*” means any group of records under the control of the academy from which a record may be retrieved by a personal identifier, such as the name of an individual or other unique personal identifier assigned to an individual.

501—2505.10(22,80B,80D) Personally identifiable information. This rule describes the nature and extent of personally identifiable information collected, maintained, and retrieved by the academy by personal identifier in a record system as defined in rule 501—2505.9(22,80B,80D). Unless otherwise stated, the authority to maintain the record is provided by Iowa Code chapter 80B or 80D. Academy records are maintained in paper or in electronic form. The record systems maintained by the agency are:

2505.10(1) Academy administrative records.

a. *Personnel records.* These records contain information about employees, families and dependents, and applicants for positions with the academy. Some of this information is confidential under Iowa Code section 22.7(11) and 22.7(18), Iowa Code chapter 692, and other applicable law.

b. *Employee investigations.* These records contain information about employment investigations conducted by the academy. This information is confidential under Iowa Code section 22.7(11) and 22.7(18) and other applicable law.

c. *Financial records.* These records contain the financial documentation necessary to function as a state entity. Some of this information is confidential under Iowa Code section 22.7(11) and 22.7(18).

d. *Contract records.* These records contain information about contracts between the academy and outside agencies or individuals. Some of this information may be confidential under Iowa Code section 22.7.

e. Litigation files. These files or records contain information regarding litigation, or anticipated litigation, which includes judicial and administrative proceedings. The records include briefs, depositions, docket sheets, documents, correspondence, attorneys' notes, memoranda, research materials, witness information, investigation materials, information compiled under the direction of the attorney, and case management records. The files contain materials that are confidential as attorney work product and attorney-client communications. Some materials are confidential under other applicable provisions of law or because of a court order. Persons wanting copies of pleadings and other documents filed in litigation should obtain them from the clerk of the appropriate court that maintains the official copy. Copies of pleadings and other documents filed in administrative litigation with the academy may be obtained from the academy during normal business hours. Litigation files or records are confidential as outlined in Iowa Code sections 80B.13A(5), 22.7(4) and 622.10.

f. Council decisions. All final orders, decisions, or opinions are public records, except for information that is confidential under Iowa law. This information, collected under the authority of Iowa Code chapters 17A, 80B, or 80D, may contain confidential information about individuals.

2505.10(2) Program records.

a. Law enforcement and reserve peace officer files. These records contain information about law enforcement and reserve peace officers appointed in Iowa. These files may contain hiring, certification, and termination information; training records; personal questionnaires; and endorsement information. Some of these records may be confidential under Iowa Code section 22.7 or chapter 692.

b. Psychological and cognitive testing files. These records contain information about an applicant's scores on cognitive and psychological tests mandated by Iowa Code section 80B.11(1) "g." Some of these records may be confidential under Iowa Code sections 22.7(19) and 228.9.

c. Law enforcement officer class files. These records contain information about individuals who have attended training classes at the academy. These records may contain grade information, class rosters, class schedules, class tests, photographs of class members, and disciplinary information. Some of this information may be confidential under Iowa Code section 22.7.

d. Instructor endorsement files. These records contain information about individuals who have attended specialized training programs to earn an endorsement in a specialized area of law enforcement. Some of this information may be confidential under Iowa Code section 22.7.

e. Agency partner files. These records contain information about individuals who have requested approval from the council or academy to perform services for law enforcement personnel or applicants.

f. Recruit investigation files. These records contain information about investigations conducted on recruits during attendance at a training class at the academy. Some of these records may be confidential under Iowa Code section 17A.2(11) or 22.7(11) or other applicable law.

g. Decertification files. These files or records contain information on a person who is certified as a law enforcement or reserve peace officer in the state of Iowa. The records may contain administrative or court filings or records, investigative reports, criminal history data, medical records, child abuse records, and attorney-client work product concerning possible or pending litigation. Some of this information may be confidential under Iowa Code sections 80B.13A(5), 17A.2(11) and 22.7; Iowa Code chapters 125, 232, 235A, and 692; the Health Insurance Portability and Accountability Act (HIPAA); or other applicable law.

h. Library user files. These records contain information on individuals who have checked out library materials from the academy library. This information is confidential pursuant to Iowa Code section 22.7(13).

501—2505.11(22,80B,80D) Other groups of records. This rule describes groups of records that may be maintained by the academy other than records with a personal identifier in a records system as defined in rule 501—2505.9(22,80B,80D). The records listed may contain information about individuals and may contain confidential information. These records are generally available to the public, consistent with Iowa Code chapter 22. Unless otherwise noted, the authority for the academy to maintain the record is provided by Iowa Code chapter 80B or 80D. Records are stored on paper or in electronic form.

2505.11(1) Academy administrative records.

a. General records. These records include documentation of administrative functions of the academy, such as budget and financial records, accounting records, inventory, reservation and use of facility space, purchasing, staff policies, printing and supply requisitions, testing fees, tuition, miscellaneous correspondence, and organizational charts, among other administrative records.

b. Publications and statistical reports. These records include but are not limited to news releases, annual reports, project reports, and newsletters that describe various academy programs.

c. Mailing and contact lists. These records include lists, including names, mailing addresses, and telephone numbers of council members, law enforcement agencies, law enforcement personnel, officials in government, and members of the public. These lists may be used for distribution of informational material, such as newsletters, policy directives, or educational information. These lists are also used to provide contacts for coordination of services or as reference information sources.

d. Legislative files. These records include pending bills, enrolled bills, legislative proposals and copies of amendments.

e. Research files. These records include research regarding various concerns impacting law enforcement and the academy's rulemaking and training obligations. Some of this information is confidential as attorney-client work product under Iowa Code section 17A.2(11) or 22.7 or other applicable law.

2505.11(2) Program records.

a. Council records. These records include information from council meetings. Some of these records may be confidential under Iowa Code section 21.5 or other applicable law. This information is collected pursuant to Iowa Code chapter 21.

b. Rulemaking records. These records include public documents created during the promulgation of council rules and public comments. This information is collected pursuant to Iowa Code chapter 17A.

c. Course curriculum. These records include instructional materials for all courses taught by academy personnel.

2505.11(3) All other records. Records are public if not exempted from disclosure by law.

501—2505.12(22,80B,80D) Data processing systems. The data processing systems used by the academy may permit the comparison of personally identifiable information in one record system with personally identifiable information in another record system.

These rules are intended to implement Iowa Code chapters 22 and 80B.

ITEM 3. Adopt the following new 501—Chapter 2506:

CHAPTER 2506

CONTESTED CASES—MODIFICATIONS TO UNIFORM RULES

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

501—2506.8(17A) Telephone proceedings. The presiding officer may resolve preliminary procedural motions by telephone or videoconference in which all parties have an opportunity to participate. Contested case hearings may be held by telephone or videoconference with the consent of all parties. Any party may call witnesses by telephone conference or videoconference with 14 days' advance notice to all parties and the presiding officer. Failure of a party to make timely disclosure may result in the disallowance of testimony by telephone conference or videoconference.

[Filed Emergency 5/26/26, effective 6/30/26]

[Published 6/24/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/24/26.

ARC 0375D**UTILITIES COMMISSION[199]****Adopted and Filed Emergency****Rulemaking related to uniform rules on agency procedure**

The Utilities Commission hereby amends Chapter 1, “Organization and Operation”; rescinds Chapter 7, “Practice and Procedure”; and adopts new Chapter 2505, “Fair Information Practices,” and Chapter 2506, “Contested Cases,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 17A and sections 474.5 and 476.2.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A.

Purpose and Summary

Effective January 13, 2026, the Administrative Rules Coordinator adopted the new Uniform Rules on Agency Procedure, including procedures for contested cases (7—Chapter 2506), which are effective for any agency that does not have existing rules covering the subject matter of that uniform rule. The current Commission rules that govern contested cases, as shown in Chapter 7, have been specifically curated over many years and continuous engagement between the Commission and stakeholders. Prior to Executive Order 10, the Commission had a standard five-year rolling chapter review schedule, which included stakeholder engagement. The stakeholder engagement remained as the Commission’s contested case rules were reviewed again during the Executive Order 10 process. The area of utility regulates the type of cases (dockets) that come before the Commission that require specialty rules, as utility regulation is complex and specific in nature. The Uniform Rules on Agency Procedure were drafted for agencies with presiding officers who conduct hearings and handle other prehearing matters, which is not how the Commission is statutorily configured pursuant to Iowa Code section 474.1. (The Commission is a quasijudicial agency with three Commissioners who make policy and adjudicate the matters that come before the Commission). These complex matters and procedures include detailed filings and the need for expert witnesses, which utilize prefiled testimony and exhibits and extensive discovery that can last up until the time of hearing. By retaining the Commission’s contested case rules, stakeholders who come before the Commission are able to continue using the rules stakeholders have spent time in helping develop. This will allow stability within the utility sector because the stakeholders know what is expected when the parties/stakeholders file with the Commission, the time frame for motions/answers, the time frame for intervention, and the expectation for discovery will all remain the same; as will the myriad of other concerns expressed by stakeholders during discussions of the Uniform Rules on Agency Procedure. The Commission is appreciative of the Administrative Rules Coordinator’s agreement to the opt-out request for the contested case rules.

Similarly, rule 199—1.7(22) covers how the Commission handles requests for confidential treatment/open records. While not granted opt-out privileges for fair information practices, the Commission was allowed by the Administrative Rules Coordinator to include two additional provisions to Chapter 2505. These are subrule 2505.5(4) for compliance and rule 199—2505.9(17A,22) for a laundry list of items that automatically receive confidential treatment. The Commission receives numerous requests for confidential treatment due to the utility regulatory environment. The Commission’s rule is the result of collaboration with industry and offers an efficient and predictable way to handle the requests. By adding these additional rules, the Commission is able to adopt the Uniform Rules on Agency Procedure

while maintaining its current practices. This allows the utility stakeholders to continue with the known standard leading to a more predictable process for the handling of confidential treatment requests.

Due to the continuous stakeholder engagement, streamlined processes, and niche regulatory environment, the Commission was granted opt-out permission from the Administrative Rules Coordinator for the uniform rule regarding contested cases. To be consistent with other executive agencies, the Commission's contested cases chapter will be renumbered to 199—Chapter 2506. To be consistent with the Uniform Rules on Agency Procedure, this subrule and rule will be numbered 199—subrule 2505.5(4) and rule 199—2505.9(17A,22).

*Reason for Adoption of Rulemaking Without
Prior Notice and Opportunity for Public Participation*

Pursuant to Iowa Code section 17A.4(3), the Commission finds that notice and public participation are unnecessary or impractical because statute so provides. The Commission was granted an exception for amendments to the Uniform Rules on Agency Procedure that are generally applicable to agencies pursuant to 2026 Iowa Acts, Senate File 2463. Emergency filing is needed to ensure the Commission's rules are consistent with other agencies' uniform rules.

Reason for Waiver of Normal Effective Date

Pursuant to Iowa Code section 17A.5(2)“b”(1)(a), the Commission also finds that the normal effective date of this rulemaking, 35 days after publication, should be waived and the rulemaking made effective on June 1, 2026, because statute so provides in 2026 Iowa Acts, Senate File 2463.

Adoption of Rulemaking

This rulemaking was adopted by the Commission on May 22, 2026.

Concurrent Publication of Notice of Intended Action

In addition to its adoption on an emergency basis, this rulemaking has been initiated through the normal rulemaking process and is published herein under Notice of Intended Action as **ARC 0376D** to allow for public comment.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

No waiver provision is included in the proposed amendments because the Commission has a general waiver provision in rule 199—1.3(17A,474,476) that provides procedures for requesting a waiver of the rules in these chapters.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking became effective on June 1, 2026.

The following rulemaking action is adopted:

- ITEM 1. Rescind and reserve subrule **1.7(2)**.
- ITEM 2. Rescind subrule **1.7(9)**.
- ITEM 3. Rescind and reserve **199—Chapter 7**.
- ITEM 4. Adopt the following **new** 199—Chapter 2505:

CHAPTER 2505

FAIR INFORMATION PRACTICES

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapters are below.

199—2505.5(17A,22) Requests for treatment of a record as a confidential record and its withholding from examination.

2505.5(4) Compliance. If a request complies with 7—subrule 2505.5(2), a record will be temporarily withheld from public inspection. The commission will examine the record to determine whether the information in the record should be afforded confidentiality. If the request is granted, the ruling will be placed in a publicly accessible file in lieu of the record withheld from public inspection. If no objection to the request for confidential treatment is filed within 20 days, the commission may defer consideration of the request until a public records request is made for the record or information, and the record or information shall be withheld from public inspection subject to the provisions of rule 7—2505.4(17A,22).

199—2505.9(17A,22) Records not routinely available for public inspection.

2505.9(1) Tax records. The commission is required to withhold tax records from public inspection pursuant to Iowa Code section 422.20.

2505.9(2) Records exempted pursuant to requests deemed granted by the commission. Requests to withhold from public inspection the records and information listed in the paragraphs below are deemed granted by the commission pursuant to Iowa Code section 22.7(3) or 22.7(6) or both, provided that the confidential portions of the filings are identified as confidential and filed as provided in 199—Chapter 14, and an attorney for the company or corporate officer avers that the material or information satisfies the requirements in Iowa Code section 22.7(3) or 22.7(6) or both. The records or information filed pursuant to this subrule will be deemed confidential upon the filer's receipt of a notice of electronic filing without further review or acknowledgement by the commission, and the record or information will be withheld from public inspection subject to the provisions of subrule 2505.5(4).

- a. Negotiated transportation rates and prices for natural gas supply.
- b. Reservation charges for portfolio gas supply contracts.
- c. Terms and prices for all hedging activity, including financial hedges and weather-related information.
- d. Sales data by individual natural gas customer.
- e. Natural gas purchase volumes by individual receipt point, by pipeline.
- f. Specific gas costs included in interstate pipeline contracts and contracted volume quantities, invoices, commodity contracts, and individual commodity purchases and invoices.
- g. Design day forecasting model reserve margin calculations for natural gas service.
- h. Negotiated purchase prices for electric power, fuel, and transportation.
- i. Electric customer-specific information.
- j. Power supply bills in support of energy adjustment clause filings.
- k. Network improvement and maintenance plans and related extensions and progress reports filed with the commission pursuant to 199—Chapter 39.

- l.* Wireless coverage area maps depicting signal strength filed with the commission pursuant to 199—Chapter 39.
- m.* Revenue recovery amounts and loop or line count data filed with the commission pursuant to 199—Chapter 39.
- n.* Financial reports and loop or line count data included in rate floor data filed with the commission pursuant to 199—Chapter 39.
- o.* Loop or line count data included in rate floor data updates filed with the commission pursuant to 199—Chapter 39.
- p.* The financial records filed by applicants for certificates of convenience and necessity to provide competitive local exchange service.
- q.* The financial records, number of customers, and volumes filed by competitive natural gas providers in each company’s annual report. The aggregate total sales volume is not granted confidential treatment by this paragraph.
- r.* The financial information regarding affiliate transactions required for rate-regulated utilities. This information is subject to staff and legal review to ensure the information protected is similar to other information included in this paragraph.
- s.* Information filed in a particular docket that is of the same type, nature, and scope as information for which the commission previously granted confidentiality in that same docket.

ITEM 5. Adopt the following **new** 199—Chapter 2506:

CHAPTER 2506 CONTESTED CASES

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. The commission adopts this chapter as an exception in full to 7—Chapter 2506.

199—2506.1(17A,474,476) Scope and applicability.

2506.1(1) This chapter applies to contested case proceedings, investigations, and other proceedings conducted by the commission or a presiding officer unless the proceedings have specific procedures established in commission rules. If there are no other applicable procedural rules, this chapter applies to other types of agency action unless the commission or presiding officer orders otherwise. The rules in this chapter regarding the content and format of pleadings, testimony, workpapers, and other supporting documents apply to both paper filings and electronic filings made pursuant to 199—Chapter 14. The rules in this chapter regarding filing, service, and the necessary number of copies apply to paper filings. The filing and service of electronically filed documents are governed by 199—Chapter 14. The commission has established additional procedural requirements in other chapters as described in subrules 2506.1(2) through 2506.1(5).

2506.1(2) Additional rules applicable only to rate cases, tariff filings, and rate regulation election by rural electric cooperatives are contained in 199—Chapter 26.

2506.1(3) Notice of inquiry dockets and investigations. The commission may issue a notice of inquiry or open an investigation and establish a docket through which the inquiry or investigation can be processed. The procedural rules in this chapter apply to these dockets unless otherwise ordered by the commission or presiding officer.

2506.1(4) Reorganizations. Procedural rules applicable to reorganizations are included in rule 199—32.5(476). In the event the requirements in rule 199—32.5(476) conflict with the requirements in this chapter, the requirements in rule 199—32.5(476) are controlling.

2506.1(5) Discontinuance of service incident to utility property transfer. This subrule does not apply to telecommunications service providers registered with the commission pursuant to Iowa Code section 476.95A.

a. Scope. This rule applies to discontinuance of utility service pursuant to Iowa Code section 476.20(1), which includes the termination or transfer of the right and duty to provide utility service to a

community or part of a community incident to the transfer, by sale or otherwise, except a stock transfer incident to corporate reorganization.

b. Application. An application for permission to discontinue service should include a summary of the relevant facts and the grounds upon which the application should be granted. When the discontinuance of service is incident to the transfer of utility property, a joint application will be filed by the transferor utility and the transferee.

c. Approval. Within 30 days after an application is filed, the commission will approve the application or docket the application for further investigation.

d. Contested cases. Contested cases under paragraph 2506.1(5)“c” will be completed within four months after the date of docketing.

e. Criteria. The application will be granted if the commission finds the utility service is no longer necessary or if the commission finds the transferee is ready, willing, and able to provide comparable utility service.

2506.1(6) The purpose of these rules is to facilitate the transaction of business before the commission and to promote the just resolution of controversies. Consistent with this purpose, the application of any of these rules, unless otherwise prescribed by law, may be waived by the commission or presiding officer pursuant to 7—Chapter 2504.

2506.1(7) Procedural orders.

a. Authority to issue procedural orders in all proceedings, including contested case proceedings, investigations, and all other dockets and matters before the commission when a majority of the commission is not available due to emergency, or for the efficient and reasonable conduct of proceedings, is granted to a single commission member. If no member of the commission is available to issue a procedural order due to emergency, or for the efficient and reasonable conduct of proceedings, the procedural order may be issued by a presiding officer designated by the commission. If a presiding officer is not available to issue a procedural order due to an emergency, or for the efficient and reasonable conduct of proceedings, a procedural order may be issued by the general counsel of the commission.

b. Procedural orders under this subrule will be issued only upon the showing of good cause and when the prejudice to a nonmoving party is not great. The procedural order under this subrule will state that it is issued pursuant to the delegation authority established in this subrule and that the procedural order so issued is subject to review by the commission upon its own motion or upon motion by any party or other interested person.

199—2506.2(17A,476) Definitions. Except where otherwise specifically defined by law:

“*Commission*” means the Iowa utilities commission or a majority thereof.

“*Complainants*” means persons who complain to the commission of any act or thing done or omitted to be done in violation, or claimed to be in violation, of any provision of Iowa Code chapters 476 through 476C, 477, 477A, and 477C through 479B or of any order or rule of the commission.

“*Consumer advocate*” means the office of consumer advocate, a division of the Iowa department of justice, referred to in Iowa Code chapter 475A.

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

“*Data request*” means a discovery procedure in which the requesting party asks another person for specified information or requests the production of documents.

“*Expedited proceeding*” means a proceeding before the commission in which a statutory or other provision of law directs the commission to render a decision in the proceeding in six months or less.

“*Filed*” means “accepted for filing” by the commission as defined in rule 199—14.3(17A,476).

“*Intervenor*” means any person who, upon written petition, is permitted to intervene as a party in a specific proceeding before the commission.

“*Issuance*” means the date on which an order is uploaded into the commission’s electronic filing system.

“*Party*” means each person named or admitted as a party in a proceeding before the commission.

“*Person*” means the same as defined in Iowa Code section 4.1(20) and includes individuals and all forms of legal entities.

“*Petitioner*” or “*applicant*” means any party who, by written petition, application, or other filing, applies for or seeks relief from the commission.

“*Presiding officer*” means one commission member or another person designated by the commission with the authority to preside over a particular proceeding or matter before the commission.

“*Proposed decision*” means the presiding officer’s recommended findings of fact, conclusions of law, decision, and order in a proceeding that has been assigned by the commission to the presiding officer.

“*Service*” means service as prescribed in 199—Chapter 14.

199—2506.3(17A,476) Presiding officers. Presiding officers may be designated by the commission to preside over contested cases or other proceedings and conduct hearings and have the following authority unless otherwise ordered by the commission:

1. To regulate the course of hearings;
2. To administer oaths and affirmations;
3. To rule upon the admissibility of evidence and offers of proof;
4. To take or cause depositions to be taken;
5. To dispose of procedural matters, discovery disputes, motions to dismiss, and other motions that may involve final determination of proceedings, subject to review by the commission on its own motion or upon application by any party;
6. To certify any question to the commission, in the discretion of the presiding officer or upon direction of the commission;
7. To permit and schedule the filing of written briefs;
8. To hold appropriate conferences before, during, or after hearings;
9. To render a proposed decision and order in a contested case proceeding, or other proceeding, subject to review by the commission on its own motion or upon appeal by any party; and
10. To take any other action necessary or appropriate to the discharge of duties vested in the presiding officer, consistent with law and with the rules and orders of the commission.

199—2506.4(17A,474,476) General information.

2506.4(1) Orders. All orders will be issued and uploaded into the commission’s electronic filing system. Orders are effective upon acceptance into the electronic filing system unless otherwise provided in the order. Orders and other filings in dockets may be viewed in the specific docket accessed through the commission’s electronic filing system.

2506.4(2) Communications.

a. Electronic communications. Unless otherwise specifically provided, all electronic communications and documents are officially filed when they are accepted for filing as defined in rule 199—14.3(17A,476). The electronic service provisions in the “electronic service” rule in 199—Chapter 14 apply.

b. Paper filings. Paper filings may only be made with commission approval, except for filings made pursuant to the exceptions in rule 199—14.4(17A,476).

2506.4(3) Reference to docket number. The applicable docket number(s) should be included on the first page of all filings.

2506.4(4) Defective filings. Only submissions that conform to the requirements of the applicable rule, statute, or order of the commission or presiding officer will be accepted for filing, and submissions that fail to substantially conform with the applicable requirements will be considered defective and may be rejected unless waiver of the relevant requirement has been granted by the commission or presiding officer prior to filing. The commission or presiding officer may reject a filing even though commission employees have file-stamped or otherwise acknowledged receipt of the filing.

2506.4(5) Service of documents.

a. Method of service.

(1) Paper service. Paper service of filings is only necessary on those parties, or persons, whom the commission has approved to receive paper service. All filings served by paper are to be filed electronically pursuant to the “electronic service” rule in 199—Chapter 14 in the appropriate docket in the electronic filing system, include a certificate of service, and be served on the consumer advocate.

(2) Electronic service. The commission’s rule regarding electronic service is the “electronic service” rule in 199—Chapter 14.

(3) Service of documents containing confidential information. Parties may condition the service of unredacted documents containing confidential information on the execution of a confidentiality agreement. If the parties are unable to agree on a confidentiality agreement, they may ask the commission or presiding officer to issue an appropriate order.

b. Date of service.

(1) Paper service. Unless otherwise ordered by the commission or presiding officer, the date of service is the day when the document served is deposited in the United States mail or overnight delivery, is delivered in person, or otherwise as the parties may agree. Although service is effective, the document is not deemed filed with the commission until it is received by the commission.

(2) The commission’s rule regarding electronic service is the “electronic service” rule in 199—Chapter 14.

c. Service upon attorneys. When a party has appeared by attorney, service upon the attorney is deemed proper service upon the party.

2506.4(6) Appearance. Each party to a proceeding is to file a written appearance in the docket that identifies one person upon whom the commission may electronically serve all orders, correspondence, or other documents. If a party has previously designated a person to be served on the party’s behalf in all matters, filing the appearance will not change this designation unless the party directs that the designated person be changed in the appearance. If a person files an application, petition, or other initial pleading, or an answer or other responsive pleading on behalf of a party, containing the person’s contact information, the filing of a separate appearance is not necessary. The appearance may be filed with the party’s initial filing in the proceeding or may be filed after the proceeding has been docketed.

2506.4(7) Representation by attorney.

a. Any party to a proceeding before the commission or a presiding officer may appear and be heard through a licensed attorney. If the attorney is not licensed by the state of Iowa, the attorney is to apply for admission pro hac vice pursuant to and abide by the provisions of Iowa Court Rule 31.14.

b. A corporation or association may appear and present evidence by an officer or employee. However, only licensed attorneys may represent a party before the commission or a presiding officer in any matter involving the exercise of legal skill or knowledge, except with the consent of the commission or presiding officer. All persons appearing in proceedings before the commission or a presiding officer shall conform to the standard of ethical conduct applicable to attorneys appearing before the courts of Iowa.

2506.4(8) Expedited proceedings.

a. If a person claims that a provision of law imposes an obligation on the commission to render a decision in a contested case in six months or less, the person will include the phrase “expedited proceedings” in the caption of the first pleading filed by the person in the proceeding and set the basis for the claim in the body of the pleading. If the phrase is not so included in the caption, the commission or presiding officer may find and order that the proceeding did not commence for time calculation purposes until the date on which the first pleading containing the “expedited proceedings” phrase is filed or such other date that the commission or presiding officer finds is just and reasonable under the circumstances.

b. Shortened time limits applicable to expedited proceedings are contained in rules 199—2506.9(17A,476) (pleadings and answers), 199—2506.12(17A,476) (motions), 199—2506.13(17A,476) (intervention), 199—2506.15(17A,476) (discovery), and 199—2506.26(17A,476) (appeals from proposed decisions). An additional service requirement applicable to expedited proceedings is contained in subrule 2506.4(5) (service of documents).

c. A party may file a motion that proceedings be expedited even though such treatment is not mandated by statute or other provision of law. Such voluntary expedited treatment may be granted at the commission's or presiding officer's discretion in appropriate circumstances considering the needs of the parties and the interests of justice. In these voluntary expedited proceedings, the commission or presiding officer may shorten the filing dates or other procedures established in this chapter. The shortened time limits and additional service requirement applicable to expedited proceedings established in this chapter and listed in subrule 2506.4(8) do not apply to voluntary expedited proceedings under this paragraph unless ordered by the commission or presiding officer. If a party requests an expedited proceeding pursuant to this paragraph, the party will include "Expedited Proceedings" in the title.

199—2506.5(17A,476) Time requirements.

2506.5(1) Time is computed as provided in Iowa Code section 4.1(34).

2506.5(2) In response to a request or on its own motion, for good cause, the commission or presiding officer may extend or shorten the time to take any action, except as precluded by statute.

199—2506.6(17A,476) Electronic proceedings. The commission or presiding officer may hold proceedings by telephone conference call or other electronic means, such as a webinar service, in which all parties have an opportunity to participate. The commission or presiding officer will determine the location of the parties and witnesses for electronic proceedings. The convenience of the witnesses or parties, as well as the nature of the case, will be considered when locations are determined.

199—2506.7(17A,476) Electronic information. Filing of electronic information shall comply with the commission's rules on electronic filing in 199—Chapter 14 and the commission's published standards for electronic information, available on the commission's website at iuc.iowa.gov or from the commission's customer service center.

199—2506.8(17A,476) Delivery of notice of hearing. When the commission or presiding officer issues an order containing a notice of hearing, delivery of the order will be by electronic notice through the electronic filing system, and to those persons who have been approved to receive paper documents unless otherwise ordered.

199—2506.9(17A,476) Pleadings and answers.

2506.9(1) *Pleadings.* Pleadings may be filed pursuant to statute, rule, or order or filed to initiate a docket.

2506.9(2) *Answers.*

a. Unless otherwise ordered by the commission or presiding officer, answers to complaints, petitions, applications, or other pleadings shall be filed with the commission within 20 days after the day on which the pleading being answered was filed in the commission's electronic filing system and served upon the respondent or other party. However, when a provision of law requires that the commission issue a decision in the case in six months or less, the answer shall be filed with the commission within ten days of service of the pleading being answered unless otherwise ordered by the commission or presiding officer.

b. An answer will specifically admit, deny, or otherwise answer all material allegations of the pleadings and also briefly set forth the affirmative grounds relied upon to support each answer.

c. Any party who deems the complaint, petition, application, or other pleading insufficient to show a breach of legal duty or grounds for relief may move to dismiss instead of, or in addition to, answering.

d. A party may apply for a more definitive and detailed statement instead of, or in addition to, answering, if appropriate.

2506.9(3) *Amendments to pleadings.* Amendments to pleadings may be allowed upon proper motion at any time during the pendency of the proceeding upon such terms as are just and reasonable.

199—2506.10(17A,476) Prefiled testimony and exhibits.

2506.10(1) The commission or presiding officer may order the parties to file prefiled testimony and exhibits prior to the hearing. The use of prefiled testimony is the standard method for providing testimony in contested cases and other proceedings.

2506.10(2) Prefiled testimony contains all statements that a witness intends to give under oath at the hearing, set forth in question and answer form. If possible, each line should be separately numbered. When a witness who has submitted prefiled testimony takes the stand, the witness does not ordinarily repeat the written testimony or give new testimony. Instead, the witness is cross-examined by the other parties concerning the statements already made in writing. However, the witness may be permitted to correct or update prefiled testimony on the stand and, in appropriate circumstances and with the approval of the commission or presiding officer, may give a summary of the prefiled testimony. If the witness has more than three substantive corrections to make to the prefiled testimony or exhibits, then the corrected testimony or exhibits shall be filed in the appropriate docket in the commission's electronic filing system at least three days prior to the hearing. The prefiled testimony and any exhibits are to be marked and identified in conformance with the commission's approved naming convention provided on the commission's electronic filing system website or as directed in a commission order.

2506.10(3) Prefiled testimony and exhibits are to be accompanied by an affidavit in substantially the following form: "I, [person's name], being first duly sworn on oath, state that I am the same [person's name] identified in the testimony being filed with this affidavit, that I have caused the testimony [and exhibits] to be prepared and am familiar with its contents, and that the testimony [and exhibits] is true and correct to the best of my knowledge and belief as of the date of this affidavit."

2506.10(4) Prefiled testimony, exhibits, and supporting documents shall be filed in the commission's electronic filing system in conformance with this rule and the following:

a. All supporting workpapers.

(1) The commission's standards for electronic information, which are available on the commission's website or from the commission's customer service center, govern the filing of electronic workpapers in native electronic formats.

(2) Workpapers' underlying analyses and data presented in exhibits should be explicitly referenced within the exhibit, including the name and other identifiers (e.g., cell coordinates) for electronic workpapers and volume, tab, and page numbers for other workpapers.

(3) The source of any number used in a workpaper that was not generated by that workpaper will be identified.

b. The derivation or source of all numbers used in either testimony or exhibits that were not generated by workpapers.

c. Copies of any specific studies or financial literature relied upon or complete citations for them if publicly available.

d. Electronic copies, in native electronic format, of all computer-generated exhibits that comply with the commission's standards for electronic information, which are available on the commission's website or from the commission's customer service center.

2506.10(5) The commission's standards for electronic information, which are available on the commission's website or from the commission's customer service center, and the electronic filing rules in 199—Chapter 14 govern the filing of prefiled testimony and exhibits.

2506.10(6) If a party has filed part or all of its prefiled testimony and exhibits as confidential and then later withdraws the claim of confidentiality for part or all of the testimony and exhibits, or if the commission denies the request to hold the testimony and exhibits confidential, the party shall refile the testimony and exhibits with the information made public.

199—2506.11(17A,476) Documentary evidence in books and materials. When documentary evidence being offered is contained in a book, report, or other document, the offering party will file only the material, relevant portions in an exhibit.

199—2506.12(17A,476) Motions. Motions, unless made during hearing, are to be in writing, state the grounds for relief, and state the relief or order sought. Motions based on matters that do not appear of record may be supported by affidavit or other evidence. The filing of motions is governed by 199—Chapter 14. Any party may file a written response to a motion no later than 14 days from the date the motion is filed unless the time period is extended or shortened by the commission or presiding officer. When a provision of law directs the commission to issue a decision in the case in six months or less, a party filing a written response is to do so within seven days from the date the motion is filed unless otherwise ordered by the commission or presiding officer. Failure to file a timely response may be deemed a waiver of objection to the motion. Requirements regarding motions related to discovery are contained in rule 199—2506.15(17A,476).

199—2506.13(17A,476) Intervention.

2506.13(1) Petition. Unless otherwise ordered by the commission or presiding officer, a request to intervene in a proceeding shall be by petition to intervene filed no later than 20 days following the order setting a procedural schedule. However, when a provision of law directs the commission to issue a decision in the case in six months or less, the petition to intervene is to be filed no later than ten days following the order setting a procedural schedule unless otherwise ordered by the commission or presiding officer.

2506.13(2) Response. Any party may file a response within seven days of service of the petition to intervene unless the time period is extended or shortened by the commission or presiding officer.

2506.13(3) Grounds for intervention. Any person having an interest in the subject matter of a proceeding may be permitted to intervene at the discretion of the commission or presiding officer. In determining whether to grant intervention, the commission or presiding officer will consider:

- a. The prospective intervenor's interest in the subject matter of the proceeding;
- b. The effect of a decision that may be rendered upon the prospective intervenor's interest;
- c. The extent to which the prospective intervenor's interest will be represented by other parties;
- d. The availability of other means by which the prospective intervenor's interest may be protected;
- e. The extent to which the prospective intervenor's participation may reasonably be expected to assist in the development of a sound record through presentation of relevant evidence and argument; and
- f. Any other relevant factors.

2506.13(4) In determining the extent to which the prospective intervenor's interest will be represented by other parties, the consumer advocate's role of representing the public interest will not be interpreted as representing every potential interest in a proceeding.

2506.13(5) The commission or presiding officer may limit a person's intervention to particular issues or to a particular stage of the proceeding, or may otherwise condition the intervenor's participation in the proceeding. Leave to intervene is generally granted by the commission or presiding officer to any person with a cognizable interest in the proceeding.

2506.13(6) When two or more intervenors have substantially the same interest, the commission or presiding officer, in the commission's or presiding officer's discretion, may order consolidation of petitions and briefs and limit the number of attorneys allowed to participate actively in the proceedings to avoid a duplication of effort.

2506.13(7) A person granted leave to intervene is a party to the proceeding. However, unless the commission or presiding officer rules otherwise for good cause shown, an intervenor is bound by any agreement, arrangement, or order previously made or issued in the case.

199—2506.14(17A,476) Consolidation and severance.

2506.14(1) *Consolidation.* The commission or presiding officer may consolidate in one docket any or all matters at issue in two or more dockets. When deciding whether to consolidate, the commission or presiding officer may consider:

- a. Whether the matters at issue involve common parties or common questions of fact or law;
- b. Whether consolidation is likely to expedite or simplify consideration of the issues involved;

c. Whether consolidation would adversely affect the substantial rights of any of the parties to the proceedings; and

d. Any other relevant factors.

2506.14(2) Severance. The commission or presiding officer may order any contested case or portions thereof severed for good cause.

199—2506.15(17A,476) Discovery.

2506.15(1) Discovery procedures applicable in civil actions are available to parties in contested cases.

2506.15(2) Unless otherwise ordered by the commission or presiding officer or agreed to by the parties, data requests or interrogatories served by any party shall either be responded to or objected to, with concisely stated grounds for relief, within seven business days of receipt. When a provision of law directs the commission to issue a decision in the case in six months or less, this time is reduced to five days. Data requests or interrogatories served on a day the commission is closed or after 4:30 p.m. central time on a day the commission is open are considered served on the next business day.

2506.15(3) Unless otherwise ordered by the commission or presiding officer, time periods for compliance with all forms of discovery other than those stated in subrule 2506.15(2) are the same as those provided in the Iowa Rules of Civil Procedure.

2506.15(4) A party shall make a good faith effort to resolve a discovery dispute by personally speaking with or attempting to speak with the opposing party before filing a discovery motion with the commission. A motion relating to discovery must set forth the date and time the moving party spoke with or attempted to speak with the opposing party in a good faith attempt to resolve the dispute.

199—2506.16(17A,476) Subpoenas.

2506.16(1) Issuance.

a. An agency subpoena will be issued to a party on a written request that includes the name, address, and telephone number of the requesting party. In the absence of good cause for permitting later action, a request for a subpoena will be filed at least seven days before the scheduled hearing.

b. Except to the extent otherwise provided by law, parties are responsible for service of their own subpoenas and payment of witness fees and mileage expenses. Subpoenas cannot be served electronically through the electronic filing system.

2506.16(2) Motion to quash or modify. Upon motion, the commission or presiding officer may quash or modify a subpoena for any lawful reason.

199—2506.17(17A,476) Prehearing or scheduling conference. The commission or presiding officer may schedule a prehearing conference, scheduling conference, or other informal conference at the commission's or presiding officer's discretion or at the request of any party for any appropriate purpose. Any agreement reached at the conference will be made a part of the record in the manner directed by the commission or presiding officer.

199—2506.18(17A,476) Settlements. Parties to a contested case may propose to settle all or some of the issues in the case. The commission or presiding officer will not approve settlements, whether contested or uncontested, unless the settlement is reasonable in light of the whole record, consistent with law, and in the public interest. Commission adoption of a settlement constitutes the final decision of the commission on issues addressed in the settlement.

2506.18(1) Proposal of settlements. Two or more parties may by written motion propose settlements for adoption by the commission or presiding officer. The motion will contain sufficient information to advise the commission or presiding officer and parties not expressly joining the proposal of its scope and of the grounds on which adoption is urged. Parties may propose a settlement for adoption by the commission or presiding officer at any time.

2506.18(2) Conference. After proposal of a settlement that is not supported by all parties, and prior to approval, the settling parties are to convene at least one conference with notice and opportunity to participate provided to all parties for the purpose of discussing the settlement proposal. Written notice of

the date, time, and place is to be furnished at least seven days in advance to all parties to the proceeding. Only parties and their representatives are entitled to attend a settlement conference. A party that has been given notice and opportunity to participate in the conference and does not do so is deemed to have waived its right to contest a proposed settlement unless good cause is shown for the failure to participate.

2506.18(3) *Comment period.* When a party to a proceeding does not join in a settlement proposed for adoption by the commission or presiding officer, the party may file comments contesting all or part of the settlement with the commission within 14 days of the filing of the motion proposing settlement unless otherwise ordered by the commission or the presiding officer. Unless otherwise ordered by the commission or presiding officer, parties may file reply comments within seven days of filing of the comments.

2506.18(4) *Contents of comments.* A party contesting a proposed settlement is to specify in its comments the portions of the settlement that it opposes, the legal basis of its opposition, and the factual issues that it contests. Any failure by a party to file comments may, at the commission's or presiding officer's discretion, constitute waiver by that party of all objections to the settlement.

2506.18(5) *Contested settlements.* If the proposed settlement is contested, in whole or in part, on any material issue of fact by any party, the commission or presiding officer may schedule a hearing on the contested issue(s). The commission or presiding officer may decline to schedule a hearing where the contested issue of fact is not material or where the contested issue is one of law.

2506.18(6) *Unanimous proposed settlement.* In proceedings where all parties join in the proposed settlement, parties may propose a settlement for adoption by the commission or presiding officer any time after docketing. Subrules 2506.18(2) through 2506.18(5) do not apply to a proposed settlement filed concurrently by all parties to the proceeding. 199—Chapter 26 applies to settlements in rate cases.

2506.18(7) *Inadmissibility.* Any discussion, admission, concession, or offer to settle, whether oral or written, made during any negotiation on a settlement is privileged to the extent provided by law, including but not limited to Iowa Rule of Evidence 5.408.

199—2506.19(17A,476) Stipulations. Parties to any proceeding or investigation may, by stipulation filed with the commission, agree upon the facts or law or any portion thereof involved in the controversy, subject to approval by the commission or presiding officer.

199—2506.20(17A,476) Investigations. The availability of discovery pursuant to Iowa Code section 17A.13 or the Iowa Rules of Civil Procedure does not limit the investigatory powers of the commission, its representatives, or the consumer advocate.

199—2506.21(17A,476) Withdrawals. A party requesting a contested case proceeding may, with the permission of the commission or presiding officer, withdraw that request at any time prior to the issuance of a proposed or final decision in the case.

199—2506.22(17A,476) Ex parte communication. Ex parte communications are governed by Iowa Code section 17A.17.

199—2506.23(17A,476) Hearings.

2506.23(1) *Commission or presiding officer.* The commission or presiding officer presides at the hearing and may rule on motions and issue such orders and rulings as will ensure the orderly conduct of the proceedings. The commission or presiding officer will maintain the decorum of the hearing and may refuse to admit, may set limits on, or may expel from the hearing anyone whose conduct is disorderly.

2506.23(2) *Witnesses.* Each witness will be sworn or affirmed by the commission, presiding officer, or the court reporter and be subject to examination and cross-examination. The commission or presiding officer may limit questioning in a manner consistent with law. In appropriate circumstances, the commission or presiding officer may order that witnesses testify as members of a witness panel.

2506.23(3) *Order of presenting evidence.* The commission or presiding officer will determine the order of the presentation of evidence based on applicable law and the interests of efficiency and justice, considering the preferences of the parties. Normally, the petitioner opens the presentation of evidence.

In cases where testimony has been prefiled and unless otherwise ordered by the commission or the presiding officer, each party will make its witnesses available for cross-examination on all testimony filed or on behalf of that witness.

2506.23(4) Evidence.

a. Subject to terms and conditions prescribed by the commission or presiding officer, parties have the right to introduce evidence, cross-examine witnesses, and present evidence in rebuttal. Ordinarily, prefiled testimony is used in hearings pursuant to rule 199—2506.10(17A,476). The sponsoring party is to provide one copy of prefiled testimony and included exhibits to the court reporter.

b. The commission or presiding officer will rule on admissibility of evidence and may, where appropriate, take official notice of facts in accordance with law.

c. Stipulation of facts is encouraged. The commission or presiding officer may make a decision based on stipulated facts.

d. Unless the exhibit was previously included with prefiled testimony, the party seeking admission of an exhibit at a hearing is to provide opposing parties with an opportunity to examine the exhibit prior to the ruling on its admissibility. All exhibits admitted into evidence are to be marked in accordance with the commission's approved naming convention and made part of the evidentiary record. If an exhibit is admitted, unless it was previously included with prefiled testimony, the sponsoring party is to provide at least one copy of the exhibit to each opposing party, one copy to each commission member or presiding officer, one copy to the witness (if any), one copy to the court reporter, and two copies to commission staff unless otherwise ordered. Parties are to file all their admitted hearing exhibits in the commission's electronic filing system within three days of the close of the hearing.

e. 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 is expected to briefly summarize the testimony or, with the permission of the commission or presiding officer, present the testimony. The commission or presiding officer may direct the offering party to file a written statement of the excluded oral testimony. If the excluded evidence consists of a document or exhibit, it will be marked as part of an offer of proof and inserted in the record. Unless previously included with prefiled testimony, the sponsoring party is to provide at least one copy of the document or exhibit to each opposing party, one copy to each commission member or presiding officer, one copy to the witness (if any), one copy to the court reporter, and two copies to commission staff unless otherwise ordered.

2506.23(5) Objections. Any party may object to specific evidence or may request limits on the scope of any examination or cross-examination. All objections will be timely made on the record and state the grounds relied on. The commission or presiding officer may rule on the objection at the time it is made or may reserve a ruling until the written decision.

2506.23(6) Further evidence. At any stage during or after the hearing, the commission or presiding officer may order a party to present additional evidence and may conduct additional proceedings as appropriate.

2506.23(7) Participation at hearings by nonparties. The commission or presiding officer may permit any person to be heard at any hearing, but such person is not a party to the proceedings unless so designated. The testimony or statement of any person so appearing is given under oath and such person is subject to cross-examination by parties to the proceeding unless the commission or presiding officer orders otherwise. If a person who is not a party to a proceeding appears at a hearing and requests to examine or cross-examine witnesses, the commission or presiding officer may grant the person intervention in the proceeding as a party for the limited purpose requested by the person and in compliance with subrule 2506.4(7).

2506.23(8) Briefs.

a. Unless waived by the parties with the consent of the commission or presiding officer, times for the filing and service of briefs will be set by the commission or presiding officer. Unless otherwise ordered by the commission or presiding officer, initial briefs will be filed simultaneously by all parties and reply briefs will be filed simultaneously.

b. Initial briefs should contain a concise statement of the case and all arguments, with citations to the evidence, that the party intends to offer in support of its case. Unless otherwise ordered, a reply

brief should be confined to refuting arguments made in the brief of an adverse party. Unless specifically ordered to brief an issue, a party's failure to address an issue by brief will not be deemed a waiver of that issue and does not preclude the commission or presiding officer from deciding the issue on the basis of evidence appearing in the record.

c. Every brief of more than 20 pages should contain at its beginning a table of contents with page references.

d. Briefs should comply with the following requirements:

- (1) The size of pages should be 8½ by 11 inches.
- (2) All printed matter should appear in at least 11-point type.
- (3) There should be margins of at least one inch on the top, bottom, right, and left sides of the sheet.
- (4) The body of the brief should be double spaced.
- (5) Footnotes may be single spaced.
- (6) The printed matter may appear in any pitch, as long as the characters are spaced in a readable manner. Any readable font is acceptable.

2506.23(9) *Oral arguments.* The commission or presiding officer may set a time for oral argument to address issues raised by the parties during the proceeding or at the conclusion of the hearing or may set a separate date and time for oral argument. The commission or presiding officer may set a time limit for argument. Oral argument may be either in addition to or in lieu of briefs. Unless specifically ordered to argue an issue, a party's failure to address an issue in oral argument will not be deemed a waiver of the issue.

2506.23(10) *Record.* The record of the case is maintained in the commission's electronic filing system. Unless the record is held confidential pursuant to the "public information and inspection of records" rule in 199—Chapter 1, parties and members of the public may examine the record and obtain copies of documents, including the transcript, when available.

2506.23(11) *Default.*

a. If a party fails to appear at a hearing after proper service of notice, or fails to answer or otherwise respond to an appropriate pleading directed to and properly served upon that party, the commission or presiding officer may, if no adjournment is granted, enter a default decision or proceed with the hearing and render a decision in the absence of the party.

b. Default decisions or decisions rendered on the merits after a party has failed to appear at a hearing constitute final agency action unless otherwise ordered by the commission or presiding officer. However, within 15 days after the date of electronic notification or mailing of the decision, a motion to vacate may be filed with the commission. The motion to vacate should state all facts relied on by the moving party that show good cause existed for that party's failure to appear at the hearing or answer or otherwise respond to an appropriate pleading directed to and properly served upon that party. The stated facts should be substantiated by citation to evidence in the record or by affidavit attached to the motion. Unless otherwise ordered, adverse parties have ten days to respond to a motion to vacate. If the decision is rendered by a presiding officer, the commission may review it on the commission's own motion within 15 days after the date of notification or mailing of the decision.

c. The time for appeal of a decision for which a timely motion to vacate has been filed is stayed pending a decision on the motion to vacate.

d. A motion to vacate will not be granted except upon a finding of good cause. The burden of proof as to good cause is on the moving party. "Good cause" for purposes of this rule has the same meaning as "good cause" for setting aside a default judgment under Iowa Rule of Civil Procedure 1.977.

e. A presiding officer's decision denying a motion to vacate is subject to further appeal within the time limit allowed for further appeal of a decision on the merits in the contested case. A presiding officer's decision granting a motion to vacate is subject to interlocutory appeal by the adverse party pursuant to rule 199—2506.25(17A,476).

f. If a motion to vacate is granted and no timely interlocutory appeal has been taken, the commission or presiding officer may schedule another contested case hearing.

g. A default decision may award any relief consistent with the record in the case. The default decision may provide either that the default decision is to be stayed pending a timely motion to vacate

or that the default decision is to take effect immediately, subject to a timely motion to vacate, an appeal pursuant to rule 199—2506.26(17A,476), or a request for stay pursuant to rule 199—2506.28(17A,476).

199—2506.24(17A,476) Reopening record. The commission or presiding officer, on the commission's or presiding officer's own motion or on the motion of a party, may reopen the record for the reception of further evidence. When the record was made before the commission, a motion to reopen the record may be made any time prior to the issuance of a final decision. When the record was made before a presiding officer, a motion to reopen the record may be made any time prior to issuance of the proposed decision. If the moving party requests the opportunity to present new evidence, the moving party will attach an affidavit from each witness who will present the new evidence with an explanation of the competence of the witness and a description of the evidence to be included in the record.

199—2506.25(17A,476) Interlocutory appeals. Upon written request of a party or on its own motion, the commission may review an interlocutory order of the presiding officer. In determining whether to do so, the commission may consider the extent to which granting the interlocutory appeal would expedite final resolution of the case and the extent to which review of that interlocutory order by the commission at the time it reviews the proposed decision would provide an adequate remedy. Any request for interlocutory review shall be filed within ten days of issuance of the challenged order, but no later than the time for compliance with the order or ten days prior to the date of hearing, whichever is first.

199—2506.26(17A,476) Appeals to commission from a proposed decision of a presiding officer.

2506.26(1) Notification of proposed decision. Notice of the presiding officer's proposed decision and order in a contested case will be sent through the electronic filing system, or by first-class mail if the commission has granted a party approval to receive service in paper, on the date the order is issued. The decision will normally include "Proposed Decision and Order" in the title and will normally inform the parties of their right to appeal an adverse decision and the time in which an appeal may be taken.

2506.26(2) Appeal from proposed decision. A proposed decision and order of the presiding officer in a contested case becomes the final decision of the commission unless, within 15 days after the decision is issued, the commission moves to review the decision or a party files an appeal of the decision with the commission. The presiding officer may shorten the time for appeal. In determining whether a request for a shortened appeal period should be granted, the presiding officer may consider the needs of the parties for a shortened appeal period, relevant objections of the parties, the relevance of any written objections filed in the case, and whether there are any issues that indicate a need for the 15-day appeal period.

2506.26(3) Any adversely affected party may appeal a proposed decision by timely filing a notice of appeal.

2506.26(4) On appeal of a proposed decision of a presiding officer that is based upon new evidence not introduced in the record before the presiding officer, the commission will determine whether the new evidence warrants a new hearing. If the commission determines that the new evidence is material to the proposed decision and a new hearing should be held, the commission may remand the proposed decision to the presiding officer for the taking of the new evidence or may conduct a hearing and issue an order based upon the record before the presiding officer and the new evidence.

2506.26(5) Contents of notice of appeal. The notice of appeal shall include the following in separately numbered paragraphs supported, where applicable, by controlling statutes and rules:

- a. A brief statement of the facts.
- b. A brief statement of the history of the proceeding, including the date and a description of any ruling claimed to be erroneous.
- c. A statement of each of the issues to be presented for review.
- d. A precise description of the error(s) upon which the appeal is based. If a claim of error is based on allegations that the presiding officer failed to correctly interpret the law governing the proceeding, exceeded the authority of a presiding officer, or otherwise failed to act in accordance with law, the appellant will include a citation to briefs or other documents filed in the proceeding before the presiding officer where the legal points raised in the appeal were discussed. If a claim of error is based on

allegations that the presiding officer failed to adequately consider evidence introduced at hearing, the appellant will include a citation to pages of the transcript or other documents where the evidence appears.

e. A precise statement of the relief requested.

f. A statement as to whether an opportunity to file a brief or make oral argument in support of the appeal is requested and, if an opportunity is sought, a statement explaining the manner in which briefs and arguments presented to the presiding officer are inadequate for purposes of appeal.

g. A request, if a party seeks a stay or other temporary remedy pending review of the proposed decision by the commission, with the reasons justifying such a stay or other temporary remedy that includes a discussion of the factors listed in Iowa Code section 17A.19(5) “c.”

h. Certification of service showing the names and addresses of all parties upon whom a copy of the notice of appeal was served.

2506.26(6) Responsive filings and cross-appeals. Parties may file a response to the notice of appeal or may file a cross-appeal within 14 days after the filing of the notice of appeal unless otherwise ordered by the commission. If a request for a stay or other temporary remedy was included in the notice of appeal, any party wishing to respond to the request will include the response to the request in the party’s response to the notice of appeal or notice of cross-appeal. When a provision of law directs the commission to issue a decision in the case in less than six months, the period for filing a response or cross-appeal is reduced to seven days from the filing of the notice of appeal.

a. Responses should specifically respond to each of the substantive paragraphs of the notice of appeal and state whether an opportunity to file responsive briefs or to participate in oral argument is requested.

b. The requirements contained in this rule pertaining to a notice of appeal also apply to a notice of cross-appeal, other than the time for filing.

2506.26(7) Ruling on appeal. After the filing of the last appeal, response, or cross-appeal, the commission will issue an order that may establish a procedural schedule for the appeal or may be the commission’s final decision on the merits of the appeal. If a request for a stay or other temporary remedy was included in the notice of appeal, the request will be evaluated by the commission using the factors stated in rule 199—2506.28(17A,476). A stay or other temporary remedy may be vacated by the commission upon application of any party or upon the commission’s own motion.

199—2506.27(17A,476) Rehearing and reconsideration.

2506.27(1) *Application for rehearing or reconsideration.* Any party to a contested case may file an application for rehearing or reconsideration of the final decision within 20 days after the issuance of a final decision in a contested case. The commission will either grant or refuse an application for rehearing within 30 days after the filing of the application or may, after giving the interested parties notice and opportunity to be heard and after consideration of all the facts, including those arising since the making of the order, abrogate or modify its order. A failure by the commission to act upon the application for rehearing within the above period is deemed a refusal of the application.

2506.27(2) *Contents of application.* Applications for rehearing or reconsideration will specify the findings of fact and conclusions of law claimed to be erroneous, with a brief statement of the alleged grounds of error. Any application for rehearing or reconsideration asserting that evidence has arisen since the final order was issued as a ground for rehearing or reconsideration will present the evidence by affidavit that includes an explanation of the competence of the person to sponsor the evidence and a brief description of the evidence sought to be included.

2506.27(3) *Requirements for objections to applications for rehearing or reconsideration.* Notwithstanding the provisions of subrule 2506.9(2) and unless otherwise ordered by the commission, within 14 days of the date the application was filed, an answer or objection to the application may be filed.

199—2506.28(17A,476) Stay of agency decision.

2506.28(1) Any party to a contested case proceeding may petition the commission for a stay or other temporary remedy pending judicial review of the proceeding. The petition will state the reasons justifying a stay or other temporary remedy and be served on all other parties pursuant to subrule 2506.4(5).

2506.28(2) In determining whether to grant a stay, the commission will consider the factors listed in Iowa Code section 17A.19(5)“c.”

2506.28(3) A stay or other temporary remedy may be vacated by the commission upon application of any party or upon the commission’s own motion.

199—2506.29(17A,476) Emergency adjudicative proceedings.

2506.29(1) *Necessary emergency action.* To the extent necessary to prevent or avoid immediate danger to the public health, safety, or welfare, and consistent with the Constitution and other provisions of law, the commission may issue an emergency adjudicative order in compliance with Iowa Code section 17A.18A to order the cessation of any continuing activity, order affirmative action, or take other action within the jurisdiction of the agency. Before issuing an emergency adjudicative order, the commission may consider factors including but not limited to the following:

a. Whether there has been a sufficient factual investigation to provide reasonably reliable information under the circumstances;

b. Whether the specific circumstances that pose immediate danger to the public health, safety, or welfare are likely to be continuing;

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

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

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

2506.29(2) *Issuance of order.*

a. An emergency adjudicative order will contain findings of fact, conclusions of law, and policy reasons for the decision, if it is an exercise of the commission’s discretion, to justify the determination of an immediate danger and the commission’s decision to take immediate action.

b. The written emergency adjudicative order will be immediately delivered to persons who are to comply with the order by the most reasonably available method, which may include one or more of the following methods: notice through the electronic filing system, personal delivery, certified mail, first-class mail, fax, or email. To the degree practical, the commission will select the method or methods most likely to result in prompt, reliable delivery.

c. Unless the written emergency adjudicative order is delivered by personal service on the day issued, the commission will make reasonable efforts to contact the persons who are to comply with the order by telephone, in person, or otherwise.

2506.29(3) *Completion of proceedings.* Issuance and delivery of a written emergency adjudicative order will normally include notification of a procedural schedule for completion of the proceedings.

These rules are intended to implement Iowa Code chapter 17A and sections 474.5 and 476.2.

[Filed Emergency 6/1/26, effective 6/1/26]

[Published 6/24/26]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/24/26.

ARC 0388D

ADMINISTRATIVE SERVICES DEPARTMENT[11]

Adopted and Filed

Rulemaking related to leave

The Administrative Services Department hereby amends Chapter 63, "Leave," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 8A.104(5) and 8A.413.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 70A.1 and 2026 Iowa Acts, House File 2502.

Purpose and Summary

The intended purpose of this rulemaking is to provide administrative guidance for two areas of paid leave that are now law pursuant to 2025 Iowa Acts, House File 889. Certain State employees in their first four years of employment who do not use sick leave during a full month of employment can now choose to convert that month's sick leave for one-half day of additional vacation time. In addition, 2025 Iowa Acts, House File 889, provided that a State employee parent who gives birth or adopts a child is entitled to four weeks of paid leave. A State employee parent who does not give birth is entitled to one week of paid leave.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 21, 2026, as **ARC 9972C**. A public hearing was held on the following date(s):

- February 11, 2026

No one attended the public hearing.

Mary Nelle Trefz of Iowa ACEs 360 submitted written comments at the Regulatory Analysis stage of this rulemaking to support paid parental leave for State employees and to recommend education and data analysis by the Department as this type of leave becomes available.

2026 Iowa Acts, House File 2502, expanded the availability of paid parental leave within the State government by striking language referring to those entitled to leave under the federal Family and Medical Leave Act of 1993. A change from the Notice has been made to remove that requirement to comply with the new law. This means more State employees are now eligible for paid parental leave.

Adoption of Rulemaking

This rulemaking was adopted by the Department on May 4, 2026.

Fiscal Impact

It is impossible to know how many State employees will either convert sick leave for vacation time or take paid parental leave. The Department does not anticipate a fiscal impact, but costs would be funded through agency budgets.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

The Department will not grant waivers under the provisions of these rules, other than as may be allowed under Chapter 9 of the Department's rules concerning waivers.

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 July 29, 2026.

The following rulemaking action is adopted:

ITEM 1. Amend subrule 63.3(4) as follows:

63.3(4) There is no limit on the accumulation of sick leave. An employee in the first four years of employment who has accrued at least 80 hours of sick leave may elect to accrue additional vacation in lieu of the normal sick leave accrual. A conversion shall not be made if the accrued sick leave is less than 80 hours in the pay period in which the conversion would be made. After the fourth year of employment, an employee who has accrued at least 240 hours of sick leave may elect to accrue additional vacation in lieu of the normal sick leave accrual. An employee who has made an election to convert sick leave to vacation will be credited with four hours of vacation for each full month when sick leave is not used during that month. A conversion shall not be made if the accrued sick leave is less than 240 hours in the pay period in which the conversion would be made. An employee who has made an election to convert sick leave to vacation will be credited with four hours of vacation for each full month when sick leave is not used during that month. The conversion of sick leave shall be prorated for employees who are normally scheduled to work less than full-time (40 hours per week). An employee's maximum vacation accrual may be increased under this subrule up to 96 hours.

ITEM 2. Adopt the following **new** rule 11—63.21(8A,70A):

11—63.21(8A,70A) Paid parental leave. Employees shall be provided paid parental leave pursuant to Iowa Code section 70A.24.

[Filed 6/2/26, effective 7/29/26]

[Published 6/24/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/24/26.

ARC 0389D

CITY FINANCE COMMITTEE[545]

Adopted and Filed

Rulemaking related to the operations of city finance committee

The City Finance Committee hereby rescinds Chapter 1, "Operations of City Finance Committee," Iowa Administrative Code, and adopts a new Chapter 1 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 17A and sections 384.13 through 384.15 and 384.16 through 384.22.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 384.13 through 384.15 and 384.16 through 384.22.

Purpose and Summary

This provides basic information about the Committee to facilitate taxpayer interactions with the Committee.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on November 12, 2025, as **ARC 9683C**. A public hearing was held on the following date(s):

- December 2, 2025
- December 5, 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 Committee on December 17, 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 of Management 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 July 29, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 545—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1
OPERATIONS OF CITY FINANCE COMMITTEE

545—1.1(384) Purpose. To ensure that the proceedings of the city finance committee are conducted in an orderly manner and also to provide that the public is kept informed of actions taken by the city finance committee, the committee adopts the following rules.

545—1.2(384) Definitions. The following definitions apply to the rules of the city finance committee.

“Committee’s mailing address” is Department of Management, 1007 East Grand Avenue, G13, Des Moines, Iowa 50319.

“Department” means the department of management.

“Director” means the director of the department.

“Fund” means a fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources, together with all related liabilities and residual equities or balances, and changes therein that are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, obligations, or limitations.

“Fund transfer resolution” means a resolution of the city council that is to be passed to allow for transfers between funds. A fund transfer resolution is to be completed for all transfers between funds and will include a clear statement of reason or purpose for the transfer, the name of the fund from which the transfer is originating, the name of the fund into which the transfer is to be received, and the dollar amount to be transferred. For transfers of utility surpluses outlined in 545—subrule 2.4(5), the calculation proving the surplus will also be shown in the resolution. Intrafund transfers do not need a fund transfer resolution. Multiple transfers between funds may be approved in one resolution, so long as each transfer’s purpose, originating fund or subfund, and receiving fund or subfund, and the amount of transferred dollars are separately identified. Fund transfer resolutions may also be included in budget or budget amendment adoption resolutions, so long as each transfer’s purpose, originating fund or subfund and receiving fund or subfund, and the amount of transferred dollars are separately identified.

“Intrafund transfer” means a transfer between accounts or subfunds within a fund.

“Program” means any one of the following nine major functions of public service that the city finance committee directs a city to use in defining the city’s program structure:

1. Public safety;
2. Public works;
3. Health and social services;
4. Culture and recreation;
5. Community and economic development;
6. General government;
7. Debt service;
8. Capital projects;
9. Business-type activities.

“Transfers between funds” means the transfer of amounts from one fund to another fund.

545—1.3(384) Membership. The selection, appointment and approval of members to the city finance committee are made as provided for in Iowa Code section 384.13. Names of designees will be given to the committee chairperson in writing by July 1 of each year, or promptly, if changed.

545—1.4(384) Organization and administration. The officers of the city finance committee will consist of a chairperson, a vice chairperson and a secretary.

1.4(1) Chairperson. The chairperson will be elected yearly to preside over the proceedings of the city finance committee. Upon a vacancy on the city finance committee, the chairperson will notify the director that a vacancy exists.

1.4(2) Vice chairperson. The vice chairperson serves in absence of the chairperson and can be assigned such other duties as the committee determines. The vice chairperson is elected yearly.

1.4(3) Secretary. The department will designate a secretary to serve as the support staff for the committee. The secretary is responsible for providing timely notice of meetings, publishing a meeting agenda in accordance with the Iowa Code, and keeping minutes of meetings.

545—1.5(384) Compensation. Committee members are to be compensated as provided by law.

545—1.6(384) Meeting. A meeting of the committee is to be held at the call of the director, the request of a majority of committee members, or upon an appeal of the director’s decision. All meetings will be open to the public with the exception of any closed sessions of such meetings conducted in accordance with Iowa Code chapter 21.

545—1.7(384) Office location. All submissions to or requests of the committee should be made to the committee at the committee’s mailing address during normal working hours.

545—1.8(384) Quorum and majority vote. A quorum consists of five members of the committee. All actions of the committee for promulgating rules as provided for by law need a minimum of five votes. All other actions of the committee can be approved by a simple majority vote of the members present at a meeting.

545—1.9(384) Order of business. The meetings of the city finance committee are to be presided over by the chairperson or the vice chairperson. Unless otherwise stipulated in these rules, Robert’s Rules of Order are to be followed in conducting the business of the committee.

These rules are intended to implement Iowa Code sections 384.13 through 384.22.

[Filed 5/22/26, effective 7/29/26]

[Published 6/24/26]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/24/26.

ARC 0390D

CITY FINANCE COMMITTEE[545]

Adopted and Filed

Rulemaking related to budget amendments and fund transfers

The City Finance Committee hereby rescinds Chapter 2, “Budget Amendments and Fund Transfers,” Iowa Administrative Code, and adopts a new Chapter 2 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 384.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 384.

Purpose and Summary

This chapter provides basic administrative rules concerning budget amendments and rules addressing transfer of funds within a city budget.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on November 12, 2025, as **ARC 9684C**. A public hearing was held on the following date(s):

- December 2, 2025
- December 5, 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 Committee on December 17, 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 of Management 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 July 29, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 545—Chapter 2 and adopt the following **new** chapter in lieu thereof:

CHAPTER 2
BUDGET AMENDMENTS AND FUND TRANSFERS

PREAMBLE

Consistent with home rule legislation, the city finance committee encourages as much flexibility as possible in the municipal budget administration. At the same time, it is the responsibility of the city finance committee to impose those procedures and processes necessary to ensure adequate notice to citizens of proposed and adopted changes in the local budget and to provide an opportunity for citizen involvement in the reallocation process.

545—2.1(384,388) Appropriation of unanticipated amount. Budget amendments to the adopted city budget to permit the appropriation and expenditure of unencumbered and unanticipated balances or amounts anticipated to be available from sources other than property taxes but which have not been appropriated in the adopted budget will be prepared as provided in Iowa Code section 384.16 and are subject to protest as provided in Iowa Code section 384.19.

All adopted budget amendments to appropriate and expend unanticipated amounts are to be certified to the auditor of the county or counties where the city is located and to the director.

545—2.2(384,388) Transfers between programs. Except as specifically provided elsewhere in these rules, all appropriation transfers between programs are budget amendments and will be prepared as provided in Iowa Code section 384.16 and subject to protest as provided in Iowa Code section 384.19.

All adopted budget amendments to permit the transfer of adopted budget appropriations between programs are to be certified to the auditor of the county or counties where the city is located and to the director.

545—2.3(384,388) Transfers within programs. Transfers within programs are not budget amendments within the meaning of Iowa Code section 384.18. It is the responsibility of the governing body of each city to provide its own written rules for transfers within programs.

545—2.4(384,388) Fund transfers.

2.4(1) General provisions. All transfers of moneys between funds found in the city budget forms will be approved by a fund transfer resolution. Transfers between funds in one program are types of amendments that are not subject to preparation and adoption as provided in Iowa Code section 384.16 and are not subject to protest as provided in Iowa Code section 384.19, but such transfers will comply with the state laws regarding the funds and the following subrules.

2.4(2) Debt service fund. Except where specifically not allowed under state law, moneys may be transferred from any other city fund to the debt service fund to meet outstanding principal and interest. Such transfers are to be authorized by the original budget or a budget amendment that has been adopted as provided in Iowa Code section 384.16 and subject to protest as provided in Iowa Code section 384.19.

2.4(3) Capital improvements reserve fund. Except where specifically not allowed under state law, moneys may be transferred from any city fund to the capital improvements reserve fund for purposes specified in Iowa Code section 384.7. Such transfers are to be authorized by the original budget or a budget amendment adopted as provided in Iowa Code section 384.16 and subject to protest as provided in Iowa Code section 384.19.

2.4(4) City utility fund and city enterprise fund. Any governing body of a city utility, combined utility system, city enterprise, or combined city enterprise that has a surplus in its fund may transfer such surpluses to any other city fund, except the emergency fund, by resolution of the appropriate governing body. For the purposes of this subrule:

a. A surplus may exist only after all required transfers have been made to any restricted accounts in accordance with the terms and provisions of any revenue bonds or loan agreements relating to the utility or enterprise fund.

b. A “surplus” is defined as the cash balance in the operating account or the unrestricted net position calculated in accordance with GAAP, after adding back the net pension and other post-employment benefits liabilities and the related deferred inflows of resources and deducting the related deferred outflows of resources, in excess of:

(1) The amount of the expenses of disbursements for operating and maintaining the utility or enterprise for the preceding three months, and

(2) The amount necessary to make all required transfers to restricted accounts for the succeeding three months.

These rules are intended to implement Iowa Code chapters 384 and 388.

[Filed 5/22/26, effective 7/29/26]

[Published 6/24/26]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/24/26.

ARC 0391D

CITY FINANCE COMMITTEE[545]

Adopted and Filed

Rulemaking related to budget forms

The City Finance Committee hereby rescinds Chapter 3, “Budget Forms,” Iowa Administrative Code, and adopts a new Chapter 3 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapters 384 and 388.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 384.13 through 384.22.

Purpose and Summary

This chapter complies with the Iowa Code mandate of Iowa Code section 384.16 to have rules in place to prescribe forms used for city budgets.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on November 12, 2025, as **ARC 9685C**. A public hearing was held on the following date(s):

- December 2, 2025
- December 5, 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 Committee on December 17, 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 of Management 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 July 29, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 545—Chapter 3 and adopt the following **new** chapter in lieu thereof:

CHAPTER 3
BUDGET FORMS

545—3.1(384) Budget forms. The city finance committee may propose to the director forms to be used for public notice of estimates and for certifying the original budget or budget amendments.

This rule is intended to implement Iowa Code sections 384.13 through 384.22.

[Filed 5/22/26, effective 7/29/26]

[Published 6/24/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/24/26.

ARC 0392D

CITY FINANCE COMMITTEE[545]

Adopted and Filed

Rulemaking related to employee benefits

The City Finance Committee hereby rescinds Chapter 4, "Employee Benefits," Iowa Administrative Code, and adopts a new Chapter 4 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 384.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 384.

Purpose and Summary

This chapter establishes basic obligations concerning allowable employee benefits and establishes the requirement that benefits be in the city budget.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on November 12, 2025, as **ARC 9686C**. A public hearing was held on the following date(s):

- December 2, 2025
- December 5, 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 Committee on December 17, 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 of Management 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 July 29, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 545—Chapter 4 and adopt the following **new** chapter in lieu thereof:

CHAPTER 4
EMPLOYEE BENEFITS

545—4.1(384) Definition. Employee benefits are defined as and limited to the following:

1. Employer's share of Federal Insurance Contribution Act (FICA).
2. Employer's share of Iowa Public Employees' Retirement System (IPERS).
3. Employer's share of police and fire retirement systems.
4. Employer's share of medical payments under Iowa Code chapters 410 and 411.
5. Retiree hospital/medical/prescription benefits pursuant to Iowa Code section 364.25.
6. Workers' compensation costs or insurance premiums.
7. Unemployment benefits.
8. Employer's share of employee benefit plan costs for employees and their dependents, which would include only:
 - Hospital/medical/prescription benefits;
 - Dental benefits;
 - Disability insurance benefits;
 - Life insurance benefits;
 - Long-term insurance benefits;
 - Vision benefits.
9. Deferred compensation programs for city managers, fire chiefs, and police chiefs who do not participate in either IPERS or the Municipal Fire and Police Retirement System of Iowa (MFPRSI).
10. Employee wellness programs that are a part of, or are included with, a hospital/medical/prescription benefit program or a health and fitness program for employees that is adopted by city council motion, resolution, ordinance or included in a document approved by the city council.
11. Employee assistance program providing free counseling for employees and their dependents.
12. Occupational Safety and Health Administration (OSHA)-required tests (e.g., pulmonary and heart tests).
13. Regularly scheduled, city-required, postemployment physicals for employees, police reserves and volunteer firefighters.

545—4.2(384) Mandatory procedures. These employee benefits will be budgeted in the city general fund up to the tax rate limit of that fund with the excess being budgeted in the trust and agency fund for those employees being paid from the city general fund:

1. Employer's share of FICA under Iowa Code section 97C.10.
2. Employer's share of IPERS under Iowa Code section 97B.9.

545—4.3(384) Optional procedures. These employee benefits may be budgeted in either the city general or city trust and agency fund for those employees being paid from the city general fund.

1. Employer's share of police and fire pension and retirement systems under Iowa Code chapters 410 and 411.
2. Employer's share of medical payments under Iowa Code sections 410.18 and 411.15.
3. Retiree hospital/medical/prescription benefits pursuant to Iowa Code section 364.25.
4. Workers' compensation costs or insurance premiums.

5. Unemployment benefits.
6. Employer's share of employee benefit plan costs for employees and their dependents, which would include only:
 - Hospital/medical/prescription benefits;
 - Dental benefits;
 - Disability insurance benefits;
 - Life insurance benefits;
 - Long-term care insurance benefits;
 - Vision benefits.
7. Deferred compensation programs for city managers, fire chiefs, and police chiefs who do not participate in either IPERS or MFPRSI.
8. Employee wellness programs that are a part of, or are included with, a hospital/medical/prescription benefit program or a health and fitness program for employees that is adopted by city council motion, resolution, ordinance or included in a document approved by the city council.
9. Employee assistance program providing free counseling for employees and their dependents.
10. OSHA-required tests (e.g., pulmonary and heart tests).
11. Regularly scheduled, city-required postemployment physicals for employees, police reserves and volunteer firefighters.

545—4.4(384) Budgeting—other than general fund and road use tax fund. The revenues and appropriations for employee benefits for those employees being paid from any fund other than the city general fund and the road use tax fund are to be budgeted in and paid from the fund from which the employee is being paid.

These rules are intended to implement Iowa Code section 384.15.

[Filed 5/22/26, effective 7/29/26]

[Published 6/24/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/24/26.

ARC 0393D

CITY FINANCE COMMITTEE[545]

Adopted and Filed

Rulemaking related to law enforcement officer training reimbursement

The City Finance Committee hereby rescinds Chapter 5, "Petitions for Rule Making"; adopts a new Chapter 5, "Law Enforcement Officer Training Reimbursement"; and rescinds Chapter 9, "Law Enforcement Officer Training Reimbursement," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 17A and Executive Order 10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 17A.

Purpose and Summary

The Committee is restructuring the Committee's rules and moving the rules regarding law enforcement officer training reimbursement from Chapter 9 to Chapter 5.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on November 12, 2025, as **ARC 9688C**. A public hearing was held on the following date(s):

- December 2, 2025
- December 5, 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 Committee on December 17, 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 of Management 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 July 29, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 545—Chapter 5 and adopt the following **new** chapter in lieu thereof:

CHAPTER 5
LAW ENFORCEMENT OFFICER TRAINING REIMBURSEMENT

545—5.1(384) Eligible reimbursement. Cities and counties are eligible for reimbursement of law enforcement officer training costs for law enforcement officers who have resigned. Training costs for officers fired, retired, or disabled will not be eligible for reimbursement.

545—5.2(384) Reimbursable costs. Costs eligible for reimbursement include all necessary and actual training costs not otherwise recovered to comply with Iowa Code chapter 80B. To the extent funding is available, costs incurred for approved advanced law enforcement training are also eligible for reimbursement. Advanced law enforcement training costs are to be approved by the local governing body and deemed legitimate, necessary, and proper by the director.

Reimbursable training costs include mileage, food, lodging, tuition, compensation of the officer in training, and the compensation of a replacement officer while the officer is in training. Mileage, food, and lodging costs are reimbursable at the rates normally reimbursed by the claimant to other employees

for work-related travel. Compensation of the officer in training and the replacement officer(s) includes wages and employer-paid payroll taxes, insurance, and pension contributions. However, the reimbursable compensation of the replacement officer(s) will not exceed the reimbursable compensation of the officer in training.

Other costs eligible for reimbursement include those necessitated by the training facility, such as training uniforms, supplies, or equipment that was paid for by the claimant and not returned to or used by the claimant after training.

545—5.3(384) Filing of claims. Claims for reimbursement are to be filed on forms prescribed by the director and obtainable from the department.

Claims for payment are to be filed with the department at the committee's mailing address. Claims need to be filed within 90 days after the officer has resigned. If a reasonable cause can be shown, the due date may be waived. Claims filed after May 15 of any fiscal year will be considered for reimbursement in the following fiscal year. No more than one claim may be submitted for each reimbursable expense.

Claims are to be signed by the mayor or chairperson of the board of supervisors and attested by the city clerk or county auditor.

545—5.4(384) Documentation. Claims for reimbursement of law enforcement officer training costs are to be accompanied by proper documentation. Such documentation may include copies of invoices, canceled checks, salary and benefits schedules and any other supporting documents deemed necessary by the city finance committee.

545—5.5(384) Reimbursement percentage. The amount of reimbursement is to be based on the length of service of the resigned officer after completion of law enforcement training as provided by statute.

545—5.6(384) Payment. Funds available for reimbursement will first be applied to approved claims for minimum law enforcement officer training as set forth in Iowa Code chapter 80B. If the proceeds of the fund are insufficient to reimburse the total amount of the approved claims made during the year, the reimbursements will be prorated. Any remaining funds will be applied to approved claims for advanced law enforcement training on a pro rata basis.

545—5.7(384) Officer rehired. In the event a resigned officer is rehired by the city or county within one year from the date of resignation, the total costs reimbursed to the city or county for law enforcement training of that officer will be refunded to the law enforcement officer training reimbursement funds. The reimbursement for training costs will be refunded within 90 days of the date of rehire and will be accompanied by a letter of explanation.

545—5.8(384) Decision appealed. A city or county may appeal a reimbursement decision by the director to the city finance committee. The appeal is to be submitted in writing within 60 days from the date of notification of a decision from the director. Appeals are to be filed with the committee at the committee's mailing address.

These rules are intended to implement Iowa Code section 384.15.

ITEM 2. Rescind and reserve **545—Chapter 9.**

[Filed 5/22/26, effective 7/29/26]

[Published 6/24/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/24/26.

ARC 0394D**CITY FINANCE COMMITTEE[545]****Adopted and Filed****Rulemaking related to tax rate suspension appeal**

The City Finance Committee hereby rescinds Chapter 6, “Declaratory Orders”; adopts a new Chapter 6, “Tax Rate Suspension Appeal”; and rescinds Chapter 10, “Tax Rate Suspension Appeal,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 24.30.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 24.48.

Purpose and Summary

This rulemaking seeks to rescind Chapter 10 and repromulgate a revised version of the chapter as Chapter 6. The rulemaking simplifies the chapter and relies on defined terms used throughout the Committee’s rulemakings published herein (IAB 06/24/26) for consistency and ease of reading. The revisions also comply with Executive Order 10 by removing all restrictive words and phrases.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on November 12, 2025, as **ARC 9687C**. A public hearing was held on the following date(s):

- December 2, 2025
- December 5, 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 Committee on December 17, 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 of Management 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 July 29, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 545—Chapter 6 and adopt the following **new** chapter in lieu thereof:

CHAPTER 6
TAX RATE SUSPENSION APPEAL

545—6.1(24) Decision appealed. A city may appeal a tax rate suspension decision by the director of the department to the city finance committee. The appeal is to be submitted in writing no later than February 1 to the committee at the committee's mailing address.

This rule is intended to implement Iowa Code section 24.48.

ITEM 2. Rescind and reserve **545—Chapter 10**.

[Filed 5/22/26, effective 7/29/26]

[Published 6/24/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/24/26.

ARC 0395D

**HOMELAND SECURITY AND EMERGENCY MANAGEMENT
DEPARTMENT[605]**

Adopted and Filed

Rulemaking related to school safety

The Department of Homeland Security and Emergency Management hereby amends Chapter 13, "School Safety," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in 2024 Iowa Acts, House File 2652.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2024 Iowa Acts, House File 2652.

Purpose and Summary

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

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on April 29, 2026, as **ARC 0222D**. A public hearing was held on the following date(s):

- May 20, 2026

No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on June 3, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

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 July 29, 2026.

The following rulemaking action is adopted:

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

13.1(4) Transitional compliance and retroactive approval:

a. A school district or accredited nonpublic school that purchased an unholstered weapons detection system after May 17, 2024, but prior to the department's first publication of the approved organization list, shall be deemed in compliance with Iowa Code section 279.86 and this chapter, provided that:

- (1) The organization and product are subsequently added to the approved list; or
- (2) The school provides documentation to the department demonstrating that the organization and product met the eligibility criteria in rule 605—13.2(90GA, HF2652) at the time of purchase.

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

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

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

[Filed 6/3/26, effective 7/29/26]

[Published 6/24/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/24/26.

ARC 0396D

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to conditions of eligibility

The Department of Health and Human Services hereby amends Chapter 75, "Conditions of Eligibility," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 249A.3(2)"a"(1)(b).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Sections 1916A and 1902(a)(10)(A)(ii)(XIII) of the federal Social Security Act.

Purpose and Summary

This rulemaking implements the required annual premium update for applicants and recipients under the Medicaid for Employed Persons with Disabilities (MEPD) program with an income over 150 percent of the federal poverty level (FPL).

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on April 29, 2026, as **ARC 0229D**. Public hearings were held on the following date:

- May 19, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on June 3, 2026.

Fiscal Impact

The anticipated effect of the premium change on State revenue for fiscal year 2027 is \$31,839.

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 2504.

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 August 1, 2026.

The following rulemaking action is adopted:

ITEM 1. Amend subparagraph **75.6(6)“b”(4)** as follows:

(4) Premiums will be assessed as follows:

IF THE INCOME OF THE APPLICANT IS ABOVE:	THE MONTHLY PREMIUM IS:
150% of Federal Poverty Level	\$43 <u>\$44</u>
165% of Federal Poverty Level	\$59 <u>\$60</u>
180% of Federal Poverty Level	\$70 <u>\$72</u>
200% of Federal Poverty Level	\$82 <u>\$84</u>
225% of Federal Poverty Level	\$97 <u>\$99</u>
250% of Federal Poverty Level	\$113 <u>\$115</u>
300% of Federal Poverty Level	\$141 <u>\$144</u>
350% of Federal Poverty Level	\$171 <u>\$175</u>
400% of Federal Poverty Level	\$202 <u>\$206</u>
450% of Federal Poverty Level	\$233 <u>\$238</u>
550% of Federal Poverty Level	\$291 <u>\$296</u>
650% of Federal Poverty Level	\$351 <u>\$358</u>
750% of Federal Poverty Level	\$413 <u>\$421</u>
850% of Federal Poverty Level	\$488 <u>\$497</u>
1000% of Federal Poverty Level	\$586 <u>\$597</u>
1150% of Federal Poverty Level	\$685 <u>\$699</u>
1300% of Federal Poverty Level	\$790 <u>\$806</u>
1480% of Federal Poverty Level	\$913 <u>\$931</u>

[Filed 6/3/26, effective 8/1/26]

[Published 6/24/26]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/24/26.

ARC 0397D

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rulemaking related to individual and family direct support

The Department of Health and Human Services hereby rescinds Chapter 184, “Individual and Family Direct Support,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 225C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Executive Order 10.

Purpose and Summary

This rulemaking was undertaken as a result of a Red Tape Rule Review pursuant to Executive Order 10. The Department's review found Chapter 184 describes programs that have already sunsetted and for which there is no longer statutory authority. The Family Support Subsidy program was designed to assist families in staying together by defraying some of the costs of caring for a child with special needs living at home. The chapter also defined and structured the corresponding comprehensive family support program, known as Children at Home. This program was designed to assist families raising a child with a disability in obtaining needed services and supports. Because the programs and the statutory authority for rulemaking are no longer in place, the Department is rescinding this chapter.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on April 29, 2026, as **ARC 0230D**. Public hearings were held on the following date:

- May 19, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on June 3, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 2504.

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 August 1, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind and reserve **441—Chapter 184**.

[Filed 6/3/26, effective 8/1/26]

[Published 6/24/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/24/26.

ARC 0387D**PUBLIC HEALTH DEPARTMENT[641]****Adopted and Filed****Rulemaking related to general provisions for radiation and radiation protection standards**

The Department of Health and Human Services hereby rescinds Chapter 37, “Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material,” and adopts a new Chapter 37, “General Provisions for Radiation and Radiation Protection Standards,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code chapter 136C.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 136C and 10 CFR 20.

Purpose and Summary

This chapter is one of eight chapters pertaining to radiologic health matters regulated by the Department. This chapter and the seven others were reviewed as a part of the Red Tape Review process laid out in Executive Order 10. As a result of this review, restrictive terms were removed, areas that were duplicative were combined or eliminated, and editorial updates were made to reflect current policies and procedures. This chapter establishes standards for protection against ionizing radiation resulting from activities conducted pursuant to licenses or registrations issued by the Department.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on November 26, 2025, as **ARC 9772C**. An Amended Notice of Intended Action was published in the Iowa Administrative Bulletin on April 29, 2026, as **ARC 0223D**. A public hearing was held on the following date(s):

- May 19, 2026

No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on June 3, 2026.

Fiscal Impact

The State of Iowa is moving to a new licensing system for all agencies. The new licensing system does not support late fees. This change was expected to have a fairly significant fiscal impact on the total fees collected under 641—Chapters 37, 38, 43, and 44. As a result, the Department is removing the reoccurring late fees from these chapters and adding instead a one-time reinstatement fee for late registrations. In total, this switch is expected to decrease fee revenue by approximately \$20,000 for the Department’s Bureau of Radiologic Health. Fees collected under these chapters offset administrative costs and do not impact the State General Fund. This rulemaking also increases the returned check fees for licensing applications from \$25 to \$40. The Department assessed one returned check fee in SFY 2025 and SFY 2026, and thus the overall fiscal impact is expected to be minimal.

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 2504.

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 July 29, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 641—Chapter 37 and adopt the following **new** chapter in lieu thereof:

CHAPTER 37

GENERAL PROVISIONS FOR RADIATION AND RADIATION PROTECTION STANDARDS

641—37.1(136C) General provisions.

37.1(1) Except as otherwise specifically exempted, the provisions of this chapter apply to all persons who receive, possess, use, transfer, own, or acquire any source of radiation. However, nothing in these rules shall apply to the extent that such persons are subject to regulation by the U.S. Nuclear Regulatory Commission. Attention is directed to the fact that regulation by the state of source material, byproduct material, and special nuclear material in quantities not sufficient to form a critical mass is subject to the provisions of the agreement between the state and the U.S. Nuclear Regulatory Commission and to 10 CFR Part 150 of the Commission's regulations as amended to August 1, 2025.

37.1(2) All persons possessing radiation machines within the state shall be registered in accordance with this chapter, except as specifically exempted.

37.1(3) No person shall receive, possess, use, transfer, own, or acquire radioactive material, except as authorized in a specific or general license issued pursuant to this chapter or as otherwise provided in these rules.

37.1(4) This chapter establishes standards for protection against ionizing radiation resulting from activities conducted pursuant to licenses or registrations issued by the department. These rules are issued pursuant to the authority in Iowa Code sections 136C.3 and 136C.4.

37.1(5) The requirements of this chapter are designed to control the receipt, possession, use, transfer, and disposal of radiation sources by any licensee or registrant to ensure that the total radiation dose to any individual, excluding background radiation, does not exceed the standards for protection against radiation prescribed in this chapter.

37.1(6) The limits in this chapter do not apply to doses from background radiation, medical exposures for diagnosis or therapy, or voluntary participation in medical research. Nothing in this chapter shall be construed as limiting actions that may be necessary to protect public health and safety.

37.1(7) In addition to complying with the requirements set forth in this chapter, every reasonable effort should be made to maintain radiation exposures and releases of radioactive material in effluents to unrestricted areas as low as is reasonably achievable (ALARA).

37.1(8) The requirements of this chapter are in addition to, and not in substitution for, any other applicable provisions of 641—Chapters 38 through 42. Compliance with the most stringent applicable requirements, whether found in this chapter or in 641—Chapters 38 through 42, is required.

37.1(9) The provisions in this chapter pertaining to radioactive materials are consistent with the requirements of 10 CFR Parts 19 and 20 (as amended to August 1, 2025) and as referenced in 641—Chapter 39. Accordingly, the provisions of 641—Chapter 39 apply to corresponding rules and subrules of this chapter.

641—37.2(136C) Definitions. Except as otherwise specifically provided within a chapter or rule, these definitions apply to 641—Chapters 37 through 42.

“Absorbed dose rate” means absorbed dose per unit time, for machines with timers, or dose monitor unit per unit time for linear accelerators.

“Accelerator” or *“particle accelerator”* means any machine capable of accelerating electrons, protons, deuterons, or other charged particles in a vacuum and of discharging the resultant particulate or other radiation into a medium at energies usually in excess of 1 MeV.

“Accelerator-produced material” means any material made radioactive by a particle accelerator.

“Activity” means the rate of disintegration or transformation or decay of radioactive material. The units of activity are the curie (Ci) and the becquerel (Bq).

“Adult” means an individual 18 years of age or older.

“Agreement state” means any state with which the U.S. Nuclear Regulatory Commission or the U.S. Atomic Energy Commission has entered into an effective agreement under Subsection 274b of the Atomic Energy Act of 1954 as amended (73 Stat. 689). The state of Iowa is an agreement state as of January 1, 1986.

“Airborne radioactive material” means any radioactive material dispersed in the air in the form of dusts, fumes, particles, mists, vapors, or gases.

“Airborne radioactivity area” means a room, enclosure, or area in which airborne radioactive material (composed wholly or partly of licensed material) exists in concentrations (1) in excess of the derived air concentrations (DACs) specified in 10 CFR Part 20, Appendix A (as amended to August 1, 2025), or (2) to such a degree that an individual present in the area without respiratory protective equipment could exceed, during the hours an individual is present in a week, an intake of 0.6 percent of the annual limit on intake (ALI) or 12 DAC-hours.

“Air kerma” or *“K”* means the kinetic energy released in air by ionizing radiation. Kerma is determined as the quotient of dE by dM, where dE is the sum of the initial kinetic energies of all the charged ionizing particles liberated by uncharged ionizing particles in air of mass dM. The SI unit of air kerma is joule per kilogram, and the special name for the unit of kerma is the gray (Gy).

“Air-purifying respirator” means a respirator with an air-purifying filter, cartridge, or canister that removes specific air contaminants by passing ambient air through the air-purifying element.

“Annual limit on intake” or *“ALI”* means the derived limit for the amount of radioactive material taken into the body of an adult worker by inhalation or ingestion in a year. ALI is the smaller value of intake of a given radionuclide in a year by the reference person that would result in a committed effective dose equivalent of 5 rem (0.05 Sv) or a committed dose equivalent of 50 rem (0.5 Sv) to any individual organ or tissue. ALI values for intake by ingestion and by inhalation of selected radionuclides are given in Table I, Columns 1 and 2, of 10 CFR Part 20, Appendix B, as amended to August 1, 2025.

“Annually” means at least once every 365 days.

“As low as is reasonably achievable” or *“ALARA”* means making every reasonable effort to maintain exposures to radiation as far below the dose limits in these rules as is practical, consistent with the purpose for which the licensed or registered activity is undertaken, taking into account the state of technology, the economics of improvements in relation to state of technology, the economics of improvements in relation to benefits to the public health and safety, and other societal and socioeconomic considerations and in relation to utilization of nuclear energy and licensed or registered sources of radiation in the public interest.

“Assembler” means any person engaged in the business of assembling, replacing, or installing one or more components into an X-ray system or subsystem. The term includes the owner of an X-ray system or the employee or agent who assembles components into an X-ray system that is subsequently used to provide professional or commercial services.

“Assigned protection factor” or *“APF”* means the expected workplace level of respiratory protection that would be provided by a properly functioning respirator or a class of respirators to properly fitted and trained users. Operationally, the inhaled concentration can be estimated by dividing the ambient airborne concentration by the APF.

“Atmosphere-supplying respirator” means a respirator that supplies the respirator user with breathing air from a source independent of the ambient atmosphere and includes supplied-air respirators (SARs) and self-contained breathing apparatus (SCBA) units.

“Authorization” means license, registration, certificate, permit, or any other document issued or received by the department that authorizes specific activities related to the possession and use of radioactive materials or radiation-producing machines in Iowa.

“Background radiation” means radiation from cosmic sources; naturally occurring radioactive materials, including radon (except as a decay product of source or special nuclear material); and global fallout as it exists in the environment from the testing of nuclear explosive devices or from past nuclear accidents such as Chernobyl that contribute to background radiation and are not under the control of the licensee. “Background radiation” does not include sources of radiation from radioactive materials regulated by the department.

“Beam axis” means a line from the source through the centers of the X-ray fields.

“Beam-limiting device” means a field defining collimator, integral to the system, which provides a means to restrict the dimensions of the X-ray field or useful beam.

“Beam monitoring system” means a system designed and installed in the radiation head to detect and measure the radiation present in the useful beam.

“Becquerel” or *“Bq”* means the SI unit of activity. One becquerel is equal to 1 disintegration or transformation per second (dps or tps).

“Bioassay” or *“radiobioassay”* means the determination of kinds, quantities or concentrations and, in some cases, the locations of radioactive material in the human body, whether by direct measurement, in vivo counting, or by analysis and evaluation of materials excreted or removed from the human body.

“Bone densitometry” means the use of ionizing radiation for diagnostic purposes utilizing a dual energy X-ray absorptiometry (DEXA) system. A DEXA system employs low-dose X-rays at two distinct energy levels to measure bone mineral density, and may also be used to assess lean tissue mass, total or regional body fat, or to perform other examinations as permitted by the system’s intended use and the department.

“Brachytherapy” means a method of radiation therapy in which sealed sources are utilized to deliver a radiation dose at a distance of up to a few centimeters, by surface, intracavitary, intraluminal, or interstitial application.

“Brachytherapy source” means a radioactive source or a manufacturer-assembled source train or a combination of these sources that is designed to deliver a therapeutic dose within a distance of a few centimeters.

“Byproduct material” means:

1. Any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material;
2. The tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from uranium or thorium solution extraction processes. Underground ore bodies depleted by these solution extraction operations do not constitute “byproduct material” within this definition;
3. Any discrete source of radium-226 that is produced, extracted, or converted after extraction before, on, or after August 8, 2005, for use for a commercial, medical, or research activity or any material that:
 - Has been made radioactive by use of a particle accelerator; and
 - Is produced, extracted, or converted after extraction before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; and
 - Any discrete source of naturally occurring radioactive material, other than source material, that:

○ The Nuclear Regulatory Commission, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of Homeland Security, and the head of any other appropriate federal agency, determines would pose a threat to the public health and safety or the common defense and security similar to the threat posed by a discrete source of radium-226; and

○ Before, on, or after August 8, 2005, is extracted or converted after extraction for use in a commercial, medical, or research activity.

“*Cabinet radiography*” means industrial radiography conducted in an enclosure or cabinet shielded so that radiation levels at every location on the exterior meet the limitations specified in rule 641—37.11(11).

“*Calendar quarter*” means not less than 12 consecutive weeks nor more than 14 consecutive weeks. The first calendar quarter of each year begins in January, and subsequent calendar quarters shall be so arranged such that no day is included in more than one calendar quarter and no day in any one year is omitted from inclusion within a calendar quarter. No licensee or registrant shall change the method of determining calendar quarters for purposes of these rules, except at the beginning of a year.

“*Calibration*” means the determination of:

1. The response or reading of an instrument relative to a series of known radiation values over the range of the instrument, or

2. The strength of a source of radiation relative to a standard.

“*Carrier*” means a person engaged in the transportation of passengers or property by land or water as a common, contract, or private carrier or by civil aircraft.

“*Class*,” “*lung class*,” or “*inhalation class*” means a classification scheme for inhaled material according to its rate of clearance from the pulmonary region of the lung. Materials are classified as D, W, or Y, which applies to a range of clearance half-times: for Class D, Days, of less than 10 days, for Class W, Weeks, from 10 to 100 days, and for Class Y, Years, of greater than 100 days.

“*Code of Federal Regulations*” or “*CFR*” means the codification of the general and permanent regulations promulgated by the executive departments and agencies of the federal government of the United States as amended to August 1, 2025, and all references to the CFR herein are amended as to August 1, 2025. It is the official legal print publication containing the rules published in the Federal Register.

“*Collective dose*” means the sum of the individual doses received in a given period of time by a specified population from exposure to a specified source of radiation.

“*Committed dose equivalent*” or “*HT,50*” means the dose equivalent to organs or tissues of reference (T) that will be received from an intake of radioactive material by an individual during the 50-year period following the intake.

“*Committed effective dose equivalent*” or “*HE,50*” is the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to each of these organs or tissues ($HE,50 = \sum wT,HT,50$).

“*Computed tomography*” or “*CT*” means the production of a tomogram by the acquisition and computer processing of X-ray transmission data.

“*Consignment*” means each shipment of a package or groups of packages or load of radioactive material offered by a shipper for transport.

“*Constraint or dose constraint*” means a value above which specified licensee actions are required.

“*Controlled area*” means an area, outside of a restricted area but inside the site boundary, access to which can be limited by the licensee or registrant for any reason.

“*Curie*” means a unit of quantity of radioactivity. One curie (Ci) is that quantity of radioactive material that decays at the rate of $3.7E+10$ transformations per second (tps).

“*Declared pregnant woman*” means a woman who has voluntarily informed her licensee or registrant, in writing, of her pregnancy and the estimated date of conception. The declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant.

“*Decommission*” means to remove a facility or site safely from service and reduce residual radioactivity to a level that permits:

1. Release of the property for unrestricted use and termination of the license; or
2. Release of the property under restricted conditions and termination of the license.

“Deep dose equivalent” or *“Hd,”* which applies to external whole body exposure, means the dose equivalent at a tissue depth of 1 centimeter (1000 mg/cm^2).

“Demand respirator” means an atmosphere-supplying respirator that admits breathing air to the facepiece only when a negative pressure is created inside the facepiece by inhalation.

“Derived air concentration” or *“DAC”* means the concentration of a given radionuclide in air that if breathed by the reference person for a working year of 2,000 hours under conditions of light work (inhalation rate 1.2 cubic meters of air per hour) results in an intake of one ALI. DAC values are given in Table I, Column 3, of 10 CFR Part 20, Appendix B.

“Derived air concentration-hour” or *“DAC-hour”* means the product of the concentration of radioactive material in air, expressed as a fraction or multiple of the derived air concentration for each radionuclide, and the time of exposure to that radionuclide, in hours. A licensee or registrant may take 2,000 DAC-hours to represent one ALI, equivalent to a committed dose equivalent of 5 rem (0.05 Sv).

“Direct supervision” means guidance and instruction by a qualified individual who is physically present and watching the performance of the radiological operation or procedure and in such proximity that contact can be maintained and immediate assistance can be given as required.

“Discrete source” means a radionuclide that has been processed so that its concentration within a material has been purposely increased for use for commercial, medical, or research activities.

“Disposable respirator” means a respirator for which maintenance is not intended and that is designed to be discarded after excessive breathing resistance, sorbent exhaustion, physical damage, or end-of-service-life renders it unsuitable for use. Examples of this type of respirator are a disposable half-mask respirator or a disposable escape-only self-contained breathing apparatus (SCBA).

“Distinguishable from background” means that the detectable concentration of a radionuclide is statistically different from the background concentration of that radionuclide in the vicinity of the site or, in the case of structures, in similar materials using adequate measurement technology, survey, and statistical techniques.

“Dose” or *“radiation dose”* is a generic term that means absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, committed effective dose equivalent, total organ dose equivalent, or total effective dose equivalent.

“Dose equivalent” or *“HT”* means the product of the absorbed dose in tissue, quality factor, and all other necessary modifying factors at the location of interest. The units of dose equivalent are the sievert (Sv) and rem.

“Dose limits” or *“limits”* means the permissible upper bounds of radiation doses established in accordance with these rules.

“Effective dose equivalent” or *“HE”* means the sum of the products of the dose equivalent to each organ or tissue (HT) and the weighting factor (wT) applicable to each of the body organs or tissues that is irradiated ($HE = \sum wTHT$).

“Embryo” or *“fetus”* means the developing human organism from conception until the time of birth.

“Entrance or access point” means any opening through which an individual or extremity of an individual could gain access to radiation areas or to licensed or registered radioactive materials. This includes entry or exit portals of sufficient size to permit human entry, irrespective of their intended use.

“Exposure” means being exposed to ionizing radiation or to radioactive material.

“Exposure” means the quotient of dQ by dm where “dQ” is the absolute value of the total charge of the ions of one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having mass “dm” are completely stopped in air. (The special unit of exposure is the roentgen (R) for SI equivalent coulomb per kilogram.) When not underlined as above or when indicated as “exposure” or (X), the term “exposure” has a more general meaning in these rules.

“Exposure rate” means the exposure per unit of time, such as roentgen per minute and milliroentgen per hour.

“External dose” means that portion of the dose equivalent received from any source of radiation outside the body.

“*Extremity*” means hand, elbow, arm below the elbow, foot, knee, and leg below the knee. For purposes of certification standards, “lower extremities” and “upper extremities” mean the same as defined in rule 641—38.7(136C).

“*Facility*” means the location, building, vehicle, or complex under one administrative control at which radioactive material is stored or used or at which one or more radiation machines are installed, located, or used.

“*FDA*” means the United States Food and Drug Administration.

“*Filtering facepiece (dust mask)*” means a negative pressure particulate respirator with a filter as an integral part of the facepiece, or with the entire facepiece composed of the filtering medium, that is not equipped with elastomeric sealing surfaces and adjustable straps.

“*Fit factor*” means a quantitative estimate of the fit of a particular respirator to a specific individual and typically estimates the ratio of the concentration of a substance in ambient air to its concentration inside the respirator when worn.

“*Fit test*” means the use of a protocol to qualitatively or quantitatively evaluate the fit of a respirator on an individual.

“*Former U.S. Atomic Energy Commission (AEC) or U.S. Nuclear Regulatory Commission (NRC) licensed facilities*” means nuclear reactors, nuclear fuel reprocessing plants, uranium enrichment plants, or critical mass experimental facilities where AEC or NRC licenses have been terminated.

“*Generally applicable environmental radiation standards*” means standards issued by the U.S. Environmental Protection Agency (EPA) under the authority of the Atomic Energy Act of 1954 as amended to August 1, 2025, that impose limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material.

“*Gray*” or “*Gy*” means the SI unit of absorbed dose. One gray is equal to an absorbed dose of 1 joule per kilogram (1 Gy = 100 rad).

“*Half-value layer*” or “*HVL*” means the thickness of a specified material that attenuates X-radiation or gamma radiation to an extent such that the air kerma rate, exposure rate or absorbed dose rate is reduced to one-half of the value measured without the material at the same point. The contribution of all scattered radiation, other than any that might be present initially in the beam concerned, is excluded.

“*Hazardous waste*” means those wastes designated as hazardous by U.S. Environmental Protection Agency regulations in 40 CFR Part 261 as amended to August 1, 2025.

“*Healing arts*” means the occupational fields of diagnosing or treating disease, providing health care and improving health by the practice of medicine, osteopathy, chiropractic, podiatry, dentistry, nursing, veterinary medicine, and supporting professions, such as physician associates, nurse practitioners, radiologic technologists, and dental hygienists.

“*Helmet*” means a rigid respiratory inlet covering that also provides head protection against impact and penetration.

“*High dose-rate remote afterloader*” means a brachytherapy device that remotely delivers a dose rate in excess of 1200 rads (12 gray) per hour at the point or surface where the dose is prescribed.

“*High-level radioactive waste*” or “*HLW*” means (1) irradiated reactor fuel; (2) liquid wastes resulting from the operation of the first cycle solvent extraction system, or equivalent, and the concentrated wastes from subsequent extraction cycles, or equivalent, in a facility for reprocessing irradiated reactor fuel; and (3) solids into which such liquid wastes have been converted.

“*High radiation area*” means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual’s receiving a dose equivalent in excess of 0.1 rem (1 mSv) in one hour at 30 centimeters from any source of radiation or 30 centimeters from any surface that the radiation penetrates.

“*Highway route controlled quantity*” means a quantity within a single package that exceeds:

1. 3,000 times the A1 value of the radionuclides as specified in 49 CFR 173.435 for special form Class 7 (radioactive) material;
2. 3,000 times the A2 value of the radionuclides as specified in 49 CFR 173.435 for normal form Class 7 (radioactive) material; or

3. 1,000 TBq (27,000 Ci), whichever is least.

“*Hood*” means a respiratory inlet covering that completely covers the head and neck and may also cover portions of the shoulders and torso.

“*Human use*” means the internal or external administration of radiation or radioactive material to human beings.

“*Individual*” means any human being.

“*Individual monitoring*” means the assessment of:

1. Dose equivalent by the use of devices designed to be worn by an individual or by the use of survey data; or
2. Committed effective dose equivalent by bioassay or by determination of the time-weighted air concentrations to which an individual has been exposed, that is, DAC-hours.

“*Individual monitoring devices*,” “*personnel dosimeter*” or “*dosimeter*” means devices designed to be worn by a single individual for the assessment of dose equivalent. Examples of individual monitoring devices are film badges, thermoluminescent dosimeters (TLDs), pocket ionization chambers, optically stimulated luminescent (OSL) devices, and personal air sampling devices.

“*Industrial radiography*” means an examination of the structure of materials by nondestructive methods, utilizing ionizing radiation to make radiographic images.

“*Inspection*” means an official examination or observation including but not limited to tests, surveys, and monitoring to determine compliance with rules, regulations, orders, requirements, and conditions of the department.

“*Instrument traceability*,” “*source traceability*” or “*traceable to a national standard*” means, for ionizing radiation measurements, the ability to show that an instrument has been calibrated at specified time intervals using a national standard or a transfer standard. If a transfer standard is used, the calibration must be from a laboratory accredited by a program that required continuing participation in measurement quality assurance with the National Institute of Standards and Technology or other equivalent national or international program.

“*Interlock*” means a device preventing the start or continued operation of equipment unless certain predetermined conditions prevail.

“*Internal dose*” means that portion of the dose equivalent received from radioactive material taken into the body.

“*Ionizing radiation producing machine*” or “*radiation machine*” means any device capable of producing radiation when the associated control devices are operated, excluding devices that produce radiation only by the use of radioactive material.

“*Iowa approved*” means recognized or accepted by the department as meeting the training and experience requirements established by MQSA, CFR, or any additional criteria set forth by the department. This may include but is not limited to formal approval by the department based on documentation of education, training, certification, and clinical experience.

“*Irradiation*” means the exposure of a living being or matter to ionizing radiation.

“*Leakage radiation*” means radiation emanating from the diagnostic or therapeutic source assembly, except for:

1. The useful beam, and
2. Radiation produced when the exposure switch or timer is not activated.

“*Lens dose equivalent*” or “*LDE*” applies to the external exposure of the lens of the eye and is taken as the dose equivalent at a tissue depth of 0.3 centimeter (300 mg/cm²).

“*License*” means a license issued by the department in accordance with the rules adopted by the department.

“*Licensed (or registered) material*” means radioactive material received, possessed, used, transferred or disposed of under a general or specific license (or registration) issued by the department.

“*Licensed practitioner*” means a person licensed or otherwise authorized by law to practice medicine, osteopathy, chiropractic, podiatry, or dentistry in Iowa, or certified as a physician associate, and authorized to prescribe X-ray tests for the purpose of diagnosis or treatment.

“*Licensee*” means any person who is licensed by the department in accordance with these rules and Iowa Code chapter 136C.

“*Licensing state*” means any state with regulations equivalent to the suggested state regulations for control of radiation relating to, and an effective program for, the regulatory control of NARM and that has been granted final designation by the Conference of Radiation Control Program Directors, Inc.

“*Loose-fitting facepiece*” means a respiratory inlet covering that is designed to form a partial seal with the face.

“*Lost or missing licensed (or registered) source of radiation*” means licensed (or registered) source of radiation whose location is unknown. This definition includes licensed (or registered) material that has been shipped but has not reached its planned destination and whose location cannot be readily traced in the transportation system.

“*Mammography*” means the radiography of the breast.

“*Mammography unit*” means an assemblage of components for the production of X-rays for use during mammography, including, at a minimum, an X-ray generator, an X-ray control, a tube housing assembly, a beam-limiting device, and the supporting structures for these components.

“*Medical event*” means the medical event:

1. In which, except for an event that results from patient intervention:
 - The administration of byproduct material or radiation from byproduct material, except permanent implant brachytherapy, results in:
 - A dose that differs from the prescribed dose or dose that would have resulted from the prescribed dosage by more than 5 rem (0.05 Sv) effective dose equivalent, 50 rem (0.5 Sv) to an organ or tissue, or 50 rem (0.5 Sv) shallow dose equivalent to the skin; and
 - ◆ The total dose delivered differs from the prescribed dose by 20 percent or more;
 - ◆ The total dosage delivered differs from the prescribed dosage by 20 percent or more or falls outside the prescribed dosage range; or
 - ◆ The fractionated dose delivered differs from the prescribed dose, for a single fraction, by 50 percent or more.
 - A dose that exceeds 5 rem (0.05 Sv) effective dose equivalent, 50 rem (0.5 Sv) to an organ or tissue, or 50 rem (0.5 Sv) shallow dose equivalent to the skin from any of the following:
 - ◆ An administration of the wrong radioactive drug containing byproduct material or the wrong radionuclide for a brachytherapy procedure;
 - ◆ An administration of a radioactive drug containing byproduct material by the wrong route of administration;
 - ◆ An administration of a dose or dosage to the wrong individual or human research subject;
 - ◆ An administration of a dose or dosage delivered by the wrong mode of treatment; or
 - ◆ A leaking sealed source.
 - A dose to the skin or an organ or tissue other than the treatment site that exceeds by:
 - ◆ 50 rem (0.5 Sv) or more the expected dose to that site from the procedure if the administration had been given in accordance with the written directive prepared or revised before administration; and
 - ◆ 50 percent or more the expected dose from the procedure if the administration had been given in accordance with the written directive prepared or revised before administration;
 - For permanent implant brachytherapy, the administration of byproduct material or radiation from byproduct material (excluding sources that were implanted in the correct site but migrated outside the treatment site) that results in:
 - The total source strength administered differing by 20 percent or more from the total source strength documented in the postimplantation portion of the written directive;
 - The total source strength administered outside of the treatment site exceeding 20 percent of the total source strength documented in the postimplantation portion of the written directive; or
 - An administration that includes any of the following:
 - ◆ The wrong radionuclide;
 - ◆ The wrong individual or human research subject;

◆ Sealed source(s) implanted directly into a location discontinuous from the treatment site, as documented in the postimplantation portion of the written directive; or

◆ A leaking sealed source resulting in a dose that exceeds 50 rem (0.5 Sv) to an organ or tissue.

2. Resulting from intervention of a patient or human research subject in whom administration of byproduct material or radiation from byproduct material results or will result in unintended permanent functional damage to an organ or a physiological system as determined by a physician.

“Medical use” means the intentional internal or external administration of radioactive material or the radiation therefrom to patients or human research subjects under the supervision of an authorized user.

“Member of the public” means any individual, except when that individual is receiving an occupational dose.

“Minor” means an individual less than 18 years of age.

“Monitoring, radiation monitoring” or *“radiation protection monitoring”* means the measurement of radiation levels, radioactive material concentrations, surface area concentrations or quantities of radioactive material and the use of the results of these measurements to evaluate potential exposures and doses.

“Negative pressure respirator (tight fitting)” means a respirator in which the air pressure inside the facepiece is negative during inhalation with respect to the ambient air pressure outside the respirator.

“Nonstochastic effect” or *“deterministic event”* means a health effect, the severity of which varies with the dose and for which a threshold is believed to exist. Radiation-induced cataract formation is an example of a nonstochastic effect.

“Nuclear Regulatory Commission” or *“NRC”* means the U.S. Nuclear Regulatory Commission or its duly authorized representatives.

“Occupational dose” means the dose received by an individual in the course of employment in which the individual’s assigned duties involve exposure to radiation or to radioactive material from licensed or unlicensed and registered or unregistered sources of radiation, whether in the possession of the licensee, registrant, or other person. Occupational dose does not include a dose received from background radiation, from any medical administration the individual has received, from exposure to individuals administered sources of radiation or radioactive material from voluntary participation in medical research programs, or as a member of the public.

“Online licensing portal” means the electronic system designated by the department through which applicants and credential holders shall submit applications, renewals, supporting documentation, and other required information for licensure, certification, credentialing, or registration.

“Package” means the packaging together with its radioactive contents as presented for transport.

“Patient” means an individual or animal subjected to healing arts examination, diagnosis or treatment.

“Person” means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, department, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or department of the foregoing, but cannot include federal government agencies.

“PET/CT” means an imaging modality that uses positron emission tomography and computed tomography in one device to combine the structural anatomic information with functional data collected during the examination.

“Phantom” means a volume of material behaving in a manner similar to tissue with respect to the attenuation and scattering of radiation. This requires that both the atomic number (Z) and the density of the material be similar to that of tissue.

“Physician” means a person who is currently licensed in Iowa to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy.

“Planned special exposure” means an infrequent exposure to radiation, separate from and in addition to the annual occupational dose limits.

“Positive pressure respirator” means a respirator in which the pressure inside the respiratory inlet covering exceeds the ambient air pressure outside the respirator.

“Positron emission tomography (PET) radionuclide production facility” means a facility operating a cyclotron or accelerator for the purpose of producing PET radionuclides.

“Powered air-purifying respirator” or *“PAPR”* means an air-purifying respirator that uses a blower to force the ambient air through air-purifying elements to the inlet covering.

“Pressure demand respirator” means a positive pressure atmosphere-supplying respirator that admits breathing air to the facepiece when the positive pressure is reduced inside the facepiece by inhalation.

“Primary protective barrier” or *“barrier”* means the material, excluding filters, placed in the useful beam to reduce the radiation exposure (beyond the patient and cassette holder) for protection purposes.

“Public dose” means the dose received by a member of the public from exposure to radiation or to radioactive material released by a licensee, registrant, or other person or to any other source of radiation under the control of a licensee, registrant, or other person. It does not include occupational dose or doses received from background radiation, from any medical administration the individual has received, or from exposure to individuals administered sources of radiation or radioactive material and released from voluntary participation in medical research programs.

“Qualified expert” means an individual registered with the department as a radiation machines service provider, whether as an individual, as part of a corporation, or any other entity included in the definition of “person” under this chapter, having the knowledge and training to measure ionizing radiation, evaluate safety techniques, and provide guidance on radiation protection.

“Qualitative fit test” or *“QLFT”* means a pass-fail fit test to assess the adequacy of respirator fit that relies on the individual’s response to the test agent.

“Quality assurance” means the overall program of testing and maintaining the highest possible standards of quality in the acquisition and interpretation of radiographic images.

“Quality control” means the actual process of testing and maintaining the highest possible standards of quality in equipment performance and the acquisition and interpretation of radiographic images.

“Quality factor” or *“Q”* means the modifying factor, listed in Tables I and II of subrule 37.5(1), that is used to derive dose equivalent from absorbed dose.

“Quantitative fit test” or *“QNFT”* means an assessment of the adequacy of respirator fit by numerically measuring the amount of leakage into the respirator.

“Quarter” means a period of time equal to one-fourth of the year observed by the licensee, approximately 13 consecutive weeks, providing that the beginning of the first quarter in a year coincides with the starting date of the year and that no day is omitted or duplicated in consecutive quarters.

“Rad” means the special unit of absorbed dose. One rad is equal to an absorbed dose of 100 erg per gram or 0.01 joule per kilogram (0.01 gray).

“Radiation” or *“ionizing radiation”* means alpha particles, beta particles, gamma rays, X-rays, neutrons, high-speed electrons, high-speed protons, and other particles capable of producing ions. Radiation, as used in these rules, does not include nonionizing radiation, such as radiowaves or microwaves, visible, infrared, or ultraviolet light.

“Radiation area” means any area accessible to individuals in which radiation levels could result in an individual receiving a dose equivalent in excess of 0.05 mSv (0.005 rem) in one hour at 30 centimeters from the source of radiation or from any surface that the radiation penetrates.

“Radiation detector” or *“detector”* means a device that in the presence of radiation, by either direct or indirect means, provides a signal or other indication suitable for use in measuring one or more quantities of incident radiation.

“Radiation machine” means any device capable of producing radiation, except those devices with radioactive material as the only source of radiation.

“Radiation safety officer” or *“RSO”* means an individual who has the knowledge and responsibility to apply appropriate radiation protection regulations and has been assigned such responsibility by the licensee or registrant.

“Radioactive material” means any solid, liquid, or gas that emits radiation spontaneously.

“Radioactivity” means the transformation of unstable atomic nuclei by the emission of radiation.

“Radionuclide” means a radioactive element or a radioactive isotope.

“*Reference person*” means a hypothetical aggregation of human physical and physiological characteristics determined by international consensus. These characteristics may be used by researchers and public health workers to standardize results of experiments and to relate biological insult to a common base. A description of the reference person is contained in the International Commission on Radiological Protection report, ICRP Publication 23, “Report of the Task Group on Reference Man” as amended to August 1, 2025.

“*Registrant*” means any person who is registered with the department or is legally obligated to register with the department pursuant to these rules and Iowa Code chapter 136C.

“*Registration*” means registration with the department in accordance with the rules adopted by the department.

“*Regulations of the U.S. Department of Transportation*” means the regulations in 49 CFR Parts 100 through 180.

“*Rem*” means the special unit of any of the quantities expressed as dose equivalent. The dose equivalent in rem is equal to the absorbed dose in rad multiplied by the quality factor (1 rem = 0.01 sievert).

“*Reportable radiation incident*” means an occurrence involving the use of a radiation-producing machine that meets one or more of the criteria established in the Council of Radiation Control Program Director’s (CRCPD) Suggested State Regulations, Part F.2 as amended to August 1, 2025, for medical events. This includes but is not limited to any of the following:

1. Unintended skin dose to the same area in a single procedure greater than 2 Gy (200 rad);
2. Unintended dose other than skin dose in a single procedure greater than:
 - 5 times the facility’s established protocol, and > 0.5 Gy (50 rad) to any organ, or
 - 5 times the facility’s established protocol, and > 0.05 Sv (5 rem) effective dose;
3. Wrong patient or wrong site for entire procedure when the resultant dose is:
 - Dose > 0.5 Gy (50 rad) to any organ, or
 - Effective dose \geq 0.05 Sv (5 rem).
4. This definition includes radiation incidents occurring during medical diagnostic and interventional X-ray procedures, as well as any other radiation machine-related incident that meets established reporting criteria. It also encompasses any additional incident deemed reportable by the department based on potential or actual deviation from intended use, dose, or safety standards.

“*Research and development*” means:

1. Theoretical analysis, exploration, or experimentation; or
2. The extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes. Research and development does not include the internal or external administration of radiation or radioactive material to human beings.

“*Residual radioactivity*” means radioactivity in structures, materials, soils, groundwater, and other media at a site resulting from activities under the licensee’s control. This includes radioactivity from all licensed and unlicensed sources used by the licensee but excludes background radiation. It also includes radioactive materials remaining at the site as a result of routine or accidental releases of radioactive material at the site and previous burials at the site, even if those burials were made in accordance with any previous state or federal licenses, rules, or regulations.

“*Respiratory protective equipment*” means an apparatus, such as a respirator, used to reduce an individual’s intake of airborne radioactive materials.

“*Restricted area*” means an area, access to which is limited by the licensee or registrant for the purpose of protecting individuals against undue risks from exposure to sources of radiation. A restricted area cannot include any areas used for residential quarters, although a separate room or rooms in a residential building may be set apart as a restricted area.

“*Roentgen*” means the special unit of exposure. One roentgen (R) equals 2.58×10^{-4} coulombs/kilogram of air.

“*Sanitary sewerage*” means a system of public sewers for carrying off wastewater and refuse, excluding sewage treatment facilities, septic tanks, and leach fields owned or operated by the licensee or registrant.

“*Scattered radiation*” means ionizing radiation emitted by interaction of ionizing radiation with matter, the interaction being accompanied by a change in direction of the radiation. Scattered primary radiation means the scattered radiation that has been deviated in direction only by materials irradiated by the useful beam.

“*Sealed source*” means radioactive material that is encased in a capsule designed to prevent leakage or escape of the radioactive material.

“*Self-contained breathing apparatus*” or “*SCBA*” means an atmosphere-supplying respirator for which the breathing air source is designed to be carried by the user.

“*Service provider*” means an individual or company engaged in equipment services included in this chapter.

“*Shallow dose equivalent*” or “*Hs*,” which applies to the external exposure of the skin of the whole body or the skin of an extremity, means the dose equivalent at a tissue depth of 0.007 centimeter (7 mg/cm²).

“*Shutter*” means a device attached to the tube housing assembly that can intercept the entire cross-sectional area of the useful beam and that has a lead equivalency not less than that of the tube housing assembly.

“*SI*” means the abbreviation for the International System of Units.

“*Sievert*” means the SI unit of any of the quantities expressed as dose equivalent. The dose equivalent in sievert is equal to the absorbed dose in gray multiplied by the quality factor (1 Sv = 100 rem).

“*Site boundary*” means that line beyond which the land or property is not owned, leased, or otherwise controlled by the licensee or registrant.

“*Source*” means the focal spot of the X-ray tube.

“*Source material*” means:

- a. Uranium or thorium, or any combination thereof, in any physical or chemical form; or
- b. Ores that contain by weight one-twentieth of 1 percent (0.05 percent) or more of uranium, thorium or any combination of uranium and thorium. Source material does not include special nuclear material.

“*Source material milling*” means any activity that results in the production of byproduct material described in numbered paragraph “2” of the definition of “byproduct material.”

“*Source of radiation*” means any radioactive material or any device or equipment emitting, or capable of producing, radiation.

“*Source traceability*” means the ability to show that a radioactive source has been calibrated either by the national standards laboratory of the National Institute of Standards and Technology or by a laboratory that participates in continuing measurement quality assurance programs with the National Institute of Standards and Technology or other equivalent national or international program.

“*SPECT/CT*” means an imaging modality that uses single photon emission computed tomography and computed tomography in one device to combine the structural anatomic information with functional data collected during the examination.

“*SSD*” means the distance between the source and the skin entrance plane of the patient.

“*Stochastic effect*” or “*probabilistic effect*” means a health effect that occurs randomly and for which the probability of the effect occurring, rather than its severity, is assumed to be a linear function of dose without threshold. Hereditary effects and cancer incidence are examples of stochastic effects.

“*Stray radiation*” means the sum of leakage and scattered radiation.

“*Supplied-air respirator*,” “*SAR*” or “*airline respirator*” means an atmosphere-supplying respirator for which the source of breathing air is not designed to be carried by the user.

“*Survey*” means an evaluation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, or presence of sources of radiation. When appropriate, such

evaluation includes a physical survey of the location of radioactive material and measurements or calculations of levels of radiation or concentrations or quantities of radioactive material present.

“Target-to-skin distance” or *“TSD”* means the distance measured along the beam axis from the center of the front surface of the X-ray target or electron virtual source scattering foil to the surface of the irradiated object or patient.

“Termination of irradiation” means the stopping of irradiation in a fashion that will not permit continuance of irradiation without the resetting of operating conditions at the control panel.

“Test” means the process of verifying compliance with an applicable regulation.

“These rules” means the rules contained within 641—Chapters 37 through 44.

“Tight-fitting facepiece” means a respirator inlet covering that forms a complete seal with the face.

“Total effective dose equivalent” or *“TEDE”* means the sum of the effective dose equivalent (for external exposures) and the committed effective dose equivalent (for internal exposures).

“Total organ dose equivalent” or *“TODE”* means the sum of the deep dose equivalent and the committed dose equivalent to the organ receiving the highest dose as described in rule 641—37.4(136C).

“Treatment site” means the anatomical description of the tissue intended to receive a radiation dose as described in the written directive.

“Tube housing assembly” means the tube housing with tube installed. It includes high-voltage or filament transformers, or both, and other appropriate elements when such are contained within the tube housing.

“Type A quantity” means a quantity of radioactive material, the aggregate radioactivity of which does not exceed A1 for special form radioactive material or A2 for normal form radioactive material as defined in 10 CFR 71.4 as amended to August 1, 2025.

“Type B quantity” means a quantity of radioactive material greater than a Type A quantity as defined in 10 CFR 71.4 as amended to August 1, 2025.

“Unrestricted area” or *“uncontrolled area”* means an area to which access is neither limited nor controlled by the licensee or registrant.

“U.S. Department of Energy” means the Department of Energy established by Public Law 95-91, August 4, 1977, 91 Stat. 565, 42 U.S.C. 7101 et seq., to the extent that the department exercises functions formerly vested in the U.S. Atomic Energy Commission, its chairman, members, officers and components and transferred to the U.S. Energy Research and Development Administration and to the administrator thereof pursuant to Sections 104(b), (c) and (d) of the Energy Reorganization Act of 1974 (Public Law 93-438, October 11, 1974, 88 Stat. 1233 at 1237, effective January 19, 1975) and retransferred to the Secretary of Energy pursuant to Section 301(a) of the Department of Energy Organization Act (Public Law 95-91, August 4, 1977, 91 Stat. 565 at 577-578, 42 U.S.C. 7151, effective October 1, 1977), all as amended to August 1, 2025.

“User seal check” or *“fit check”* means an action conducted by the respirator user to determine if the respirator is properly seated to the face. Examples include negative pressure check, positive pressure check, irritant smoke check, or isoamyl acetate check.

“Very high radiation area” means an area accessible to individuals in which radiation levels from radiation sources external to the body could result in an individual’s receiving an absorbed dose in excess of 500 rad (5 Gy) in one hour at 1 meter from a source of radiation or 1 meter from any surface that the radiation penetrates.

“Waste” means those low-level radioactive wastes containing source, special nuclear, or byproduct material that are acceptable for disposal in a land disposal facility. For the purposes of this definition, low-level radioactive waste means radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or byproduct material as described in paragraphs “2,” “3” and “4” of the definition of “byproduct material.”

“Week” means seven consecutive days starting on Sunday.

“Weighting factor” or *“wT”* for an organ or tissue (T) means the proportion of the risk of stochastic effects resulting from irradiation of that organ or tissue to the total risk of stochastic effects when the whole body is irradiated uniformly. For calculating the effective dose equivalent, the values of wT are:

ORGAN DOSE WEIGHTING FACTORS	
Gonads	0.25
Breast	0.15
Red bone marrow	0.12
Lung	0.12
Thyroid	0.03
Bone surfaces	0.03
Remainder	0.30 ^a
Whole Body	1.00 ^b

^a. 0.30 results from 0.06 for each of five “remainder” organs, excluding the skin and the lens of the eye, that receive the highest doses.

^b. For the purpose of weighting the external whole body dose, for adding it to the internal dose, a single weighting factor, $wT = 1.0$, has been specified. The use of other weighting factors for external exposure will be approved on a case-by-case basis until such time as specific guidance is issued.

“*Whole body*” means, for purposes of external exposure, head, trunk including male gonads, arms above the elbow, or legs above the knee.

“*Worker*” means an individual engaged in work under a license or registration issued by the department and controlled by a licensee or registrant but does not include the licensee or registrant.

“*X-radiation*” means penetrating electromagnetic radiation with energy greater than 0.1 kV produced by bombarding a metallic target with fast electrons in a high vacuum.

“*X-ray tube*” or “*tube*” means any electron tube that is designed to be used primarily for the production of X-rays.

“*Year*” means the period of time beginning in January used to determine compliance with the provisions of these rules. The licensee or registrant may change the starting date of the year used to determine compliance by the licensee or registrant provided that the change is made at the beginning of the year and that no day is omitted or duplicated in consecutive years.

641—37.3(136C) General regulatory requirements.

37.3(1) General provision. The department may, upon application therefor or upon its own initiative, grant waivers from the requirements of the rules in 641—Chapters 37 through 42 as it determines are authorized by law and will not result in undue hazard to public health and safety or property. Waivers to administrative rules should be made in accordance with the process detailed in 441—Chapter 6.

37.3(2) Persons using byproduct material under certain Department of Energy and Nuclear Regulatory Commission contracts.

a. Except to the extent that NRC facilities or activities of the types subject to licensing pursuant to the Energy Reorganization Act of 1974 as amended to August 1, 2025, are involved, any prime contractor of the NRC is exempt from the license requirements of these rules and from the regulations of these rules to the extent that such contractor, under the contractor’s prime contract with the NRC, manufactures, produces, transfers, receives, acquires, owns, possesses, or uses byproduct material for:

(1) The performance of work for a department at the United States government-owned or government-controlled site, including the transportation of byproduct material to or from such site and the performance of contract services during temporary interruptions of such transportation;

(2) Research in, or development, manufacture, storage, testing or transportation of, atomic weapons or components thereof; or

(3) The use or operation of nuclear reactors or other nuclear devices in a United States government-owned vehicle or vessel.

b. In addition to the foregoing exemptions and subject to the requirement for licensing of NRC facilities and activities pursuant to the requirements of the Energy Reorganization Act of 1974 as

amended to August 1, 2025, any prime contractor or subcontractor of the NRC is exempt from the requirements for a license set forth in Iowa Code chapter 136C and from the regulations in these rules to the extent that such prime contractor or subcontractor manufactures, produces, transfers, receives, acquires, owns, possesses, or uses byproduct material under the contractor's or subcontractor's prime contract or subcontract when the NRC determines that the exemption of the prime contractor or subcontractor is authorized by law; and that, under the terms of the contract or subcontract, there is adequate assurance that the work can be accomplished without undue risk to the public health and safety.

c. Common and contract carriers, freight forwarders, warehouse employees, and the U.S. Postal Service are exempt from these rules to the extent that they transport or store radioactive material in the regular course of carriage for another or of storage incident thereto.

641—37.4(136C) Records. Each licensee and registrant shall maintain records showing the receipt, transfer, and disposal of all sources of radiation. Additional record requirements are specified elsewhere in these rules.

37.4(1) Electronic records.

a. A record or signature cannot be denied legal effect or enforceability solely because it is in electronic form.

b. A contract cannot be denied legal effect or enforceability solely because an electronic record was used in its formation.

c. If a rule requires a record to be in writing, an electronic record will satisfy the rule.

d. If a rule requires a signature, an electronic signature will satisfy the rule.

37.4(2) Inspections.

a. Each licensee and registrant shall afford the department at all reasonable times opportunity to inspect sources of radiation and the premises and facilities wherein such sources of radiation are used or stored.

b. Each licensee and registrant shall make available to the department for inspection, upon reasonable notice, records maintained pursuant to these rules.

37.4(3) Tests. Each licensee and registrant shall perform upon instructions from the department, or shall permit the department to perform, such reasonable tests as the department deems appropriate or necessary, including but not limited to tests of:

a. Sources of radiation;

b. Facilities wherein sources of radiation are used or stored;

c. Radiation detection and monitoring instruments;

d. Other equipment and devices used in connection with utilization or storage of licensed or registered sources of radiation.

641—37.5(136C) Units of exposure and dose.

37.5(1) As used in these rules, the quality factors for converting absorbed dose to dose equivalent are shown in Table I.

TYPE OF RADIATION	Quality Factor (Q)	Absorbed Dose Equal to a Unit Dose Equivalent ¹
X, gamma, or beta radiation and high-speed electrons	1	1
Alpha particles, multiple-charged particles, fission fragments and heavy particles of unknown charge	20	0.05
Neutrons of unknown energy	10	0.1
High-energy protons	10	0.1

¹. Absorbed dose in rad equal to 1 rem or the absorbed dose in gray equal to 1 sievert.

a. If it is more convenient to measure the neutron fluence rate than to determine the neutron dose equivalent rate in sievert per hour or rem per hour, as provided in Table 1 above, 1 rem (0.01 Sv) of neutron radiation of unknown energies may, for purposes of these rules, be assumed to result from a total fluence of 25 million neutrons per square centimeter incident upon the body. If sufficient information exists to estimate the approximate energy distribution of the neutrons, the licensee or registrant may use the fluence rate per unit dose equivalent or the appropriate Q value from Table II to convert a measured tissue dose in gray or rad to dose equivalent in sievert or rem.

TABLE II
MEAN QUALITY FACTORS, Q, AND FLUENCE PER UNIT DOSE
EQUIVALENT FOR MONOENERGETIC NEUTRONS

Neutron Energy (MeV)	Quality Factor ^a (Q)	Fluence per Unit Dose Equivalent ^b (neutrons cm ⁻² rem ⁻¹)	Fluence per Unit Dose Equivalent ^b (neutrons cm ⁻² Sv ⁻¹)
(thermal)			
2.5E-8	2	980E+6	980E+8
1E-7	2	980E+6	980E+8
1E-6	2	810E+6	810E+8
1E-5	2	810E+6	810E+8
1E-4	2	840E+6	840E+8
1E-3	2	980E+6	980E+8
1E-2	2.5	1010E+6	1010E+8
1E-1	7.5	170E+6	170E+8
5E-1	11	39E+6	39E+8
1	11	27E+6	27E+8
2.5	9	29E+6	29E+8
5	8	23E+6	23E+8
7	7	24E+6	24E+8
10	6.5	24E+6	24E+8
14	7.5	17E+6	17E+8
20	8	16E+6	16E+8
40	7	14E+6	14E+8
60	5.5	16E+6	16E+8
1E+2	4	20E+6	20E+8
2E+2	3.5	19E+6	19E+8
3E+2	3.5	16E+6	16E+8
4E+2	3.5	14E+6	14E+8

a. Value of quality factor (Q) at the point where the dose equivalent is maximum in a 30-centimeter diameter cylinder tissue-equivalent phantom.

b. Monoenergetic neutrons incident normally on a 30-centimeter diameter cylinder tissue-equivalent phantom.

b. The department may, by rule, regulation, or order, impose upon any licensee or registrant such requirements in addition to those established in these rules as it deems appropriate or necessary to minimize danger to public health and safety or property.

37.5(2) Reserved.

641—37.6(136C) Prohibited uses. A hand-held fluoroscopic screen cannot be used with X-ray equipment unless it has been accepted for certification by the U.S. Food and Drug Administration, Center for Devices and Radiological Health. A shoe-fitting fluoroscopic device cannot be used.

Radiation from radiation-emitting machines or radioactive materials cannot be used on humans for nonmedical purposes except as approved by the department for security-related purposes.

641—37.7(136C) Communications. All communications and reports concerning these rules should be submitted electronically to radhealthinfo@hhs.iowa.gov or addressed to the department at its office located at the Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319.

37.7(1) Drafts of proposed regulations released to the department from the federal government that constitute essential information needed by the department to ensure compliance with federal regulations are not available for public examination.

37.7(2) Therefore, pursuant to Iowa Code section 22.9, the department waives the provision of Iowa Code section 22.2 as it applies to these proposed draft regulations.

641—37.8(136C) Requirements for registrations.

1. Any persons applying for a permit to operate ionizing radiation producing machines or administer radioactive materials shall comply with the requirements of 641—Chapter 38.

2. Any persons applying for a radioactive materials license shall comply with the licensing requirements of 641—Chapter 39 and the requirements of this chapter.

3. All mammography facilities shall comply with the registration requirements of 641—Chapter 41 and the requirements of this chapter.

37.8(1) Exemptions.

a. The following are exempt from the requirements of this chapter:

(1) Electronic equipment that produces radiation incidental to its operation for other purposes, provided the dose equivalent rate averaged over an area of 10 square centimeters does not exceed 0.5 millirem (5 μ Sv) per hour at 5 centimeters from any accessible surface of such equipment. This exemption does not apply to the production, testing, or factory servicing of such equipment.

(2) Radiation machines while in transit or temporarily stored as part of the transit process. This exemption does not apply to the providers of radiation machines for mobile services. Facilities that have placed all radiation machines in storage, including on-site storage, and have notified the department in writing are exempt. This exemption is void if any radiation machine is energized and produces radiation.

(3) Domestic television receivers.

(4) Inoperable radiation machines. For the purposes of this chapter, “inoperable radiation machine” means a radiation machine that cannot be energized when connected to a power supply without repair or modification.

(5) Financial institutions that take possession of radiation machines as the result of foreclosure, bankruptcy, or other default of payment, to the extent that the machines are demonstrated to be operable for the sole purpose of sale, lease, or transfer.

b. Each registrant shall prohibit any person from furnishing radiation machine servicing or services as described in paragraph 37.8(3)“*c*” to the registrant’s radiation machine facility until such person provides evidence that the person has been registered with the department as a provider of these services.

37.8(2) Registration requirements for radiation machine facilities. Each person having a radiation machine facility shall apply for registration of such facility with the department prior to the operation of a radiation machine facility.

a. Application for registration shall be submitted to the department through the online licensing portal using the application furnished by the department. The application shall:

(1) Contain complete and accurate information as required by the department;

(2) Include the appropriate fee specified in rule 641—37.9(136C).

b. The applicant shall designate on the application form the name of an individual who will be responsible for radiation protection.

(1) All radiation machine registrants shall designate an individual who has authority to make decisions and conduct assessments related to radiation protection and regulatory compliance at the facility.

(2) Healing arts. A practitioner licensed by the respective state board of examiners and responsible for directing the operation of radiation machines shall be designated on each healing arts application. The signature of the administrator, president, or chief executive officer will be accepted in lieu of a licensed practitioner's signature if the facility has more than one licensed practitioner (for example, hospitals, large clinics, or multipractitioner practices).

37.8(3) *Registration requirements for radiation machine service providers.* Each person who is engaged in the business of installing or offering to install radiation machines, or providing or offering to provide radiation machine servicing or services, within this state shall apply for registration with the department prior to installing, providing, or offering to provide such services.

a. Application. Registration shall be submitted to the department through the online licensing portal using the application furnished by the department. The application shall:

- (1) Contain complete and accurate information as required by the department;
- (2) Include the appropriate fee specified in rule 641—37.9(136C).

b. Contents. Each person applying for registration as a service provider shall specify:

- (1) That the person has read and understands the requirements of these rules;
- (2) The services for which he or she is applying for registration;
- (3) The training and experience that qualify the person to discharge the services for which the person is applying for registration;
- (4) The type of measurement instrument to be used, frequency of calibration, and source of calibration;
- (5) The type of personnel dosimeters supplied, frequency of reading, and replacement or exchange schedule.

c. Services requiring an application. Services requiring registration include but are not limited to:

- (1) Installation and servicing of radiation machines and associated radiation machine components;
- (2) Calibration of radiation machines or radiation measurement instruments or devices;
- (3) Radiation protection or health physics consultations or surveys;
- (4) Personnel dosimetry services;
- (5) Provider of equipment;
- (6) Shielding design and evaluation;
- (7) Processor or processor servicing, or both;
- (8) Calibration and compliance surveys of external beam radiation therapy units;
- (9) Qualified expert services for CT equipment;
- (10) Qualified expert services for e-brachytherapy;
- (11) Qualified expert services for therapeutic machines.

37.8(4) *Registration requirements for qualified experts for services.* A qualified expert may perform services after registering as a radiation machines service provider, whether as an individual, as part of a corporation, or as any other entity included in the definition of "person" in this chapter.

a. Each qualified expert must possess the necessary knowledge and training to measure ionizing radiation, evaluate safety practices, and provide guidance on radiation protection. Examples of individuals who may qualify include:

- (1) Persons certified in the appropriate field by the American Board of Radiology, American Board of Medical Physics, or American Board of Health Physics or those with equivalent qualifications.
- (2) For calibration of radiation therapy equipment, persons who, in addition to the qualifications above, have training and experience in the clinical applications of radiation physics to radiation therapy, including individuals certified in therapeutic radiological physics, X-ray and radium physics by the American Board of Radiology, or those with equivalent qualifications.

b. Each qualified expert or registered radiation machines service provider must maintain documentation demonstrating that the training requirements for the services provided under this chapter have been met. This documentation must be retained and made available to the department upon request.

37.8(5) *Stated notice.* No persons shall perform services that are not specifically stated on the notice of registration issued by the department.

a. A registration may be revoked for violating or causing a facility to violate any of the rules in 641—Chapter 38 through 42.

b. Radiation therapy physicists providing services for therapeutic radiation machines must provide proof that the training requirements of rule 641—42.6(136C) have been met at the time of the application and upon request by the department.

c. Mammography physicists providing services for mammography radiation machines must provide proof that the training requirements of 641—Chapter 41 have been met at the time of the application and upon request by the department.

37.8(6) *Issuance of notice of registration.*

a. Upon a determination that an applicant meets the requirements of this chapter, the department will issue a notice of registration.

b. The department may incorporate in the notice of registration at the time of issuance or thereafter by appropriate rule, regulation, or order such additional requirements and conditions with respect to the registrant's receipt, possession, use, and transfer of radiation machines as it deems appropriate or necessary.

37.8(7) *Expiration of notice of registration.* Each notice of registration will expire annually.

37.8(8) *Renewal of notice of registration.* An application for renewal of registration shall be submitted annually in accordance with the requirements of this chapter.

37.8(9) *Reinstatement of registration.*

a. An application for reinstatement of registration shall be submitted to the department when a registration has not been renewed within 30 days following the expiration date in accordance with this chapter.

b. The annual registration fee, as specified in Iowa Code section 39.9, shall be submitted to the department at the time of reinstatement.

c. A reinstatement fee of \$100 shall be submitted to the department at the time of reinstatement, in addition to the annual registration fees.

37.8(10) *Report of changes.* The registrant shall notify the department in writing before making any change that would render the information contained in the application for registration or the notice of registration no longer accurate.

37.8(11) *Approval not implied.* No person, in any advertisement, shall refer to the fact that the person or the person's facility is registered with the department pursuant to the provisions of this chapter, and no person shall state or imply that any activity under such registration has been approved by the department.

37.8(12) *Assembler and transfer obligation.*

a. Any person registered under the requirements of this chapter who sells, leases, transfers, lends, disposes of, assembles, or installs radiation machines in this state shall notify the department in writing within 15 days following the completion of the service and shall include all of the following:

- (1) The name and address of persons who have received these machines;
- (2) The manufacturer, model, and serial number of each radiation machine transferred;
- (3) The date of transfer of each radiation machine.

b. No person shall make, sell, lease, transfer, lend, assemble, or install radiation machines or the supplies used in connection with such machines unless such supplies and equipment, when properly placed in operation and used, meet the requirements of 641—Chapters 38, 39, 40 and 41.

c. In the case of diagnostic X-ray systems that contain certified components, a copy of the assembler's report prepared in accordance with the requirements of the federal diagnostic X-ray standard (21 CFR 1020.30(d)) shall be submitted to the department within 15 days following completion of the assembly. Such report shall suffice in lieu of any other report by the assembler.

641—37.9(136C) Fees. Fees are nonrefundable and are in amounts sufficient to defray the cost of administering the rules of this chapter.

37.9(1) Radiation machines. Each registrant shall, at the time of registration and annually thereafter, as long as the registrant owns the radiation machine, remit the applicable fee to the department in adherence with the fee schedule below:

a. Fee schedule. The fees to be paid shall be in the amount computed by the following schedule. Fees for radiation machines not listed in the schedule below cannot be less than \$120 per unit/tube.

b. Annual fee schedule.

	Type of radiation machine	Fee per tube	Maximum fee
1.	Medical	\$120	\$3,000
2.	Medical Cabinet X-ray Machine (Nonhuman Use)	\$100	—
3.	Osteopathy	\$120	\$3,000
4.	Chiropractic	\$120	\$3,000
5.	Dentistry	\$60	\$1,550
6.	Podiatry	\$75	\$2,000
7.	Veterinary Medicine	\$60	—
8.	Industrial/Nonmedical Use	\$100	—
9.	Food Sterilization	\$500	—
10.	Accelerators and Electronic Brachytherapy Units	\$275	—
11.	Electron Microscope	\$40	—
12.	DXA/Bone Densitometry	\$55	—

37.9(2) Radiation machine service providers and medical physicists.

a. Radiation machine service providers.

(1) Each person who is engaged in the business of installing or offering to install radiation machines or providing or offering to provide radiation machine servicing or services within this state shall apply for registration with the department prior to installing, providing, or offering to provide such services.

(2) An application shall be submitted through the online licensing portal for both initial application and annual renewals thereafter. The application shall:

1. Contain complete and accurate information as required by the department;
2. Include an annual nonrefundable fee of \$200.

(3) Reinstatement. Reinstatement applications shall be submitted through the online licensing portal when a registration has not been renewed within 30 days following the expiration date.

1. The annual registration fee described in this chapter shall be submitted to the department at the time of reinstatement.

2. A reinstatement fee of \$100 shall be submitted to the department at the time of reinstatement, in addition to the annual registration fees.

b. Mammography medical physicist.

(1) Each person engaged in providing health physics services for mammography in Iowa who meets the requirements of 641—subrule 41.5(3) shall apply for Iowa approval with the department prior to providing such services.

(2) An application shall be submitted through the online licensing portal for both initial application and annual renewals thereafter. The application shall:

1. Contain complete and accurate information as required by the department;
2. Include an annual nonrefundable fee of \$100.

(3) Reinstatement. Reinstatement applications shall be submitted through the online licensing portal when a registration has not been renewed within 30 days following the expiration date.

1. The annual registration fee described in this chapter shall be submitted to the department at the time of reinstatement.

2. A reinstatement fee of \$100 shall be submitted to the department at the time of reinstatement, in addition to the annual registration fees.

c. Stereotactic medical physicist.

(1) Each person engaged in providing health physics services for stereotactic breast biopsy in Iowa who meets the requirements of 641—Chapter 41 shall apply for Iowa approval with the department prior to providing such services.

(2) An application shall be submitted through the online licensing portal for both initial application and annual renewals thereafter. The application shall:

1. Contain complete and accurate information as required by the department;
2. Demonstrate that the requirements for Iowa approval for mammography, as specified in this chapter, have been met prior to approval for stereotactic breast biopsy;
3. Not require a fee beyond the initial annual nonrefundable fee of \$100 required for Iowa approval in mammography.

(3) Reinstatement. Reinstatement applications shall be submitted through the online licensing portal when a registration has not been renewed within 30 days following the expiration date.

d. Radiation therapy medical physicist.

(1) Each person engaged in providing health physics services for radiation therapy in Iowa who meets the requirements of 641—Chapter 42 shall apply for Iowa approval with the department prior to providing such services.

(2) An application shall be submitted through the online licensing portal for both initial application and annual renewals thereafter. The application shall:

1. Contain complete and accurate information as required by the department;
2. Include the annual nonrefundable fee of \$200.
- (3) Reinstatement. Reinstatement applications shall be submitted through the online licensing portal when a registration has not been renewed within 30 days following the expiration date.

1. The annual registration fee described in this chapter shall be submitted to the department at the time of reinstatement.

2. A reinstatement fee of \$100 shall be submitted to the department at the time of reinstatement, in addition to the annual registration fees.

37.9(3) Inspections/interpretation fees for radiation machines. Each registrant shall, where appropriate, pay the following special inspections/interpretation fee at the written request of the department:

a. Mammography and stereotactic breast biopsy.

(1) Mammography unit inspections fees:

1. \$1,575 for the first unit and, if the facility has additional units at the address of the first unit, \$375 for each additional unit; or
2. \$1,575 per portable unit for each site; or
3. A dollar amount to be determined and justified by the department on a case-by-case basis for facilities that do not meet the above criteria; or
4. \$675 for the second facility follow-up visit to review or determine the corrective action taken to address noncompliances; or
5. \$1,575 for each stereotactic breast biopsy unit.

(2) All mammography facilities providing services in Iowa must submit a \$150 annual authorization certification fee.

b. Accelerators and electronic brachytherapy.

(1) Industrial and oncology accelerator registrants and electronic brachytherapy registrants shall pay for each inspection a fee of \$900 for the first unit and \$225 for each additional unit.

(2) Industrial radiography X-ray units/walk-in cabinet radiography X-ray unit registrants shall pay for each inspection a fee of \$450 for the first unit and \$130 for each additional unit.

37.9(4) Radioactive materials. Fees associated with the possession and use of radioactive materials in Iowa cannot exceed those specified in 10 CFR 170.31 and 171.16.

a. The following fee schedule will apply:

	Program Code	Category	Type	New License Fee	Inspection Priority	Annual Fee
(3.L.)	01100	AAB	Academic Type A Broad	\$5,400	1	\$14,600
(8.A.)	03710	CD	Civil Defense	\$2,500	5	\$2,000
(3.E.)	03510	I1	Irradiators, Self-Shielding <10,000 Curies	\$3,200	5	\$2,600
(3.O.)	03320	IR1	Industrial Radiography – Temporary Job Sites	\$3,100	1	\$8,000
(3.P.)	03120	FG	Measuring Systems – Fixed Gauge	\$3,400	5	\$2,000
(3.P.)	03121	PG	Measuring Systems – Portable Gauge	\$3,400	5	\$2,000
(3.P.)	02410	IVL	<i>In-Vitro</i> Testing Laboratory	\$3,400	5	\$2,000
(7.C.)	02230	HDR	High Dose Rate Afterloader	\$5,500	1	\$5,100
(7.C.)	02120	M1	Medical – Diagnostic & Therapy	\$5,500	3	\$4,000
(7.C.)	02121	M2	Medical – Diagnostic Only	\$5,500	4	\$3,600
(7.C.)	02240	MET	Medical – Diagnostic, Therapeutic, Emerging Technologies	\$5,500	2	\$4,500
(3.S.)	03210	PET	Accelerator-Produced RAM	\$7,500	1	\$5,375
(3.C.)	02500	NP	Nuclear Pharmacy	\$5,100	1	\$7,700
(7.C.)	02231	NV1	Nuclear Medical Van	\$4,140	2	\$4,000
(7.C.)	22160	PMM	Pacemaker – Byproduct and/or SNM	\$2,600	R	Note 6
(3.M.)	03620	RD2	Research & Development – Other	\$4,375	3	\$4,000
(2.C.)	11300	SM1	Source Material, Other, >150 Kilograms	\$2,600	3	\$4,000
(1.D.)	22120	SNM2	SNM Plutonium – Neutron Source	\$2,600	5	\$3,750
(3.P.)	03221	CAL	Calibration and W/L Tests	\$2,275	5	\$3,900
(3.P.)	03122	XRF	X-Ray Fluorescent Analyzer	\$2,275	5	\$1,860
(3.P.)	02400	VMT	Veterinary Medicine – Therapy	\$3,250	3	\$3,900
(3.B.)	03214	MD	Manufacturing/Distribution	\$3,500	3	\$3,980

b. Additional fees for radioactive materials not listed in the above schedule include:

- (1) Annual fees that are due no later than September 1 of each year.
- (2) Licensees with more than two authorized locations of use will be charged an additional 10 percent of the annual fee, per location.
- (3) A 10 percent reinstatement fee will be due when annual fees have not been submitted within 30 days following the annual due date.
- (4) Inspections are included in the annual fee.
- (5) A general license registration fee of \$700 is due annually on the registration anniversary.
- (6) A license amendment fee for all categories is \$600.
- (7) A reciprocity fee of \$1,800 is due annually (180 days).
- (8) Inspection priorities are based on NRC Inspection Manual Chapter 2800 as amended to August 1, 2025. Priority “R” is a remote contact and is not considered an inspection.

c. Separate annual fees will not be assessed for pacemaker licenses issued to medical institutions that also hold nuclear medicine licenses with the department.

37.9(5) Radioactive material transport fee schedule. All shippers shall pay the following fee(s) unless the department obtains sufficient funding from another source, which may include but is not limited to a federal agency or a contract with a shipper.

a. \$1,800 per highway cask for each truck shipment of spent nuclear fuel, high-level radioactive waste, transuranic waste, or highway route controlled quantity of radioactive materials or any material

shipped in accordance with this chapter traversing the state or any portion thereof. Single cask truck shipments are subject to a surcharge of \$20 per mile for every mile over 250 miles traveled.

b. \$1,300 for the first cask and \$125 for each additional cask for each rail shipment of spent nuclear fuel, high-level radioactive waste, transuranic waste, or any material shipped in accordance with this chapter traversing the state or any portion thereof.

c. \$175 for each shipment by truck or by rail paid by the shipper for low-level radioactive waste shipped in or across Iowa. The department may accept an annual shipment fee as negotiated with a shipper or accept payment per shipment. This fee applies to waste shipped to a site authorized by a government agency to receive low-level radioactive waste or shipped to a storage site to be held for future disposal.

d. All fees must be paid by the shipper prior to shipment. Shippers must request an application for a permit to ship radioactive material from the Iowa department of transportation, motor vehicle division. Assistance may be obtained by calling the department. Other methods of fee payment may be considered by the department on a case-by-case basis upon request of the shipper. A request for an alternative method of payment must be made to the department prior to shipment.

e. All fees received pursuant to subrule 37.9(5) shall be used for purposes related to transporting radioactive material, including enforcement and planning, developing, and maintaining a capability for emergency response.

37.9(6) Additional fees.

a. *Owner-assessed expenses.* In cases in which the department determines that the cost of regulating or inspecting registered radiation machine facilities or radioactive materials licensees significantly exceeds the fees charged to the facility, it may assess an additional fee to the owner or user of the source(s) of radiation to cover the actual expenses incurred by the department.

b. *Environmental surveillance fee.* A fee may be levied against any licensee, registrant, corporation, company, business, or individual for environmental surveillance activities that are necessary to assess the radiological impact of activities conducted by the licensee, registrant, corporation, company, business, or individual. This fee will be sufficient to defray actual costs incurred by the department, including but not limited to salaries of department employees, per diem, travel, and costs of laboratory analysis of samples when required.

c. *Returned check and late fees.* Persons who fail to pay required fees to the department are subject to the following penalties:

(1) \$40 for each payment received by the department in accordance with these rules, for which insufficient funds are available to fulfill the obligation of such payment to the department.

(2) \$100 reinstatement fee when a registration has not been renewed within 30 days following the expiration date. This fee is added to the unpaid annual registration fees.

d. *Reciprocity.* Fees paid for reciprocal recognition of out-of-state persons wishing to utilize radiation machines or radioactive materials in Iowa allow the out-of-state person to operate for a total of 180 days during the 365-day reciprocity period starting the date the fee is received by the department.

(1) Radiation machines. Any out-of-state person who wishes to bring an X-ray machine into the state to perform work or services shall register and pay a radiation machines fee in accordance with 641—subrule 38.8(1).

(2) Linear accelerators. Any out-of-state person who wishes to bring a linear accelerator into the state to perform work or services shall register and pay a fee of \$500 in accordance with 641—subrule 38.8(1).

(3) Radioactive materials. Out-of-state persons wishing to bring sources of radioactive material into Iowa for business purposes may be subject to a reciprocity fee depending on the type of activity to be performed and the type of radioactive materials license possessed. If a reciprocity fee is applicable, it will be assessed at the rate for reciprocity specified in the radioactive materials fee schedule available through the department for each 365-day reciprocity period. Additionally, the reciprocity requirements of 641—Chapter 39 shall apply.

e. *Fee waiver.* Any fee may be waived in exchange for services (low-level waste disposal, radiation detection instrument calibration, instrument repair, sample analysis, etc.) provided to the

department. The waiver may only occur as a result of a 28E agreement or memorandum of understanding between the parties.

641—37.10(136C) Administrative enforcement actions. This rule prescribes the procedure in cases initiated by the staff, or upon a request by any person, to impose requirements by order; to modify, suspend, or revoke a license, registration, or certificate; or to take other action as may be proper against any person subject to the jurisdiction of the department.

1. The term “regulated entity” as used in this rule refers to any facility, person, partnership, corporation or other organization that is regulated by the department by virtue of these rules, the Iowa Code, licensing documents, registrations, certificates, or other official regulatory promulgation.

2. “Authorization” means license, registration, certificate, permit, or any other document issued or received by the department that authorizes specific activities related to the possession and use of radioactive materials or radiation-producing machines in Iowa.

3. This rule also prescribes the procedures in cases initiated by the staff to impose civil penalties pursuant to Iowa Code section 136C.4.

37.10(1) Notice of violation.

a. In response to an alleged violation of any provision of the Iowa Code, these rules, the conditions of an authorization issued by the department or any order issued by the department, the department may serve on the regulated entity a written notice of violation; a separate notice may be omitted if an order pursuant to subrule 37.10(2) or demand for information pursuant to subrule 37.10(4) is issued that otherwise identifies the apparent violation. The notice of violation will concisely state the alleged violation(s) and will require that the regulated entity submit, within 30 days of the date of the notice or other specified time, a written explanation or statement in reply including:

- (1) Corrective steps that have been taken by the regulated entity and the results achieved;
- (2) Corrective action that will be taken to prevent recurrence; and
- (3) The date when full compliance will be achieved.

b. The notice may require the regulated entity subject to the jurisdiction of the department to admit or deny the violation and to state the reasons for the violation, if admitted. It may provide that, if an adequate reply is not received within the time specified in the notice, the department may issue an order or a demand for information as to why the authorization should not be modified, suspended, or revoked or why such other action as may be proper should not be taken.

c. Violations are categorized according to five levels of severity, which are:

(1) Severity levels I and II: Violations are of very significant regulatory concern involving actual or high potential impact on the public health and safety.

(2) Severity level III: Violations are cause for significant concern.

(3) Severity level IV: Violations are less serious but are of more than minor concern and that, if left uncorrected, could lead to a more serious health and safety concern.

(4) Severity level V: Violations are of minor safety or environmental concern.

d. A group of violations may be evaluated in the aggregate and assigned a single higher severity level if the violations have the same underlying cause or if the violations contributed to or were unavoidable consequences of the underlying problem.

e. The severity level of a violation may be increased if the violation can be considered a repetitive violation. The term “repetitive violation” or “similar violation” means a violation that reasonably could have been prevented by a regulated entity’s corrective action for a previous violation normally occurring within the past two years of the inspection at issue or the period within the last two inspections, whichever is longer.

f. The severity level of a violation may be increased if the violation involves casual disregard of requirements, deception, or other indications of willfulness. The term “willfulness” is that characteristic of violations ranging from deliberate intent to violate or falsify to intentional disregard for regulatory requirements.

37.10(2) Enforcement orders.

a. The department may institute a proceeding to modify, suspend, or revoke an authorization or to take other action as may be proper by serving on the regulated entity an order that will:

(1) Allege the violations with which the regulated entity is charged or the potentially hazardous conditions or other facts deemed to be sufficient grounds for the proposed action;

(2) Provide that the regulated entity may file a written answer to the order under oath or affirmation within 20 days of its date or such other time as may be specified in the order;

(3) Inform the regulated entity of its right, within 20 days of the date of the order or such other time as may be specified in the order, to demand a hearing on all or part of the order, except in a case where the regulated entity has consented in writing to the order;

(4) Specify the issues for hearing; and

(5) State the effective date of the order; if the department finds that the public health, safety, or interest so requires or that the violation or conduct causing the violation is willful, the order may provide, for stated reasons, that the proposed action be immediately effective pending further order.

b. A regulated entity who receives an order may respond to an order under this subrule by filing a written answer under oath or affirmation. The answer shall specifically admit or deny each allegation or charge made in the order and may set forth the matters of fact and law on which the regulated entity relies and, if the order is not consented to, the reasons as to why the order should not have been issued. Except as provided in paragraph 37.10(2) “*d*,” the answer may demand a hearing.

c. If the answer demands a hearing, the department will issue an order designating the time and place of hearing.

d. An answer or stipulation may consent to the entry of an order in substantially the form proposed in the order with respect to all or some of the actions proposed in the order. The consent, in the answer or other written document, of the regulated entity to whom the order has been issued shall constitute a waiver by the regulated entity of a hearing, findings of fact and conclusions of law, and of all right to seek department and judicial review or to contest the validity of the order in any forum as to those matters that have been consented to or agreed to or on which a hearing has not been requested. An order that has been consented to shall have the same force and effect as an order made after hearing by a presiding officer or the department and shall be effective as provided in the order.

37.10(3) *Settlement and compromise.* At any time after the issuance of an order designating the time and place of hearing in a proceeding to modify, suspend, or revoke an authorization, the staff and a regulated entity may enter into a stipulation for the settlement of the proceeding or the compromise of a civil penalty.

37.10(4) *Demand for information.*

a. The department may issue to a regulated entity a demand for information for the purpose of determining whether an order under subrule 37.10(2) should be issued, or whether other action should be taken, which demand will:

(1) Allege the violations with which the regulated entity is charged or the potentially hazardous conditions or other facts deemed to be sufficient ground for issuing the demand; and

(2) Provide that the regulated entity must file a written answer to the demand for information under oath or affirmation within 20 days of its date or such time as may be specified in the demand for information.

b. A regulated entity to whom the department has issued a demand for information under subrule 37.10(4) must respond to the demand by filing a written answer under oath or affirmation. The regulated entity’s answer shall specifically admit or deny each allegation or charge made in the demand for information and shall set forth the matters of fact and law on which the licensee relies. A person other than a licensee may answer as described above, or by setting forth the reasons why the demand should not have been issued and, if the requested information is not provided, the reasons why it is not provided.

c. Upon review of the answer filed pursuant to subparagraph 37.10(4) “*a*”(2), or if no answer is filed, the department may institute a proceeding pursuant to subrule 37.10(2) to take such action as may be proper.

d. An answer may consent to the entry of an order pursuant to subrule 37.10(2) in substantially the form proposed in the demand for information. Such consent shall constitute a waiver as provided in subrule 37.10(2).

37.10(5) Civil penalties.

a. Before instituting any proceeding to impose a civil penalty under Iowa Code section 136C.4, the department will serve a written notice of violation upon the person charged. This notice may be included in a notice issued pursuant to subrule 37.10(2). The notice of violation will:

(1) Specify the date or dates, facts, and nature of the alleged act or omission with which the person is charged;

(2) Identify specifically the particular provision or provisions of the law, rule, regulation, license, permit, or cease and desist order involved in the alleged violation;

(3) State the amount of each proposed penalty;

(4) Advise the person charged that the civil penalty may be paid in the amount specified therein, or the proposed imposition of the civil penalty may be protested in its entirety or in part, by a written answer, either denying the violation or showing extenuating circumstances;

(5) Advise the person charged that upon failure to pay a civil penalty subsequently determined by the department, if any, unless compromised, remitted, or mitigated, the fee will be collected by civil action pursuant to Iowa Code section 136C.4.

b. Within 20 days of the date of a notice of violation or other time specified in the notice, the person charged may either pay the penalty in the amount proposed or answer the notice of violation. The answer to the notice of violation shall state any facts, explanations, and arguments denying the charges of violation or demonstrating any extenuating circumstances, error in the notice of violation, or other reason why the penalty should not be imposed and may request remission or mitigation of the penalty.

c. If the person charged with violation fails to answer within the time specified in paragraph 37.10(5) "b," an order may be issued imposing the civil penalty in the amount set forth in the notice of violation described in paragraph 37.10(5) "a."

d. If the person charged with violation files an answer to the notice of violation, the department, upon consideration of the answer, will issue an order dismissing the proceeding or imposing, mitigating, or remitting the civil penalty. The person charged may, within 20 days of the date of the order or other time specified in the order, request a hearing.

e. If the person charged with violation requests a hearing, the department will issue an order designating the time and place of hearing.

f. If a hearing is held, an order will be issued after the hearing by the presiding officer or the department dismissing the proceeding or imposing, mitigating, or remitting the civil penalty.

g. The department may compromise any civil penalty, subject to the provisions of 641—paragraph 38.18(2) "d."

h. If the civil penalty is not compromised, or is not remitted by the presiding officer or the department, and if payment is not made within ten days following either the service of the order described in 641—paragraph 38.18(2) "a" or the expiration of the time for requesting a hearing described in 641—subparagraph 38.18(2) "a"(3), the department may refer the matter to the attorney general for collection.

i. Except when payment is made after compromise or mitigation by the Department of Justice or as ordered by a court of the state, following reference of the matter to the attorney general for collection, payment of civil penalties imposed under Iowa Code section 136C.4 shall be made by check, draft, or money order payable to the Iowa Department of Health and Human Services.

37.10(6) Requests for action under this rule.

a. Any person may file a request to institute a proceeding pursuant to rule 641—38.18(136C) to modify, suspend, or revoke an authorization as may be proper. Such a request shall be addressed to the Chief, Bureau of Radiological Health, Iowa Department of Health and Human Services, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319. The request shall specify the action requested and set forth the facts that constitute the basis for the request. The bureau chief will discuss the matter with staff to determine appropriate action.

b. Within a reasonable time after a request pursuant to 641—paragraph 38.18(2)“b” has been received, the bureau chief shall either institute the requested proceeding in accordance with this rule or advise the person who made the request in writing that no proceeding will be instituted, in whole or in part, with respect to the request, and the reasons for the decision.

c. The bureau chief’s decisions under this rule will be filed and within 25 days after the date of the bureau chief’s decision under this rule that no proceeding will be instituted or other action taken in whole or in part, the department may on its own motion review that decision, in whole or in part, to determine if the bureau chief has abused discretion. This review power does not limit in any way either the department’s supervisory power over delegated staff actions or the department’s power to consult with the staff on a formal or informal basis regarding institution of proceedings under this rule.

d. No petition or other request for department review of a bureau chief’s decision under this rule will be entertained by the department.

37.10(7) Impounding.

a. The department may impound or order the impounding of radioactive material in the possession of a person who fails to observe the provisions of Iowa Code chapter 136C or any rules, license or registration conditions, or orders issued by this department.

b. If department action is necessary to protect the public health and safety, no prior notice need be given the owner or possessor. If department action is not necessary to protect the public health and safety, the department will give to either the owner or the possessor of the source of radiation written notice of the intention to impound the source of radiation.

(1) Either the owner or the possessor shall have 20 days from the date of personal service of certified mailing to request a hearing, except in the case where the regulated entity has consented in writing to the impoundment.

(2) If a hearing is requested, the department will issue an order designating the time and place of hearing.

c. At the department’s direction, the impounded sources of radiation may be disposed of by any of the following:

(1) Returning the source of radiation to a properly licensed or registered owner who did not cause the emergency;

(2) Returning the source of radiation to a licensee or registrant after the emergency is over and after settlement of any compliance action;

(3) Selling, destroying, or disposing of the source of radiation in another manner within the department’s discretion.

37.10(8) Deliberate misconduct.

a. Any licensee, registrant, applicant for a license or certificate of registration, employee of a licensee, registrant or applicant, or any contractor (including a supplier or consultant), subcontractor, employee of a contractor or subcontractor of any licensee or registrant or applicant for a license or certificate of registration, who knowingly provides to any licensee, applicant, registrant, contractor, or subcontractor any components, equipment, materials, or other goods or services that relate to a licensee’s, registrant’s or applicant’s activities in this rule, shall not:

(1) Engage in deliberate misconduct that causes or would have caused, if not detected, a licensee, registrant, or applicant to be in violation of any rule, regulation, or order or any term, condition, or limitation of any license or registration issued by the department; or

(2) Deliberately submit to the department; a licensee, registrant, or applicant; or a licensee’s, registrant’s, or applicant’s contractor or subcontractor, information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the department.

b. A person who violates subparagraphs 37.10(8)“a”(1) and “a”(2) may be subject to enforcement action in accordance with the procedures in rule 641—38.17(136C).

c. For the purposes of this chapter, deliberate misconduct by a person means an intentional act or omission that the person knows:

(1) Would cause a licensee, registrant, or applicant to be in violation of any rule, regulation, or order or any term, condition, or limitation of any license issued by the department; or

(2) Constitutes a violation of a requirement, procedure, instruction, contract, purchase order, or policy of a licensee, registrant, applicant, contractor, or subcontractor.

641—37.11(136C) Standards for protection against radiation. The provisions in this rule pertaining to radioactive materials are consistent with the requirements of 10 CFR Parts 19 and 20, as incorporated by reference in 641—Chapter 39. Accordingly, the provisions of 641—Chapter 39 apply to corresponding rules and subrules of this chapter. The requirements of this chapter are in addition to, and not in substitution for, any applicable provisions of 641—Chapter 39.

37.11(1) Implementation of standards for protection against radiation.

a. Any existing license or registration condition that is more restrictive than this chapter remains in force until there is an amendment or renewal of the license or registration.

b. If a license or registration condition exempts a licensee or registrant from a provision of this chapter in effect on or before January 1, 1994, it also exempts the licensee or registrant from the corresponding provision of this chapter.

c. If a license or registration condition cites provisions of this chapter in effect prior to January 1, 1994, that do not correspond to any provisions of this chapter, the license or registration condition remains in force until there is an amendment or renewal of the license or registration that modifies or removes this condition.

37.11(2) Radiation protection programs.

a. Each licensee or registrant shall develop, document, and implement a radiation protection program sufficient to ensure compliance with the provisions of this chapter. Subrule 37.12(3) contains recordkeeping requirements relating to these programs.

b. The licensee or registrant shall use, to the extent practical, procedures and engineering controls based upon sound radiation protection principles to achieve occupational doses and public doses that are ALARA.

c. The licensee or registrant shall, at intervals not to exceed 12 months, review the radiation protection program content and implementation.

d. To implement the ALARA requirements of 641—paragraph 40.4(9)“b,” and notwithstanding the requirements in subrule 37.11(12), a constraint on air emissions of radioactive material to the environment, excluding radon-222 and its daughters, shall be established by licensees such that the individual member of the public likely to receive the highest dose will not be expected to receive a total effective dose equivalent in excess of 10 mrem (0.1 mSv) per year from these emissions. If a licensee subject to this requirement exceeds this dose constraint, the licensee shall report the exceedance as provided in subrule 37.13(4) and promptly take appropriate corrective action to ensure against recurrence.

e. The licensee or registrant shall, upon discovery of a reportable radiation incident or medical event, as described in this chapter, promptly take appropriate action in accordance with the rules within this chapter.

37.11(3) Occupational dose limits for adults.

a. The licensee or registrant shall control the occupational dose to individual adults, except for planned special exposures pursuant to subrule 37.11(8), to the following dose limits:

(1) An annual limit, which is the more limiting of:

1. The total effective dose equivalent being equal to 5 rem (0.05 Sv); or

2. The sum of the deep dose equivalent and the committed dose equivalent to any individual organ or tissue other than the lens of the eye being equal to 50 rem (0.5 Sv).

(2) The annual limits to the lens of the eye, to the skin of the whole body, and to the skin of the extremities that are:

1. A lens dose equivalent of 15 rem (0.15 Sv), and

2. A shallow dose equivalent of 50 rem (0.5 Sv) to the skin of the whole body or to the skin of any extremity.

b. Doses received in excess of the annual limits, including doses received during accidents, emergencies, and planned special exposures, shall be subtracted from the limits for planned special exposures that the individual may receive during the current year and during the individual's lifetime.

c. When the external exposure is determined by measurement with an external personal monitoring device, the deep dose equivalent must be used in place of the effective dose equivalent unless the effective dose equivalent is determined by a dosimetry method approved by the department. The assigned deep dose equivalent must be for the part of the body receiving the highest exposure. The assigned shallow dose equivalent must be the dose averaged over the contiguous 10 square centimeters of skin receiving the highest exposure. The deep dose equivalent, lens dose equivalent, and shallow dose equivalent may be assessed from surveys or other radiation measurements for the purpose of demonstrating compliance with the occupational dose limits if the individual monitoring device was not in the region of highest potential exposure or the results of individual monitoring are unavailable.

d. Derived air concentration (DAC) and annual limit on intake (ALI) values are presented in Table I of 10 CFR Part 20, Appendix B, and may be used to determine the individual's dose and to demonstrate compliance with the occupational dose limits set forth in this chapter.

e. Notwithstanding the annual dose limits, the licensee shall limit the soluble uranium intake by an individual to 10 milligrams in a week in consideration of chemical toxicity (footnote 3 of 10 CFR Part 20, Appendix B, contains more information).

f. The licensee or registrant shall reduce the dose that an individual may be allowed to receive in the current year by the amount of occupational dose received while employed by any other person as set forth in this chapter.

37.11(4) *Compliance with requirements for summation of external and internal doses.*

a. *Monitor.* If the licensee or registrant is required to monitor pursuant to subrule 37.11(14) the licensee or registrant shall demonstrate compliance with the dose limits by summing external and internal doses. If the licensee or registrant is required to monitor only pursuant to subparagraph 37.11(14) "a"(1), or only pursuant to subparagraph 37.11(14) "a"(2), then summation is not required to demonstrate compliance with the dose limits. The licensee or registrant may demonstrate compliance with the requirements for summation of external and internal doses pursuant to subrule 37.11(4). The dose equivalents for the lens of the eye, the skin, and the extremities are not included in the summation but are subject to separate limits.

b. *Intake by inhalation.* If the only intake of radionuclides is by inhalation, the total effective dose equivalent limit is not exceeded if the sum of the deep dose equivalent divided by the total effective dose equivalent limit, and one of the following, does not exceed unity:

- (1) The sum of the fractions of the inhalation ALI for each radionuclide, or
- (2) The total number of derived air concentration-hours (DAC-hours) for all radionuclides divided by 2,000; or
- (3) The sum of the calculated committed effective dose equivalents to all significantly irradiated organs or tissues (T) calculated from bioassay data using appropriate biological models and expressed as a fraction of the annual limit. For purposes of this requirement, an organ or tissue is deemed to be significantly irradiated if, for that organ or tissue, the product of the weighting factors (wT) and the committed dose equivalent (HT,50) per unit intake is greater than 10 percent of the maximum weighted value of H50 (wTHT,50) per unit intake for any organ or tissue.

c. *Intake by oral ingestion.* If the occupationally exposed individual also receives an intake of radionuclides by oral ingestion greater than 10 percent of the applicable oral ALI, the licensee shall account for this intake and include it in demonstrating compliance with the limits.

d. *Intake through wounds or absorption through skin.* The licensee shall evaluate and, to the extent practical, account for intakes through wounds or skin absorption. The intake through intact skin has been included in the calculation of DAC for hydrogen-3 and does not need to be evaluated or accounted for pursuant to subrule 37.11(4).

37.11(5) *Determination of external dose from airborne radioactive material.*

a. Licensees shall, when determining the dose from airborne radioactive material, include the contribution to the deep dose equivalent, lens dose equivalent, and shallow dose equivalent from external

exposure to the radioactive cloud (footnotes 1 and 2 of 10 CFR Part 20, Appendix B, contain more information).

b. Airborne radioactivity measurements and DAC values cannot be used as the primary means to assess the deep dose equivalent when the airborne radioactive material includes radionuclides other than noble gases or if the cloud of airborne radioactive material is not relatively uniform. The determination of the deep dose equivalent to an individual shall be based upon measurements using instruments or individual monitoring devices.

37.11(6) Determination of internal exposure.

a. For purposes of assessing dose used to determine compliance with occupational dose equivalent limits, the licensee shall, when required pursuant to subrule 37.11(14), take suitable and timely measurements of:

- (1) Concentrations of radioactive materials in air in work areas; or
- (2) Quantities of radionuclides in the body; or
- (3) Quantities of radionuclides excreted from the body; or
- (4) Combinations of these measurements.

b. Unless respiratory protective equipment is used, or the assessment of intake is based on bioassays, the licensee shall assume that an individual inhales radioactive material at the airborne concentration in which the individual is present.

c. When specific information on the physical and biochemical properties of the radionuclides taken into the body or the behavior of the material in an individual is known, the licensee may:

- (1) Use that information to calculate the committed effective dose equivalent, and, if used, the licensee shall document that information in the individual's record; and
- (2) Upon prior approval of the department, adjust the DAC or ALI values to reflect the actual physical and chemical characteristics of airborne radioactive material, for example, aerosol size distribution or density; and
- (3) Separately assess the contribution of fractional intakes of Class D, W, or Y compounds of a given radionuclide to the committed effective dose equivalent (10 CFR Part 20, Appendix B, contains more information).

d. If the licensee chooses to assess intakes of Class Y material, the licensee may delay the recording and reporting of the assessments for periods up to seven months unless otherwise required by 641—Chapter 39. This delay permits the licensee to make additional measurements basic to the assessments.

e. If the identity and concentration of each radionuclide in a mixture are known, the fraction of the DAC applicable to the mixture for use in calculating DAC-hours shall be either:

- (1) The sum of the ratios of the concentration to the appropriate DAC value, that is, D, W, or Y, from 10 CFR Part 20, Appendix B, for each radionuclide in the mixture; or
- (2) The ratio of the total concentration for all radionuclides in the mixture to the most restrictive DAC value for any radionuclide in the mixture.

f. If the identity of each radionuclide in a mixture is known, but the concentration of one or more of the radionuclides in the mixture is not known, the DAC for the mixture shall be the most restrictive DAC of any radionuclide in the mixture.

g. When a mixture of radionuclides in air exists, a licensee may disregard certain radionuclides in the mixture if:

- (1) The licensee uses the total activity of the mixture in demonstrating compliance with the dose limits in subrule 37.11(11) and in complying with the monitoring requirements in subrule 37.11(13), and
- (2) The concentration of any radionuclide disregarded is less than 10 percent of its DAC, and
- (3) The sum of these percentages for all of the radionuclides disregarded in the mixture does not exceed 30 percent.

h. When determining the committed effective dose equivalent, the following information may be considered:

- (1) In order to calculate the committed effective dose equivalent, the licensee or registrant may assume that the inhalation of one ALI, or an exposure of 2,000 DAC-hours, results in a committed

effective dose equivalent of 5 rem (0.05 Sv) for radionuclides that have their ALIs or DACs based on the committed effective dose equivalent.

(2) For an ALI and the associated DAC determined by the nonstochastic organ dose limit of 50 rem (0.5 Sv), the intake of radionuclides that would result in a committed effective dose equivalent of 5 rem (0.05 Sv), that is, the stochastic ALI, is listed in parentheses in Table I of 10 CFR Part 20, Appendix B. The licensee or registrant may, as a simplifying assumption, use the stochastic ALI to determine committed effective dose equivalent. However, if the licensee or registrant uses the stochastic ALI, the licensee or registrant shall also demonstrate that the limit in subparagraph 37.11(3)“a”(2) is met.

37.11(7) Determination of prior occupational dose.

a. For each individual who is likely to receive, in a year, an occupational dose requiring monitoring pursuant to this rule, the licensee or registrant shall:

- (1) Determine the occupational radiation dose received during the current year; and
- (2) Attempt to obtain the records of lifetime cumulative occupational radiation dose.

b. Prior to permitting an individual to participate in a planned special exposure, the licensee or registrant shall determine:

- (1) The internal and external doses from all previous planned special exposures;
- (2) All doses in excess of the limits, including doses received during accidents and emergencies, received during the lifetime of the individual; and
- (3) All lifetime cumulative occupational radiation dose.

c. In complying with the requirements of subrule 37.11(7), a licensee or registrant may:

(1) Accept, as a record of the occupational dose that the individual received during the current year, a written signed statement from the individual, or from the individual's most recent employer for work involving radiation exposure, that discloses the nature and the amount of any occupational dose that the individual received during the current year;

(2) Accept, as the record of lifetime cumulative radiation dose, a form signed by the individual and countersigned by an appropriate official of the most recent employer for work involving radiation exposure, or the individual's current employer, if the individual is not employed by the licensee or registrant; and

(3) Obtain reports of the individual's dose equivalent from the most recent employer for work involving radiation exposure, or the individual's current employer, if the individual is not employed by the licensee or registrant, by telephone, electronic media, or letter. The licensee or registrant shall request a written verification of the dose data if the authenticity of the transmitted report cannot be established.

d. The licensee or registrant shall record the exposure history as required by subrule 37.11(14).

(1) The form or record shall show each period in which the individual received occupational exposure to radiation or radioactive material and shall be signed by the individual who received the exposure. For each period for which the licensee or registrant obtains reports, the licensee or registrant shall use the dose shown in the report in preparing the exposure history. For any period in which the licensee or registrant does not obtain a report, the licensee or registrant shall place a notation on the report indicating the periods of time for which data are not available.

(2) Licensees or registrants are not required to reevaluate the separate external dose equivalents and internal committed dose equivalents or intakes of radionuclides assessed pursuant to the rules in this chapter in effect on or before January 1, 1994. Further, occupational exposure histories obtained and recorded on or before January 1, 1994, would not have included effective dose equivalent but may be used in the absence of specific information on the intake of radionuclides by the individual.

e. If the licensee or registrant is unable to obtain a complete record of an individual's current and previously accumulated occupational dose, the licensee or registrant shall assume:

(1) In establishing administrative controls pursuant to subrule 37.11(3) for the current year, that the allowable dose limit for the individual is reduced by 1.25 rem (12.5 mSv) for each quarter for which records were unavailable and the individual was engaged in activities that could have resulted in occupational radiation exposure; and

(2) That the individual is not available for planned special exposures.

f. The licensee or registrant shall retain the records in subrule 37.11(6) until the department terminates each pertinent license or registration requiring this record. The licensee or registrant shall retain records used in preparing any record for subrule 37.11(7) for three years after the record is made.

37.11(8) *Planned special exposures.* A licensee or registrant may authorize an adult worker to receive doses in addition to and accounted for separately from the doses received under the limits specified in subrule 37.11(8) provided that each of the following conditions is satisfied:

a. The licensee or registrant authorizes a planned special exposure only in an exceptional situation when alternatives that might avoid the dose estimated to result from the planned special exposure are unavailable or impractical.

b. The licensee or registrant, and employer if the employer is not the licensee or registrant, specifically authorizes the planned special exposure, in writing, before the exposure occurs.

c. Before a planned special exposure, the licensee or registrant ensures that each individual involved is:

- (1) Informed of the purpose of the planned operation;
- (2) Informed of the estimated doses and associated potential risks and specific radiation levels or other conditions that might be involved in performing the task; and
- (3) Instructed in the measures to be taken to keep the dose ALARA, considering other risks that may be present.

d. Prior to permitting an individual to participate in a planned special exposure, the licensee or registrant ascertains prior doses as required by subrule 37.11(7) during the lifetime of the individual for each individual involved.

e. Subject to subrule 37.11(3), the licensee or registrant cannot authorize a planned special exposure that would cause an individual to receive a dose from all planned special exposures and all doses in excess of the limits to exceed:

- (1) The numerical values of any of the dose limits in subrule 37.11(3) in any year; and
- (2) Five times the annual dose limits in subrule 37.11(3) during the individual's lifetime.

f. The licensee or registrant maintains records of the conduct of a planned special exposure in accordance with subrule 37.12(7) and submits a written report in accordance with subrule 37.13(8).

g. The licensee or registrant records the best estimate of the dose resulting from the planned special exposure in the individual's record and informs the individual, in writing, of the dose within 30 days from the date of the planned special exposure. The dose from planned special exposures cannot be considered in controlling future occupational dose of the individual.

37.11(9) *Occupational dose limits for minors.* The annual occupational dose limits for minors are 10 percent of the annual dose limits specified for adult workers in subrule 37.11(3).

37.11(10) *Dose equivalent to an embryo or fetus.* The licensee or registrant shall ensure that the dose equivalent to an embryo or fetus during the entire pregnancy, due to occupational exposure of a declared pregnant woman, does not exceed 0.5 rem (5 mSv). Subrule 37.12(8) contains recordkeeping requirements.

a. The licensee or registrant shall make efforts to avoid substantial variation above a uniform monthly exposure rate to a declared pregnant woman so as to satisfy the limit in subrule 37.12(8).

b. The dose equivalent to an embryo or fetus shall be taken as the sum of:

- (1) The deep dose equivalent to the declared pregnant woman; and
- (2) The dose equivalent to the embryo or fetus from radionuclides in the embryo or fetus and radionuclides in the declared pregnant woman.

c. If by the time the woman declares pregnancy to the licensee or registrant, the dose equivalent to the embryo or fetus has exceeded 0.5 rem (5 mSv), or is within 0.05 rem (0.5 mSv) of this dose, the licensee or registrant shall be deemed to be in compliance with subrule 37.11(10) if the additional dose equivalent to the embryo or fetus does not exceed 0.05 rem (0.5 mSv) during the remainder of the pregnancy.

d. The National Council on Radiation Protection and Measurements recommended in NCRP Report No. 91 "Recommendations on Limits for Exposure to Ionizing Radiation" (June 1, 1987) that no more than 0.05 rem (0.5 mSv) to the embryo or fetus be received in any one month.

37.11(11) *Radiation dose limits for individual members of the public.*

a. Each licensee or registrant shall conduct operations so that:

(1) The total effective dose equivalent to individual members of the public from the licensed or registered operation does not exceed 0.1 rem (1 millisievert) in a year, exclusive of the dose contributions from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released from voluntary participation in medical research programs, and from the licensee's or registrant's disposal of radioactive material into sanitary sewerage, and

(2) The dose in any unrestricted area from external sources, exclusive of the dose contributions from patients administered radioactive material and released, does not exceed 0.002 rem (0.02 millisievert) in any one hour.

b. If the licensee or registrant permits members of the public to have access to controlled areas, the limits for members of the public continue to apply to those individuals.

c. A licensee, a registrant, or an applicant for a license or registration may apply for prior department authorization to operate up to an annual dose limit for an individual member of the public of 0.5 rem (5 mSv). This application shall include the following information:

(1) Demonstration of the need for and the expected duration of operations in excess of the limit in this subrule;

(2) The licensee's or registrant's program to assess and control dose within the 0.5 rem (5 mSv) annual limit; and

(3) The procedures to be followed to maintain the dose ALARA.

d. In addition to the requirements of this chapter, a licensee or registrant subject to the provisions of the U.S. Environmental Protection Agency's generally applicable environmental radiation standards in 40 CFR 190 as amended to August 1, 2025, shall comply with those standards.

e. The department may impose additional restrictions on radiation levels in unrestricted areas and on the total quantity of radionuclides that a licensee or registrant may release in effluents in order to restrict the collective dose.

f. Notwithstanding the requirements of this subrule a licensee may permit visitors to an individual who cannot be released under rule 641—39.11(136C) to receive a radiation dose greater than 0.1 rem (1 mSv) if:

(1) The radiation dose received does not exceed 0.5 rem (5 mSv); and

(2) The authorized user, as defined in rule 641—38.1(136C), has determined before the visit that it is appropriate.

37.11(12) *Compliance with dose limits for individual members of the public.*

a. The licensee or registrant shall make or cause to be made, as appropriate, surveys of radiation levels in unrestricted and controlled areas and radioactive materials in effluents released to unrestricted and controlled areas to demonstrate compliance with the dose limits for individual members of the public in subrule 37.11(11).

b. A licensee or registrant shall show compliance with the annual dose limit in subrule 37.11(11) by:

(1) Demonstrating by measurement or calculation that the total effective dose equivalent to the individual likely to receive the highest dose from the licensed or registered operation does not exceed the annual dose limit; or

(2) Demonstrating that:

1. The annual average concentrations of radioactive material released in gaseous and liquid effluents at the boundary of the unrestricted area do not exceed the values specified in Table II of 10 CFR Part 20, Appendix B; and

2. If an individual were continually present in an unrestricted area, the dose from external sources would not exceed 0.002 rem (0.02 mSv) in an hour and 0.05 rem (0.5 mSv) in a year.

c. Upon approval from the department, the licensee or registrant may adjust the effluent concentration values in Table II of 10 CFR Part 20, Appendix B, for members of the public to take into

account the actual physical and chemical characteristics of the effluents, such as aerosol size distribution, solubility, density, radioactive decay equilibrium, and chemical form.

37.11(13) Surveys and monitoring—general.

a. Each licensee or registrant shall make, or cause to be made, surveys of areas, including the subsurface, that:

- (1) Are necessary for the licensee or registrant to comply with this chapter; and
- (2) Are necessary under the circumstances to evaluate:
 1. The magnitude and extent of radiation levels;
 2. Concentrations or quantities of residual radioactivity; and
 3. The potential radiological hazards of the radiation levels and residual radioactivity detected.

b. Notwithstanding subrule 37.12(4), records from surveys describing the location and amount of subsurface residual radioactivity identified at the site must be kept with records important for decommissioning, and such records must be retained. The licensee or registrant shall ensure that instruments and equipment used for quantitative radiation measurements, for example, dose rate and effluent monitoring, are calibrated at intervals not to exceed 12 months for the radiation measured, except when a more frequent interval is specified in another applicable part of these rules or a license condition.

c. All personnel dosimeters, except for direct and indirect reading pocket ionization chambers and those dosimeters used to measure the dose to any extremity, that require processing to determine the radiation dose and that are used by licensees and registrants to comply with subrule 37.11(3) with other applicable provisions of these rules or with conditions specified in a license or registration shall be processed and evaluated by a dosimetry processor:

(1) Holding current personnel dosimetry accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute of Standards and Technology; and

(2) Approved in this accreditation process for the type of radiation or radiations included in the NVLAP program that most closely approximates the type of radiation or radiations for which the individual wearing the dosimeter is monitored.

d. The licensee or registrant shall ensure that adequate precautions are taken to prevent a deceptive exposure of an individual monitoring device.

e. After replacement, each personnel dosimeter must be sent for processing as soon as possible.

37.11(14) Conditions requiring individual monitoring of external and internal occupational dose.

Each licensee or registrant shall monitor exposures from sources of radiation at levels sufficient to demonstrate compliance with the occupational dose limits of this chapter. As a minimum:

a. Each licensee or registrant shall monitor occupational exposure to radiation and shall supply and require the use of individual monitoring devices by:

(1) Adults likely to receive, in one year from sources external to the body, a dose in excess of 10 percent of the limits in subrule 37.11(3);

(2) Minors likely to receive, in one year from sources external to the body, a deep dose equivalent in excess of 0.1 rem (1 mSv), a lens dose equivalent in excess of 0.15 rem (1.5 mSv), or a shallow dose equivalent to the skin or to the extremities in excess of 0.5 rem (5 mSv);

(3) Individuals entering a high or very high radiation area;

(4) Individuals working with medical fluoroscopic equipment; and

(5) Declared pregnant women likely to receive during the entire pregnancy, from radiation sources external to the body, a deep dose equivalent in excess of 0.1 rem (1 mSv).

b. Each licensee or registrant shall monitor, to determine compliance with subrule 37.11(6), the occupational intake of radioactive material by and assess the committed effective dose equivalent to:

(1) Adults likely to receive, in one year, an intake in excess of 10 percent of the applicable ALI in Table I, Columns 1 and 2, of Appendix B;

(2) Minors likely to receive, in one year, a committed effective dose equivalent in excess of 0.1 rem (1 mSv); and

(3) Declared pregnant women likely to receive, during the entire pregnancy, a committed effective dose equivalent in excess of 0.1 rem (1 mSv).

c. Location of individual monitoring devices. Each licensee or registrant shall ensure that individuals who are required to monitor occupational doses in accordance with subrule 37.11(14) wear individual monitoring devices in accordance with the dosimetry vendor specifications and processed in accordance with NVLAP-approved calculation methods. Additional requirements are as follows:

(1) An individual monitoring device used for monitoring the dose to an embryo or fetus of a declared pregnant woman shall be located at the waist under any protective apron being worn by the woman;

(2) An individual monitoring device used for monitoring the eye dose equivalent, to demonstrate compliance with subrule 37.11(3) shall be located at the neck (collar), outside any protective apron being worn by the monitored individual or at an unshielded location closer to the eye;

(3) An individual monitoring device used for monitoring the dose to the extremities, to demonstrate compliance with subrule 37.11(3), shall be worn on the extremity likely to receive the highest exposure. Each individual monitoring device shall be oriented to measure the highest dose to the extremity being monitored.

37.11(15) *Control of exposure from external sources in restricted areas; control of access to high radiation areas.*

a. The licensee or registrant shall ensure that each entrance or access point to a high radiation area has one or more of the following features:

(1) A control device that, upon entry into the area, causes the level of radiation to be reduced below that level at which an individual might receive a deep dose equivalent of 0.1 rem (1 mSv) in 1 hour at 30 centimeters from the source of radiation from any surface that the radiation penetrates; or

(2) A control device that energizes a conspicuous visible or audible alarm signal so that the individual entering the high radiation area and the supervisor of the activity are made aware of the entry; or

(3) Entryways that are locked, except during periods when access to the areas is required, with positive control over each individual entry.

b. In place of the controls required by subrule 37.11(15) for a high radiation area, the licensee or registrant may substitute continuous direct or electronic surveillance that is capable of preventing unauthorized entry.

c. The licensee or registrant may apply to the department for approval of alternative methods for controlling access to high radiation areas.

d. The licensee or registrant shall establish the controls required by paragraph 37.11(15)“a” in a way that does not prevent individuals from leaving a high radiation area.

e. The licensee is not required to control each entrance or access point to a room or other area that is a high radiation area solely because of the presence of radioactive materials prepared for transport and packaged and labeled in accordance with the rules of the U.S. Department of Transportation provided that:

(1) The packages do not remain in the area longer than three days; and

(2) The dose rate at 1 meter from the external surface of any package does not exceed 0.01 rem (0.1 mSv) per hour.

f. The licensee is not required to control entrance or access to rooms or other areas in hospitals solely because of the presence of patients containing radioactive material provided that there are personnel in attendance who are taking the necessary precautions to prevent the exposure of individuals to radiation or radioactive material in excess of the established limits in this chapter and to operate within the ALARA provisions of the licensee’s radiation protection program.

g. The licensee or registrant is not required to control entrance or access to rooms or other areas containing sources of radiation capable of producing a high radiation area as described in subrule 37.11(15) if the registrant has met all the specific requirements for access and control specified in other applicable chapters.

37.11(16) *Control of exposure from external sources in restricted areas; control of access to very high radiation areas.*

a. In addition to the requirements in subrule 37.11(15), the licensee or registrant shall institute measures to ensure that an individual is not able to gain unauthorized or inadvertent access to areas in which radiation levels could be encountered at 500 rad (5 Gy) or more in one hour at 1 meter from a source of radiation or any surface through which the radiation penetrates. This requirement does not apply to rooms or areas in which diagnostic X-ray systems are the only source of radiation, or to non-self-shielded irradiators.

b. The registrant is not required to control entrance or access to rooms or other areas containing sources of radiation capable of producing a very high radiation area if the registrant has met all the specific requirements for access and control specified in other applicable chapters.

37.11(17) *Control of exposure from external sources in restricted areas; control of access to very high radiation areas—irradiators.*

a. This rule applies to licensees with sources of radiation in non-self-shielded irradiators. This rule does not apply to sources of radiation that are used in teletherapy, in industrial radiography, or in completely self-shielded irradiators in which the source of radiation is both stored and operated within the same shielding radiation barrier and, in the designed configuration of the irradiator, is always physically inaccessible to any individual and cannot create high levels of radiation in an area that is accessible to any individual.

b. Each area in which there may exist radiation levels in excess of 500 rad (5 Gy) in one hour at 1 meter from a source of radiation that is used to irradiate materials shall meet the following requirements:

(1) Each entrance or access point shall be equipped with entry control devices that:

1. Function automatically to prevent any individual from inadvertently entering a very high radiation area;

2. Permit deliberate entry into the area only after a control device is actuated that causes the radiation level within the area, from the source of radiation, to be reduced below that at which it would be possible for an individual to receive a deep dose equivalent in excess of 0.1 rem (1 mSv) in one hour; and

3. Prevent operation of the source of radiation if it would produce radiation levels in the area that could result in a deep dose equivalent to an individual in excess of 0.1 rem (1 mSv) in one hour.

(2) Additional control devices shall be provided so that, upon failure of the entry control devices to function as required by subrule 37.11(17):

1. The radiation level within the area, from the source of radiation, is reduced below that at which it would be possible for an individual to receive a deep dose equivalent in excess of 0.1 rem (1 mSv) in one hour; and

2. Conspicuous visible and audible alarm signals are generated to make an individual attempting to enter the area aware of the hazard and at least one other authorized individual, who is physically present, familiar with the activity, and prepared to render or summon assistance, aware of the failure of the entry control devices.

(3) The licensee shall provide control devices so that, upon failure or removal of physical radiation barriers other than the sealed source's shielded storage container:

1. The radiation level from the source of radiation is reduced below that at which it would be possible for an individual to receive a deep dose equivalent in excess of 0.1 rem (1 mSv) in one hour; and

2. Conspicuous visible and audible alarm signals are generated to make potentially affected individuals aware of the hazard and the licensee or at least one other individual, who is familiar with the activity and prepared to render or summon assistance, aware of the failure or removal of the physical barrier.

(4) When the shield for stored sealed sources is a liquid, the licensee shall provide means to monitor the integrity of the shield and to signal, automatically, loss of adequate shielding.

(5) Physical radiation barriers that comprise permanent structural components, such as walls, that have no credible probability of failure or removal in ordinary circumstances need not meet the requirements of subparagraph 37.11(17)“b”(2).

(6) Each area shall be equipped with devices that will automatically generate conspicuous visible and audible alarm signals to alert personnel in the area before the source of radiation can be put into operation and in time for any individual in the area to operate a clearly identified control device, which must be installed in the area and which can prevent the source of radiation from being put into operation.

(7) Each area shall be controlled by use of such administrative procedures and such devices as are necessary to ensure that the area is cleared of personnel prior to each use of the source of radiation.

(8) Each area shall be checked by a radiation measurement to ensure that, prior to the first individual's entry into the area after any use of the source of radiation, the radiation level from the source of radiation in the area is below that at which it would be possible for an individual to receive a deep dose equivalent in excess of 0.1 rem (1 mSv) in one hour.

(9) The entry control devices required in subrule 37.11(17) shall be tested for proper functioning as set forth in subrule 37.12(11) for recordkeeping requirements.

1. Testing shall be conducted prior to initial operation with the source of radiation on any day unless operations were continued uninterrupted from the previous day;

2. Testing shall be conducted prior to resumption of operation of the source of radiation after any unintentional interruption; and

3. The licensee or registrant shall submit and adhere to a schedule for periodic tests of the entry control and warning systems. The licensee or registrant cannot conduct operations, other than those necessary to place the source of radiation in safe condition or to effect repairs on controls, unless control devices are functioning properly.

4. Entry and exit portals that are used in transporting materials to and from the irradiation area, and that are not intended for use by individuals, shall be controlled by such devices and administrative procedures as are necessary to physically protect and warn against inadvertent entry by any individual through these portals. Exit portals for irradiated materials shall be equipped to detect and signal the presence of any loose radioactive material that is carried toward such an exit and to automatically prevent loose radioactive material from being carried out of the area.

c. Licensees, registrants, or applicants for licenses or registrations for sources of radiation within the purview of subrule 37.11(17) that will be used in a variety of positions or in locations, such as open fields or forests, that make it impracticable to comply with certain requirements of subrule 37.11(17) such as those for the automatic control of radiation levels, may apply to the department for approval of alternative safety measures. Alternative safety measures shall provide personnel protection at least equivalent to those specified in subrule 37.11(17). At least one of the alternative measures shall include an entry-preventing interlock control based on a measurement of the radiation that ensures the absence of high radiation levels before an individual can gain access to the area where such sources of radiation are used.

d. The entry control devices required by subrule 37.11(16) shall be established in such a way that no individual will be prevented from leaving the area.

37.11(18) *Security and control of licensed or registered sources of radiation.*

a. The licensee or registrant shall secure licensed or registered radioactive material that is stored in controlled or unrestricted areas from unauthorized removal or access.

b. The licensee or registrant shall maintain constant surveillance and use devices or administrative procedures to prevent unauthorized use of licensed or registered radioactive material that is in an unrestricted area and that is not in storage.

c. The registrant shall secure registered radiation machines from unauthorized removal.

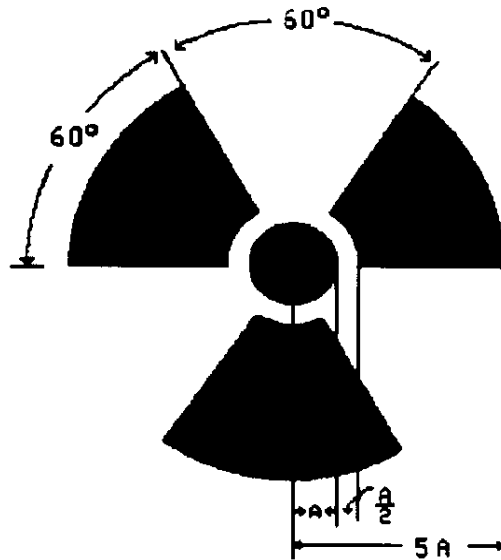
d. The registrant shall use devices or administrative procedures to prevent unauthorized use of registered radiation machines.

e. Each portable gauge licensee shall use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal whenever portable gauges are not under the control and constant surveillance of the licensee.

37.11(19) *Precautionary procedures; caution signs.* Unless otherwise authorized by the department, the symbol prescribed by this rule shall use the colors magenta, purple, or black on yellow background. The symbol prescribed is the three-bladed design as follows.

a. *Radiation symbol.*

- (1) Cross-hatched area is to be magenta, purple, or black, and
- (2) The background is to be yellow.



b. *Exception to color requirements for standard radiation symbol.* Notwithstanding the requirements of subrule 37.11(19), licensees are authorized to label sources, source holders, or device components containing sources of radiation that are subjected to high temperatures, with conspicuously etched or stamped radiation caution symbols and without a color requirement.

c. *Additional information on signs and labels.* In addition to the contents of signs and labels prescribed in this chapter, the licensee or registrant shall provide, on or near the required signs and labels, additional information, as appropriate, to make individuals aware of potential radiation exposures and to minimize the exposures.

d. *Improper posting or labeling.* The licensee or registrant shall ensure that adequate measures are taken to prevent improper posting or labeling.

37.11(20) Precautionary procedures; posting requirements.

a. *Posting of radiation areas.* The licensee or registrant shall post each radiation area with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, RADIATION AREA".

b. *Posting of high radiation areas.* The licensee or registrant shall post in each high radiation area with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, HIGH RADIATION AREA" or "DANGER, HIGH RADIATION AREA".

c. *Posting of very high radiation areas.* The licensee or registrant shall post in each very high radiation area with a conspicuous sign or signs bearing the radiation symbol and words "GRAVE DANGER, VERY HIGH RADIATION AREA".

d. *Posting of airborne radioactivity areas.* The licensee shall post in each airborne radioactivity area with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, AIRBORNE RADIOACTIVITY AREA" or "DANGER, AIRBORNE RADIOACTIVITY AREA".

e. *Posting of areas or rooms in which licensed or registered material is used or stored.* The licensee shall post in each area or room in which there is used or stored an amount of licensed material exceeding ten times the quantity of such material specified in 10 CFR Part 20, Appendix C, with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL(S)" or "DANGER, RADIOACTIVE MATERIAL(S)".

37.11(21) Precautionary procedures; exceptions to posting requirements.

a. A licensee or registrant is not required to post caution signs in areas or rooms containing sources of radiation for periods of less than eight hours if each of the following conditions is met:

(1) The sources of radiation are constantly attended during these periods by an individual who takes the precautions necessary to prevent the exposure of individuals to sources of radiation in excess of the limits established in this chapter; and

(2) The area or room is subject to the licensee's or registrant's control.

b. Rooms or other areas in hospitals that are occupied by patients are not required to be posted with caution signs pursuant to subrule 37.11(21) provided that the patient could be released from licensee control.

c. A room or area is not required to be posted with a caution sign because of the presence of a sealed source provided the radiation level at 30 centimeters from the surface of the sealed source container or housing does not exceed 0.005 rem (0.05 mSv) per hour.

d. A room or area is not required to be posted with a caution sign because of the presence of radiation machines used solely for diagnosis or simulation in the healing arts.

e. Rooms in hospitals or clinics that are used for teletherapy are exempt from the requirement to post caution signs under subrule 37.11(21) if:

(1) Access to the room is controlled pursuant to subrule 37.11(17); and

(2) Personnel in attendance take necessary precautions to prevent an inadvertent exposure of workers, other patients, and members of the public to radiation in excess of the limits established in this chapter.

37.11(22) *Precautionary procedures; labeling radiation machines.* Each registrant shall ensure that each radiation machine is labeled in a conspicuous manner that cautions individuals that radiation is produced when it is energized.

641—37.12(136C) Records.

37.12(1) *General provisions of measurement units.*

a. Each licensee or registrant shall use the special units curie, rad, rem and roentgen, counts per minute (cpm), disintegrations per minute (dpm), or the SI units becquerel, gray, sievert and coulomb per kilogram, including multiples and subdivisions, and shall clearly indicate the units of all quantities on records required by this chapter.

b. The licensee or registrant shall make a clear distinction among the quantities entered on the records required by this chapter, such as total effective dose equivalent, total organ dose equivalent, shallow dose equivalent, lens dose equivalent, deep dose equivalent, or committed effective dose equivalent.

c. In the records required by this chapter, the licensee may record quantities in SI units in parentheses following each of the units specified in subrule 37.12(1). However, all quantities must be recorded as stated in subrule 37.12(1).

d. Notwithstanding the requirements of subrule 37.12(1), when recording information on shipment manifests, information must be recorded in the International System of Units (SI) or in SI and units as specified in subrule 37.12(1).

e. Notwithstanding the requirements of subrule 37.12(1), records of removable radioactive surface contamination on packages shall be recorded in disintegrations per minute (dpm).

37.12(2) *Record retention of medical images.*

a. Medical images, whether stored digitally or on film, shall be retained for 7 years for patients 18 years of age or older, and for 7 years plus the difference between the patient's age and 18 for minors.

b. Facilities currently using hard-copy film may continue to retain imaging using this method throughout the retention period.

c. Facilities using both digital storage (computer media) and hard-copy storage may continue to retain imaging using both of these methods throughout the retention period. Digital data (computer media) should be backed up, or refreshed, at appropriate intervals as defined by the facility.

d. Facilities solely utilizing digital storage to store study information for which a report is generated must ensure the storage conditions prevent deterioration throughout the retention period required. The facility must maintain either retrieval or access or both to the stored images.

e. Facilities that have identified medical images as being involved in a legal case should immediately code the images appropriately and retain them for the required retention period defined in this paragraph or longer if required by the facility's internal policies or procedures. At the end of the retention period, the facility should follow its internal procedures and consult appropriate internal personnel for further disposition instructions as defined by the facility.

f. If records are temporarily transferred to any party, the facility should maintain appropriate information relating to location, date of release, and individual having custody of the records.

g. A facility that is ceasing operations must either transfer its medical image records to another facility or provide the records to its patients. The facility must send a certified letter as to the location, or disposition, of the records to notify the patients of the transferal.

h. Facilities performing mammography shall maintain mammography records in accordance with the requirements of 641—Chapter 41 and the requirements of this chapter. The retention period shall be the longer of the two durations specified, which is a minimum of seven years.

37.12(3) Records of radiation protection programs.

a. Each licensee or registrant shall maintain records of the radiation protection program, including:

- (1) The provisions of the program; and
- (2) Audits and other reviews of program content and implementation.

b. The licensee or registrant shall retain the records required by this rule until the department terminates each pertinent license or registration requiring the record. The licensee or registrant shall retain the records required by subrule 37.12(1) for three years after the record is made.

37.12(4) Records of surveys.

a. Each licensee or registrant shall maintain records showing the results of surveys and calibrations required by subrule 37.11(13). The licensee or registrant shall retain these records for three years after the record is made.

b. The licensee or registrant shall retain each of the following records until the department terminates each pertinent license or registration requiring the record:

(1) Records of the results of surveys to determine the dose from external sources of radiation used, in the absence of or in combination with individual monitoring data, in the assessment of individual dose equivalents;

(2) Records of the results of measurements and calculations used to determine individual intakes of radioactive material and used in the assessment of internal dose;

(3) Records showing the results of air sampling, surveys, and bioassays; and

(4) Records of the results of measurements and calculations used to evaluate the release of radioactive effluents to the environment.

c. Upon termination of the license or registration, the licensee or registrant shall permanently store records required in subrule 37.12(4) or shall make provisions with the department for transfer to the department.

37.12(5) Records of tests for leakage or contamination of sealed sources. Records of tests for leakage or contamination of sealed sources shall be kept in units of microcurie or becquerel and maintained for inspection by the department for five years after the records are made.

37.12(6) Records of prior occupational dose.

a. The licensee or registrant shall retain the records of prior occupational dose and exposure history as specified in subrule 37.11(7) until the department terminates each pertinent license or registration requiring this record.

b. The licensee or registrant shall retain records used in preparing the record required in subrule 37.12(6) for three years after the record is made.

c. Upon termination of the license or registration, the licensee or registrant shall permanently store records required in subrule 37.12(2) or shall make provisions with the department for transfer to the department.

37.12(7) Records of planned special exposures.

a. For each use of the provisions of subrule 37.12(7) for planned special exposures, the licensee or registrant shall maintain records that describe:

- (1) The exceptional circumstances requiring the use of a planned special exposure;
 - (2) The name of the management official who authorized the planned special exposure and a copy of the signed authorization;
 - (3) What actions were necessary;
 - (4) Why the actions were necessary;
 - (5) What precautions were taken to ensure that doses were maintained ALARA;
 - (6) What individual and collective doses were expected to result; and
 - (7) The doses actually received in the planned special exposure.
- b. The records shall be retained until the department terminates each pertinent license or registration requiring these records.
- c. Upon termination of the license or registration, the licensee or registrant shall permanently store records required in subrule 37.12(7) or shall make provisions with the department for transfer to the department.

37.12(8) Records of individual monitoring results.

a. *Recordkeeping requirements.* Each licensee or registrant shall maintain records of doses received by all individuals for whom monitoring was required pursuant to subrule 37.11(14) and records of doses received during planned special exposures, accidents, and emergency conditions. Assessments of dose equivalent and records made using units in effect on or before January 1, 1994, need not be changed. These records shall include all of the following, when applicable:

- (1) The deep dose equivalent to the whole body, eye dose equivalent, shallow dose equivalent to the skin, and shallow dose equivalent to the extremities;
- (2) The estimated intake of radionuclides set forth in subrule 37.11(14);
- (3) The committed effective dose equivalent assigned to the intake of radionuclides;
- (4) The specific information used to calculate the committed effective dose equivalent pursuant to paragraph 37.11(6) "c";
- (5) The total effective dose equivalent when required by subrule 37.11(4);
- (6) The total of the deep dose equivalent and the committed dose to the organ receiving the highest total dose.

b. *Recordkeeping frequency.* The licensee or registrant shall make entries of the records specified in subrule 37.12(2) at intervals not to exceed one year.

c. *Recordkeeping format.* The licensee or registrant shall maintain the records specified in paragraph 37.12(8) "a" in clear and legible form.

d. *Embryo or fetus records.* The licensee or registrant shall maintain the records of dose to an embryo or fetus with the records of dose to the declared pregnant woman. The declaration of pregnancy, including the estimated date of conception, shall also be kept on file but may be maintained separately from the dose records.

e. *Retention during license or registration.* The licensee or registrant shall retain each required form or record until the department terminates each pertinent license or registration requiring the record.

f. *Retention after termination.* Upon termination of the license or registration, the licensee or registrant shall permanently store records required in this rule or shall make provision with the department for transfer to the department.

37.12(9) Records of dose to individual members of the public.

a. Each licensee or registrant shall maintain records sufficient to demonstrate compliance with the dose limit for individual members of the public as set forth in subrule 37.11(3).

b. The licensee or registrant shall retain the records required by this rule until the department terminates each pertinent license or registration requiring the record.

37.12(10) Records of waste disposal.

a. Each licensee shall maintain records of the disposal of licensed materials and disposal or burial in soil.

b. The licensee shall retain the records until the department terminates each pertinent license or registration requiring the record.

37.12(11) Records of testing entry control devices for very high radiation areas.

a. Each licensee or registrant shall maintain records of tests made pursuant to subrule 37.11(17) on entry control devices for very high radiation areas. These records must include the date, time, and results of each such test of function.

b. The licensee or registrant shall retain the records for three years after the record is made.

37.12(12) Form of records.

a. Each record required by this chapter shall be legible throughout the specified retention period. The record shall be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period, or the record may also be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period. Records, such as letters, drawings, and specifications, shall include all pertinent information, such as stamps, initials, and signatures. The licensee or registrant shall maintain adequate safeguards against tampering with and loss of records.

b. The licensee or registrant shall retain the records required by this chapter until the department terminates each pertinent license or registration requiring the record.

641—37.13(136C) Reports.

37.13(1) Reports; stolen, lost, or missing licensed or registered sources of radiation.

a. *Telephone reports.* Each licensee or registrant shall report to the department by telephone as follows:

(1) Immediately after its occurrence becomes known to the licensee, stolen, lost, or missing licensed radioactive material in an aggregate quantity equal to or greater than 1,000 times the quantity specified in 10 CFR Part 20, Appendix C, under such circumstances that it appears to the licensee that an exposure could result to individuals in unrestricted areas.

(2) Within 30 days after its occurrence becomes known to the licensee, lost, stolen, or missing licensed radioactive material in quantity greater than ten times the quantity specified in 10 CFR Part 20, Appendix C, that is still missing.

(3) Immediately after its occurrence becomes known to the registrant, a stolen, lost, or missing radiation machine.

b. *Written reports.* Each licensee or registrant required to make a report pursuant to subrule 37.13(1) shall, within 30 days after making the telephone report, make a written report to the department setting forth the following information:

(1) A description of the licensed or registered source of radiation involved, including, for radioactive material, the kind, quantity, and chemical and physical form; and for radiation machines, the manufacturer, model and serial number, type and maximum energy of radiation emitted;

(2) A description of the circumstances under which the loss or theft occurred;

(3) A statement of disposition, or probable disposition, of the licensed or registered source of radiation involved;

(4) Exposures of individuals to radiation, circumstances under which the exposures occurred, and the possible total effective dose equivalent to persons in unrestricted areas;

(5) Actions that have been, or will be, taken to recover the source of radiation;

(6) Procedures or measures that have been, or will be, adopted to ensure against a recurrence of the loss or theft of licensed or registered sources of radiation.

c. *Additional substantive information.* Subsequent to filing the written report, the licensee or registrant shall also report additional substantive information on the loss or theft within 30 days after the licensee or registrant learns of such information.

d. *Names of individuals.* The licensee or registrant shall prepare any report filed with the department pursuant to subrule 37.13(1) so that names of individuals who may have received exposure to radiation are stated in a separate and detachable portion of the report.

37.13(2) Reports; notification of incidents and reporting requirements for licensees.

a. Immediate notification. Notwithstanding other requirements for notification, each licensee or registrant shall immediately report each event involving a source of radiation possessed by the licensee or registrant that may have caused or threatens to cause any of the following conditions:

(1) An individual to receive:

1. A total effective dose equivalent of 25 rem (0.25 Sv) or more;
2. A lens dose equivalent of 75 rem (0.75 Sv) or more;
3. A shallow dose equivalent to the skin or extremities of 250 rad (2.5 Gy) or more;

(2) The release of radioactive material inside or outside of a restricted area, so that, had an individual been present for 24 hours, the individual could have received an intake five times the annual limit on intake. This provision does not apply to locations where personnel are not normally stationed during routine operations, such as hot-cells or process enclosures.

(3) In addition to the requirements of paragraph 37.13(2)“a,” each licensee shall notify the department as soon as possible but not later than four hours after the discovery of an event that prevents immediate protective actions necessary to avoid exposures to radiation or radioactive materials that could exceed regulatory limits or releases of licensed material that could exceed regulatory limits (e.g., fires, explosions, toxic gas releases, and other such events).

b. Twenty-four-hour notification. Each licensee or registrant shall, within 24 hours of discovery of an event, report to the department each event involving loss of control of a licensed or registered source of radiation possessed by the licensee or registrant that may have caused, or threatens to cause, any of the following conditions:

(1) An individual to receive, in a period of 24 hours:

1. A total effective dose equivalent exceeding 5 rem (0.05 Sv);
2. A lens dose equivalent exceeding 15 rem (0.15 Sv);
3. A shallow dose equivalent to the skin or extremities exceeding 50 rem (0.5 Sv);

(2) The release of radioactive material inside or outside of a restricted area, so that, had an individual been present for 24 hours, the individual could have received an intake in excess of one occupational ALI. This provision does not apply to locations where personnel are not normally stationed during routine operations, such as hot-cells or process enclosures.

(3) In addition to the requirements of paragraphs 37.13(2)“a,” and “b,” each licensee shall notify the department within 24 hours after the discovery of any of the following events involving licensed material:

1. An unplanned contamination event that:

- Requires access to the contaminated area, by workers or the public, to be restricted for more than 24 hours by imposing additional radiological controls or by prohibiting entry into the area;
- Involves a quantity of material greater than five times the lowest annual limit on intake specified in 10 CFR Part 20, Appendix B, for the material;
- Has access to the area restricted for a reason other than to allow isotopes with a half-life of less than 24 hours to decay prior to decontamination.

2. An event in which equipment is disabled or fails to function as designed when:

- The equipment is required by regulation or license condition to prevent releases exceeding regulatory limits, to prevent exposures to radiation and radioactive materials exceeding regulatory limits, or to mitigate the consequences of an accident;

- The equipment is required to be available and operable when it is disabled or fails to function;

- No redundant equipment is available and operable to perform the required safety function.

3. An event that requires unplanned medical treatment at a medical facility of an individual with spreadable radioactive contamination on the individual’s clothing or body.

4. An unplanned fire or explosion damaging any licensed material or any device, container, or equipment containing licensed material when:

- The quantity of material involved is greater than five times the lowest annual limit on intake specified in 10 CFR Part 20, Appendix B, for the material;

- The damage affects the integrity of the licensed material or its container.

37.13(3) Reports; notifications and reporting requirements of a reportable radiation incident.

a. The licensee or registrant shall report any radiation incident involving the administration of ionizing radiation resulted from any of the following to the department, except when the event is the result of intervention by a patient or human research subject.

(1) Therapeutic radiation machines:

1. That involve the wrong patient, wrong treatment modality, or wrong treatment site.
2. For which the weekly administered dose differs from the weekly prescribed dose by more than 30 percent.
3. For which the total administered dose differs from the total prescribed dose by more than 20 percent of the total prescribed dose.
4. For which the dose differs by 50 percent or greater for any single fraction of a multi-fraction treatment.
5. Any equipment failure, personnel error, accident, mishap or other unusual occurrence that causes or is likely to cause significant physical harm to the patient.

(2) Diagnostic radiation machine:

1. Results in an unintended skin dose to the same area in a single procedure greater than 2 Gy (200 rads).
2. Results in an unintended dose greater than five times the facility's established protocol for a procedure and exceeds any of the following:
 - 0.5 Gy (50 rads) to an organ.
 - 0.05 Gy (5 rads) total effective dose.
3. Involves the wrong patient or wrong site for the entire diagnostic examination (procedure/service) and exceeds any of the following:
 - 0.5 Gy (50 rads) to an organ.
 - 0.05 Gy (5 rads) total effective dose for the procedure.
4. Any wrong patient or wrong site imaged, regardless of dose received, shall be reported, documented, and addressed internally in accordance with the facility's established procedures.

(3) CT event investigation and reporting:

1. The cumulative CTDI_{vol} over the course of an individual study at a particular anatomical location exceeds 60 rem (600 mGy) for a pediatric CT procedure or 150 rem (1500 mGy) for an adult CT procedure.
2. Any ionizing radiation exposure from a CT procedure results in unanticipated hair loss, erythema, or functional damage to an organ or physiological system.
3. For each event, the registrant shall conduct a root cause analysis in consultation with a qualified expert, the interpreting physician, and the operator who performed the CT procedure. The registrant shall make appropriate modifications consistent with the corrective action plan to prevent future events.
4. Involves any equipment failure, personnel error, accident, mishap or other unusual occurrence with the administration of ionizing radiation that exceeds 0.05 Gy (5 rads) total effective dose.

b. This rule applies to radiation incidents occurring during medical diagnostic and interventional X-ray procedures, as well as any other radiation machine-related incident that meets established reporting criteria. This rule also encompasses any additional incident deemed reportable by the department based on potential or actual deviation from intended use, dose, or safety standards.

c. Any event resulting from intervention of a patient or human research subject in which the administration of radioactive material or radiation from radioactive material results, or will likely result, in unintended permanent functional damage to an organ or a physiological system, as determined by a physician, shall be reported.

d. The licensee or registrant shall notify the department by telephone no later than the next calendar day after discovery of the reportable radiation incident or medical event or sooner if required under the provisions set forth in this chapter where a more stringent reporting time frame has been established.

e. The licensee or registrant shall notify both the referring physician and the individual who is the subject of the reportable radiation incident or medical event no later than 24 hours after its discovery of the event.

(1) If the referring physician personally notifies the licensee or registrant that they will inform the individual, or determines, based on medical judgment, that informing the individual would be harmful, the licensee or registrant is not required to notify the individual directly.

(2) The licensee or registrant shall consult with the referring physician prior to notifying the individual.

(3) If the referring physician or individual cannot be reached within 24 hours, the licensee shall notify the individual as soon as possible thereafter.

(4) Notification cannot delay any appropriate medical care for the individual, including necessary remedial treatment, resulting from the reportable radiation incident or medical event.

(5) If the individual is a minor or is unable to receive notification directly, notification may be made to a responsible relative or legal guardian.

(6) If notification is provided verbally, the licensee or registrant shall inform the individual, responsible relative, or legal guardian that a written description of the reportable radiation incident or medical event can be obtained from the licensee or registrant. The licensee or registrant shall provide such written description if requested.

37.13(4) *Report by telephone or electronic media.* Licensees or registrants shall make the notification of the incident report required by subrule 37.13(2) to the department by telephone or electronic media.

a. Licensees or registrants making initial reports to the department shall to the extent that the information is available at the time of notification include:

- (1) The caller's name and call-back telephone number;
- (2) A description of the event, including date and time;
- (3) The exact location of the event;
- (4) The isotopes, quantities, and chemical and physical form of the licensed material involved; and
- (5) Any personnel radiation exposure data available.

b. Each licensee or registrant who makes a notification of incident report required by subrule 37.13(2) shall submit a written follow-up report within 30 days of the initial report. Written reports prepared pursuant to other rules may be submitted to fulfill this requirement if the reports contain all the necessary information. These written reports must be sent to the department at Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319. The reports must include the following:

- (1) The licensee or registrant name and license or registration number;
- (2) Name of the prescribing physician, if applicable;
- (3) A description of the event, including:
 1. The probable cause;
 2. The manufacturer and model number (if applicable) of any equipment that failed or malfunctioned;
- (4) The exact location of the event;
- (5) Date and time of the event;
- (6) The isotopes, quantities, and chemical and physical form of the licensed material involved;
- (7) Corrective actions taken or planned to prevent recurrence and the results of any evaluations or assessments;
- (8) The extent of exposure of individuals to radiation or to radioactive materials, without identification of individuals by name, and the effect, if any, on the individual(s) who received the administration or exposure;
- (9) Certification that the licensee or registrant notified the individual or the individual's responsible relative or legal guardian and the referring physician in compliance with the requirements of this chapter and if not, the reason why not.

37.13(5) *Names of individuals in detachable portion.* The licensee or registrant shall prepare each written report to be submitted to the department pursuant to subrule 37.13(2) so that names of individuals who have received exposure to sources of radiation are stated in a separate and detachable portion of the report.

37.13(6) *Rights or duties.* Aside from the notification requirement, nothing in this rule affects any rights or duties of licensees, registrants, and physicians in relation to each other; to individuals affected by the reportable radiation incident or medical event; or to that individual's responsible relatives or legal guardians.

37.13(7) *Doses from planned special exposures.* The provisions of subrule 37.13(2) do not apply to doses that result from planned special exposures provided such doses are within the limits for planned special exposures and are reported pursuant to subrule 37.13(8).

37.13(8) *Reports of planned special exposures.* The licensee or registrant shall submit a written report to the department within 30 days following any planned special exposure conducted in accordance with subrule 37.12(7) informing the department that a planned special exposure was conducted and indicating the date of the planned special exposure and the information required by subrule 37.12(7).

37.13(9) *Notifications and reports to individuals.*

a. Requirements for notification and reports to individuals of exposure to radiation or radioactive material are specified in subrule 37.14(3).

b. When a licensee or registrant is required pursuant to subrule 37.13(8) to report to the department any exposure of an identified occupationally exposed individual, or an identified member of the public, to radiation or radioactive material, the licensee or registrant shall also provide a copy of the report submitted to the department to the individual. Such notice shall be transmitted at a time not later than the transmittal to the department and shall comply with the provisions of subrule 37.14(3).

641—37.14(136C) Notices, instructions, and reports to workers.

37.14(1) *Posting of notices to workers.*

a. Each licensee or registrant shall post current copies of the following documents:

- (1) This chapter;
- (2) The license, certificate of registration, conditions, or documents incorporated into the license by reference and amendments thereto;
- (3) The operating procedures applicable to activities under the license or registration;
- (4) Any notice of violation involving radiological working conditions, proposed imposition of civil penalty, or order issued pursuant to 641—Chapter 38 and any response from the licensee or registrant.

b. If posting of a document specified in subrule 37.14(1) is not practical, the licensee or registrant may post a notice that describes the document and states where it may be examined.

c. Department form "Notice to Employees" shall be posted by each licensee or registrant.

d. Department documents posted pursuant to subrule 37.14(1) shall be posted within two working days after receipt of the documents from the department; the licensee's or registrant's response, if any, shall be posted within two working days after dispatch from the licensee or registrant. Such documents shall remain posted for a minimum of five working days or until action correcting the violation has been completed, whichever is later.

e. Documents, notices, or forms posted pursuant to subrule 37.14(1) shall appear in a sufficient number of places to permit individuals engaged in work under the license or registration to observe them on the way to or from any particular work location to which the document applies, shall be conspicuous, and shall be replaced if defaced or altered.

37.14(2) *Instructions to workers.*

a. All individuals who in the course of employment are likely to receive in a year an occupational dose in excess of 100 mrem (1 mSv):

- (1) Shall be kept informed of the storage, transfer, or use of sources of radiation;
- (2) Shall be instructed in the health protection problems associated with exposure to radiation or radioactive material to the individual and potential offspring, in precautions or procedures to minimize exposure, and in the purposes and functions of protective devices employed;
- (3) Shall be instructed in, and required to observe, to the extent within the worker's control, the applicable provisions of these rules and licenses for the protection of personnel from exposures to radiation or radioactive material occurring in such areas;

(4) Shall be instructed of their responsibility to report promptly to the licensee or registrant any condition that may constitute, lead to, or cause a violation of Iowa Code chapter 136C, these rules, and licenses or unnecessary exposure to radiation or radioactive material;

(5) Shall be instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation or radioactive material;

(6) Shall be advised as to the radiation exposure reports that workers shall be furnished pursuant to subrule 37.13(2).

NOTE: The instruction in subparagraphs 37.14(2)“a”(2) through “a”(6) shall be conducted at least annually.

(7) Shall be commensurate with potential radiological health protection problems present in the workplace.

b. In determining those individuals subject to the requirements of subrule 37.14(2), consideration must be given to assigning activities during normal and abnormal situations involving exposure to sources of radiation that can reasonably be expected to occur during the life of the facility. The extent of these instructions must be commensurate with potential radiological health protection problems present in the workplace.

37.14(3) *Notifications and reports to individuals.*

a. Radiation exposure data for an individual and the results of any measurements, analyses, and calculations of radioactive material deposited or retained in the body of an individual shall be reported to the individual as specified in rule 641—37.14(136C). The information reported shall include data and results obtained pursuant to these rules, orders, or license conditions as shown in records maintained by the licensee or registrant pursuant to subrule 37.12(8). Each notification and report shall:

- (1) Be in writing;
- (2) Include appropriate identifying data such as the name of the licensee or registrant, the name of the individual, and the individual’s identification number, preferably social security number;
- (3) Include the individual’s exposure information;
- (4) Contain the following statement: “This report is furnished to you under the provisions of IAC 641 37.14. You should preserve this report for further reference.”

b. Each licensee or registrant shall make dose information available to workers as shown in records maintained by the licensee or registrant under the provisions of subrule 37.12(8). The licensee or registrant shall provide to each individual monitored under subrule 37.11(14) an annual report of the dose received in that monitoring year if any of the following apply:

- (1) The individual’s occupational dose exceeds 100 mrem (1 mSv) TEDE or 100 mrem (1 mSv) to any individual organ or tissue,
- (2) The individual requests the individual’s annual dose report.

c. Each licensee or registrant shall furnish a report of the worker’s exposure to sources of radiation at the request of a worker formerly engaged in activities controlled by the licensee or registrant. The report shall:

- (1) Include the dose record for each year the worker was required to be monitored pursuant to subrule 37.11(14);
- (2) Be furnished within 30 days from the date of the request or within 30 days after the dose of the individual has been determined by the licensee or registrant, whichever is later;
- (3) Cover the period of time that the worker’s activities involved exposure to sources of radiation and include the dates and locations of work under the license or registration in which the worker participated during this period.

d. When a licensee or registrant is required to report to the department any exposure of an individual to radiation or radioactive material, the licensee or the registrant shall also provide the individual a report on the individual’s exposure data included in the report to the department. Such reports shall be transmitted at a time not later than the transmittal to the department.

e. At the request of a worker who is terminating employment with the licensee or registrant in work involving exposure to radiation or radioactive material, during the current year, each licensee or registrant shall provide at termination to each such worker, or to the worker’s designee, a written report

regarding the radiation dose received by that worker from operations of the licensee or registrant during the current year or fraction thereof. If the most recent individual monitoring results are not available at that time, a written estimate of the dose shall be provided together with a clear indication that this is an estimate.

641—37.15(136C) Inspections.

37.15(1) *Presence of representatives of licensees or registrants and workers during inspection.*

a. Each licensee or registrant shall afford to the department at all reasonable times opportunity to inspect materials, machines, activities, facilities, premises, and records pursuant to these rules.

b. During an inspection, department inspectors may consult privately with workers as specified in subrule 37.15(2). The licensee or registrant may accompany department inspectors during other phases of an inspection.

c. If, at the time of inspection, an individual has been authorized by the workers to represent them during department inspections, the licensee or registrant shall notify the inspectors of such authorization and shall give the workers' representative an opportunity to accompany the inspectors during the inspection of physical working conditions.

d. Each worker's representative shall be routinely engaged in work under control of the licensee or registrant and shall have received instructions as specified in subrule 37.14(2).

e. Different representatives of licensees or registrants and workers may accompany the inspectors during different phases of an inspection if there is no resulting interference with the conduct of the inspection. However, only one worker's representative at a time may accompany the inspectors.

f. With the approval of the licensee or registrant and the workers' representative, an individual who is not routinely engaged in work under control of the licensee or registrant, for example, a consultant to the licensee or registrant or to the workers' representative, shall be afforded the opportunity to accompany department inspectors during the inspection of physical working conditions.

g. Notwithstanding the other provisions of subrule 37.15(1), department inspectors are authorized to refuse to permit accompaniment by any individual who deliberately interferes with a fair and orderly inspection. With regard to areas containing information classified by a department of the U.S. Government in the interest of national security, an individual who accompanies an inspector may have access to such information only if authorized to do so. With regard to any area containing proprietary information, the workers' representative for that area shall be an individual previously authorized by the licensee or registrant to enter that area.

37.15(2) *Consultation with workers during inspections.*

a. Department inspectors may consult privately with workers concerning matters of occupational radiation protection and other matters related to applicable provisions of these rules and licenses to the extent the inspectors deem necessary for the conduct of an effective and thorough inspection.

b. During the course of an inspection, any worker may bring privately to the attention of the inspectors, either orally or in writing, any past or present condition that the worker has reason to believe may have contributed to or caused any violation of Iowa Code chapter 136C, these rules, or license condition or any unnecessary exposure of an individual to sources of radiation under the licensee's or registrant's control. Any such notice in writing shall comply with the requirements of subrule 37.15(3).

c. The provisions of paragraph 37.15(2)"b" cannot be interpreted as authorization to disregard instructions pursuant to rule 641—37.14(136C).

37.15(3) *Requests by workers for inspections.*

a. Any worker or representative of workers believing that a violation of Iowa Code chapter 136C, these rules, or license conditions exists or has occurred in work under a license or registration with regard to radiological working conditions in which the worker is engaged may request an inspection by giving notice of the alleged violation to the department. Any such notice shall be in writing, shall set forth the specific grounds for the notice, and shall be signed by the worker or representative of the workers. A copy shall be provided to the licensee or registrant no later than at the time of inspection, except that, upon the request of the worker giving such notice, such worker's name and the name of

individuals referred to therein cannot appear in such copy or on any record published, released, or made available by the department, except for good cause shown.

b. If, upon receipt of such notice, the department determines that the complaint meets the requirements set forth in subrule 37.15(4), and that there are reasonable grounds to believe that the alleged violation exists or has occurred, an inspection shall be made as soon as practicable to determine if such alleged violation exists or has occurred. Informal reviews pursuant to subrule 37.15(4) need not be limited to matters referred to in the complaint.

c. No licensee, registrant, or contractor or subcontractor of a licensee or registrant shall discharge or in any manner discriminate against any worker because such worker has filed any complaint or instituted or caused to be instituted any proceeding under these rules or has testified or is about to testify in any such proceeding or because of the exercise by such worker on behalf of such worker or others of any option afforded by this chapter.

37.15(4) *Inspections not warranted—informal review.*

a. If the department determines, with respect to a complaint under this rule, that an inspection is not warranted because there are no reasonable grounds to believe that a violation exists or has occurred, the department will notify the complainant in writing of such determination. The complainant may obtain review of such determination by submitting a written statement of position with the attorney general's office. Such department will provide the licensee or registrant with a copy of such statement by certified mail, excluding, at the request of the complainant, the name of the complainant. The licensee or registrant may submit an opposing written statement of position with the attorney general's office. Such department will provide the complainant with a copy of such statement by certified mail.

b. Upon the request of the complainant, the attorney general's office may hold an informal conference in which the complainant and the licensee or registrant may orally present their views. An informal conference may also be held at the request of the licensee or registrant, but disclosure of the identity of the complainant will be made only following receipt of written authorization from the complainant. After considering all written and oral views presented, the attorney general's office shall affirm, modify, or reverse the determination of the department and furnish the complainant and the licensee or registrant a written notification of the decision and the reason therefor.

c. If the department determines that an inspection is not warranted because the requirements of subrule 37.15(4) have not been met, the complainant will be notified in writing of such determination. Such determination will be without prejudice to the filing of a new complaint meeting the requirements of subrule 37.15(4).

37.15(5) *Employee protection.*

a. Discrimination by a licensee or registrant, an applicant for a license or registration, or a contractor or subcontractor of a licensee or applicant against an employee for engaging in certain protected activities is prohibited. Discrimination includes discharge and other actions that relate to compensation, terms, conditions, or privileges of employment. The protected activities are established in 641—Chapters 38 through 44 and in general are related to the administration or enforcement of requirements imposed under 641—Chapters 38 through 44.

(1) The protected activities include but are not limited to:

1. Providing the department or the individual's employer information about alleged violations of either of the statutes named in this rule or possible violations of requirements imposed under either of those statutes;

2. Refusing to engage in any practice made unlawful under either of the statutes named in this rule or under these requirements if the employee has identified the alleged illegality to the employer;

3. Requesting that the department institute action against the individual's employer for the administration or enforcement of these requirements;

4. Testifying in any department proceeding, or before Congress, or at any federal or state proceeding regarding any provision (or proposed provision) of federal statutes or these rules;

5. Assisting or participating in, or about to assist or participate in, these activities.

(2) These activities are protected even if no formal proceeding is actually initiated as a result of the employee's assistance or participation.

(3) This rule has no application to any employee alleging discrimination prohibited by this rule who, acting without direction from the individual's employer (or the employer's agent), deliberately causes a violation of any requirement of 641—Chapters 38 through 44.

b. Any employee who believes that the employee has been discharged or otherwise discriminated against by any person for engaging in protected activities specified in paragraph 37.15(5)“*a*” may seek a remedy for the discharge or discrimination through an administrative proceeding in the U.S. Department of Labor. The administrative proceeding must be initiated within 180 days after an alleged violation occurs. The employee may file for the administrative proceeding by filing a complaint alleging the violation with the Department of Labor, Employment Standards Administration, Wage and Hour Division. The Department of Labor may order reinstatement, back pay, and compensatory damages.

c. A violation of subrule 37.15(5) by a licensee or registrant, an applicant for a license or registration, or a contractor or subcontractor of a licensee or applicant may be grounds for:

- (1) Denial, revocation, or suspension of the license or registration;
- (2) Imposition of a civil penalty on the licensee, registrant, or applicant;
- (3) Other enforcement action.

d. Actions taken by an employer or others that adversely affect an employee may be predicated upon nondiscriminatory grounds. The prohibition applies when the adverse action occurs because the employee has engaged in protected activities. An employee's engagement in protected activities does not automatically render the employee immune from discharge or discipline for legitimate reasons or from adverse action dictated by nonprohibited considerations.

e. No agreement affecting the compensation, terms, conditions, or privileges of employment, including an agreement to settle a complaint filed by an employee with the Department of Labor pursuant to 641—Chapters 37 through 44, may contain any provision that would prohibit, restrict, or otherwise discourage an employee from participating in protected activity as defined in subrule 37.15(5), including but not limited to providing information to the department or to the individual's employer on potential violations or other matters within the department's regulatory responsibilities.

These rules are intended to implement Iowa Code chapter 136C.

Appendix A

ANNUAL LIMITS ON INTAKE (ALI) AND DERIVED AIR CONCENTRATIONS (DAC)
OF RADIONUCLIDES FOR OCCUPATIONAL EXPOSURE; EFFLUENT CONCENTRATIONS;
CONCENTRATIONS FOR RELEASE TO SANITARY SEWERAGE

The provisions of 10 CFR Part 20, Appendix B are hereby adopted by reference, as incorporated in 641—Chapter 39. Compliance with these federal standards shall be deemed in compliance with the corresponding state requirements.

Appendix B

QUANTITIES OF LICENSED OR REGISTERED MATERIAL REQUIRING LABELING

The provisions of 10 CFR Part 20, Appendix C are hereby adopted by reference, as incorporated in 641—Chapter 39. Compliance with these federal standards shall be deemed in compliance with the corresponding state requirements.

[Filed 6/3/26, effective 7/29/26]

[Published 6/24/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/24/26.

ARC 0398D

RECORDS COMMISSION[671]**Adopted and Filed****Rulemaking related to organization; state records manual**

The Records Commission hereby rescinds Chapter 1, “Organization and Responsibilities,” and adopts a new Chapter 1, “Organization; State Records Manual,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 8A.104(5) and 8A.608(1)“d.”

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 8A.601 through 8A.615.

Purpose and Summary

The intended purpose of this rulemaking is to update language for the State Records Commission under the Governor’s Executive Order 10 and to reflect the fact that 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 [671] are combined herein. This rulemaking remains under agency [671] since the State Records Commission has its own rulemaking authority.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 21, 2026, as **ARC 0029D**. Public hearings were held on the following date:

- February 10, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Commission on March 2, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

The Department will not grant waivers under the provision of these rules, other than as may be allowed under Chapter 9 of the Department's rules concerning waivers.

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 July 29, 2026.

The following rulemaking action is adopted:

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.

[Filed 6/2/26, effective 7/29/26]

[Published 6/24/26]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/24/26.

ARC 0399D**RECORDS COMMISSION[671]****Adopted and Filed****Rulemaking related to records series retention and disposition schedules process**

The Records Commission hereby rescinds Chapter 2, “State Records Manual,” and adopts a new Chapter 2, “Records Series Retention and Disposition Schedules Process,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 8A.104(5) and 8A.608(1)“d.”

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 8A.601 through 8A.615.

Purpose and Summary

The purpose of this rulemaking 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.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 21, 2026, as **ARC 9971C**. Public hearings were held on the following date:

- February 10, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Commission on March 2, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

The Department will not grant waivers under the provision of these rules, other than as may be allowed under Chapter 9 of the Department’s rules concerning waivers.

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 July 29, 2026.

The following rulemaking action is adopted:

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.

[Filed 6/2/26, effective 7/29/26]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/24/26.

ARC 0400D

RECORDS COMMISSION[671]

Adopted and Filed

Rulemaking related to permanent records—transfer process, care, and access

The Records Commission hereby rescinds Chapter 3, “Records Series Retention and Disposition Schedules Process”; adopts a new Chapter 3, “Permanent Records—Transfer Process, Care, and Access”; and rescinds Chapter 7, “Permanent Records—Transfer Process,” and Chapter 8, “Care of and Access to Permanent Records Collections,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 8A.104(5) and 8A.608(1)“d.”

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 8A.601 through 8A.615.

Purpose and Summary

The intended purpose of this rulemaking is to provide a 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 rulemaking also reflects the fact 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.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 21, 2026, as **ARC 9970C**. Public hearings were held on the following date:

- February 10, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Commission on March 2, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

The Department will not grant waivers under the provision of these rules, other than as may be allowed under Chapter 9 of the Department's rules concerning waivers.

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 July 29, 2026.

The following rulemaking action is adopted:

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.**

[Filed 6/2/26, effective 7/29/26]

[Published 6/24/26]

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ARC 0401D

RECORDS COMMISSION[671]

Adopted and Filed

Rulemaking related to development process for government information policies, standards, and guidelines

The Records Commission hereby rescinds Chapter 4, “Temporary Records—Transfer and Storage Process”; adopts a new Chapter 4, “Development Process for Government Information Policies, Standards, and Guidelines”; and rescinds Chapter 14, “Development Process for Government Information Policies, Standards and Guidelines,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 8A.104(5) and 8A.608(1)“d.”

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 8A.601 through 8A.615.

Purpose and Summary

This rulemaking is intended to provide a framework for development of information policies, standards, and guidelines, which are implemented by the Records Commission for State agencies and the Legislature. The rulemaking includes updated language pursuant to the Governor’s Executive Order 10.

The rulemaking also reflects the fact that 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.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 21, 2026, as **ARC 9969C**. Public hearings were held on the following date:

- February 10, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Commission on March 2, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

The Department will not grant waivers under the provisions of these rules, other than as may be allowed under Chapter 9 of the Department's rules concerning waivers.

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 July 29, 2026.

The following rulemaking action is adopted:

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**.

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ARC 0402D

RECORDS COMMISSION[671]

Adopted and Filed

Rulemaking related to email retention and temporary records—access process and destruction process

The Records Commission hereby rescinds Chapter 5, “Temporary Records—Access Process,” Chapter 6, “Temporary Records—Destruction Process,” and Chapter 15, “E-Mail Retention,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 8A.104(5) and 8A.608(1)“d.”

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 8A.601 through 8A.615.

Purpose and Summary

The purpose of this rulemaking is to rescind outdated chapters under the Commission’s rules as part of the Department of Administrative Services’ 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.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 21, 2026, as **ARC 9968C**. Public hearings were held on the following date:

- February 10, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Commission on March 2, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

The Department will not grant waivers under the provision of these rules, other than as may be allowed under Chapter 9 of the Department’s rules concerning waivers.

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 July 29, 2026.

The following rulemaking action is adopted:

- ITEM 1. Rescind and reserve **671—Chapter 5**.
- ITEM 2. Rescind and reserve **671—Chapter 6**.
- ITEM 3. Rescind and reserve **671—Chapter 15**.

[Filed 6/2/26, effective 7/29/26]

[Published 6/24/26]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/24/26.

ARC 0403D

REVENUE DEPARTMENT[701]

Adopted and Filed

Rulemaking related to fiduciary income tax

The Revenue Department hereby rescinds Chapter 700, "Fiduciary Income Tax," Iowa Administrative Code, and adopts a new Chapter 700 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 421.14, 422.14(1)"d" and 422.68.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 452A and sections 421.2, 421.4, 421.60, 422.3, 422.6, 422.8, 422.12, 422.14, 422.16, 422.21, 422.23, 422.25, 422.26 through 422.28, 422.30, 422.70, 422.73, 633.352, 633.425, 633.471, 633.477 and 633.479.

Purpose and Summary

The purpose of this rulemaking is to rescind and readopt Chapter 700. This chapter contains rules focused on the administration of fiduciary income in the application of the State's tax imposed on estates and trusts under Iowa Code section 422.6. After review, the Department determined the rules aid the public's understanding of this topic and provide guidance and direction to the public of fiduciary obligation in the application of these taxes. The Department adopted revisions to the text of the rules for clarification and organization and to remove portions of the rules that the Department determined are unnecessary, obsolete, or duplicative of statutory language.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on April 29, 2026, as **ARC 0228D**. Public hearings were held on the following date:

- May 19, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on June 3, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 701—3.7(99G,123,421,17A).

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 July 29, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 701—Chapter 700 and adopt the following **new** chapter in lieu thereof:

TITLE VIII
FIDUCIARY INCOME TAX
CHAPTER 700
FIDUCIARY INCOME TAX

701—700.1(422) Administration.

700.1(1) Definitions. For purposes of this chapter, words and phrases have the same meaning as defined in Iowa Code sections 422.3 and 422.4. In addition, as used in this chapter, the following definitions apply:

“*Gross income*” includes any and all income prior to any deductions as set forth on the Iowa fiduciary return of income.

“*Personal representative*” means the executor, administrator, or trustee of a decedent’s estate.

“*Tax*” means the income tax imposed on estates and trusts under Iowa Code section 422.6.

“*Taxable income*” includes the income of the estate or trust and also includes distributions to beneficiaries as set forth on the Iowa fiduciary return of income.

“*Taxpayer*” includes the executor, administrator, or other personal representative of a decedent’s estate required to file a return for the estate and the decedent under Iowa Code sections 422.14 and 422.23. “Taxpayer” may also include the trustee of a trust subject to tax under 26 U.S.C. Section 641 and required to file a return under 26 U.S.C. Section 6012(b), as well as the trustee of the bankruptcy estate of an individual under Chapter 7 or 11 of Title 11 of the United States Code.

700.1(2) Delegation of authority. The director delegates to the division administrator or a bureau chief within the compliance section division, subject always to the supervision and review of the director, the authority to issue the certificate of acquittance authorized by Iowa Code section 422.27.

700.1(3) Authority of federal court cases, regulations and rulings. The director has the responsibility to enforce and interpret the law relating to the taxes the department is obligated to administer, including those portions of the Internal Revenue Code that impact Iowa taxable income under Iowa Code section 422.4(15).

a. Federal regulations may be interpreted by Iowa courts for state tax purposes.

b. While federal court cases, regulations and rulings interpreting the Internal Revenue Code will be accorded every consideration, the department has the right to make its own interpretation of the Internal Revenue Code as to what constitutes taxable income for Iowa tax purposes, consistent with Iowa statutes and court decisions. Rule 701—303.2(422) provides more information.

700.1(4) Publication references.

a. References to the following Internal Revenue Code Sections are to those in effect as of December 31, 2025: 26 U.S.C. Sections 61, 164, 170, 213, 611, 641, 642, 671 through 679, 691, 1011, 1014, 1223, 2032, 2032A, 2053, 2054, and 6012.

b. References to the following federal regulation sections are to those in effect as of December 31, 2025: 26 CFR Sections 1.61-9, 1.167, 1.170A-10, 1.1014-1, and 1.1223-1.

This rule is intended to implement Iowa Code sections 17A.6, 421.2, 421.4, 422.6, 422.23, 422.25, 422.26, 422.27, and 422.73.

701—700.2(422) Documentation.

700.2(1) Documents to be filed.

a. Estates of Iowa decedents. A copy of the inheritance tax return (for decedents dying before January 1, 2025) and probate inventory required by Iowa Code section 633.361 and a copy of the decedent's will in testate estates shall be filed with the first fiduciary return of income unless previously filed with the department for inheritance tax purposes.

b. Nonresident decedents—ancillary administration. If ancillary administration has been opened for the estate of a nonresident decedent, a copy of the inheritance tax return (for decedents dying before January 1, 2025) and probate inventory and a copy of the decedent's will in testate estates shall be filed with the department, subject to the same conditions and requirements in estates of resident decedents. If ancillary administration has not been opened for a nonresident decedent with Iowa taxable income, a copy of the inventory filed in the primary estate, or the portion of the inventory listing the property generating the Iowa income and the decedent's will in testate estates, must be filed with the department with the first fiduciary return of income.

c. Inter vivos trusts.

(1) Inter vivos trusts with a situs in Iowa and inter vivos trusts with a situs outside Iowa with Iowa taxable income shall submit to the department with the first fiduciary return the following:

1. A copy of the trust instrument;
2. A list of the trust assets (those generating Iowa taxable income in case of trusts with a situs outside Iowa); and
3. An estimate of the fair market value of each asset.

(2) If the trust instrument is amended or additional assets are added to the trust corpus, a copy of the amended items must be submitted to the department with the first fiduciary return of income following the change.

d. Testamentary trusts. If the estate was not reported for inheritance tax purposes, a copy of the decedent's will and a list of assets in the trust corpus in testamentary trusts with a situs both within and without Iowa must be submitted to the department with the first fiduciary return of income.

700.2(2) Reserved.

This rule is intended to implement Iowa Code sections 422.25, 422.27, 422.28, and 422.73.

701—700.3(422) Situs of trusts.

700.3(1) Testamentary trusts. The situs of a testamentary trust for tax purposes is the state of the decedent's residence at the time of death until the jurisdiction of the court in which the trust proceedings are pending is terminated. If jurisdiction is terminated and the trust remains open, the situs of the trust is governed by the same rules as pertain to the situs of inter vivos trusts.

700.3(2) Inter vivos trusts.

a. Court reporting. If an inter vivos trust is created by order of court or makes an accounting to the court, its situs is the state where the court having jurisdiction is located until the jurisdiction is terminated. The situs of an inter vivos trust subject to the grantor trust rules under 26 U.S.C. Sections 671 through 679 is the state of the grantor's residence, or the state of residence of the person other than the grantor deemed the owner, to the extent the income of the trust is governed by the grantor trust rules.

b. Non-court reporting. If an inter vivos trust (other than a trust subject to the grantor trust rules in 26 U.S.C. Sections 671 through 679) is not required to make an accounting to and is not subject to the control of a court, its situs depends on the relevant facts of each case.

(1) Relevant facts include but are not limited to the residence of the trustees or a majority of them, the location of the principal office where the trust is administered, and the location of the evidence of the intangible assets of the trust (e.g., stocks, bonds, bank accounts).

(2) The residence of the grantor of a trust, not subject to the grantor trust rules under 26 U.S.C. Sections 671 through 679, is not a controlling factor as to the situs of the trust unless the person is also a trustee. A statement in the trust instrument that the law of a certain jurisdiction shall govern the administration of the trust is not a controlling factor in determining situs. The residence of the beneficiaries of a trust is also not relevant in determining situs.

700.3(3) *Part-year trust.* A trust that has its situs part of the year within Iowa and part of the same year outside of Iowa is to report its income on IA 1041. In order to claim a nonresident or part-year resident tax credit, the trust must complete the computation of nonresident/part-year resident tax credit portion of the form.

This rule is intended to implement Iowa Code sections 422.6, 422.8, and 422.14.

701—700.4(422) Fiduciary returns and payment of the tax.

700.4(1) *Use of prescribed forms.* Returns shall, in all cases, be made by residents and nonresidents on forms prescribed by the department of revenue. Iowa Code section 422.14 provides the requirements for when fiduciary returns must be filed electronically.

700.4(2) *Copy of federal fiduciary income tax return.* Estates of Iowa decedents, trusts with a situs in Iowa, nonresident estates with Iowa taxable income, and trusts with situs outside Iowa with Iowa taxable income must submit a complete copy of the federal fiduciary income tax return with the Iowa return, including any applicable schedules.

700.4(3) *Accounting period—tax year.* The Iowa fiduciary return must use the same accounting period that was used for federal income tax purposes.

700.4(4) *Minimum filing requirements.* A fiduciary return of income must be filed if the taxable income of the estate or trust for the taxable year is \$600 or more, regardless of any tax liability. However, a final fiduciary return must be filed for the taxable year the estate or trust is closed, regardless of the amount of gross income, if an income tax certificate of acquittance is requested.

700.4(5) *Amended returns.* An amended return must be filed if there is a change in income or deductions that results in a tax or additional tax due or in a change in income, deductions, or credits distributable to a beneficiary. An amended return may be filed in lieu of a claim for refund when a change in reportable income or deductions results in a tax overpayment. 701—subrules 305.3(8) and 305.3(15) provide additional information on the period of time for making a claim for a refund of excess tax paid.

700.4(6) *Return due date.* The fiduciary return must be filed with the department and the tax due paid in full on or before the last day of the fourth month following the end of the taxable year.

700.4(7) *Duties of the taxpayer.*

a. Income of the estate or trust. The executor, administrator, or other personal representative must timely file a fiduciary return if the minimum filing requirements specified in subrule 700.4(4) are met. The department is not required to file a claim for taxes in the estate proceedings and have the claim allowed before the tax is paid. The personal representative of an estate must pay the tax on income from property in the personal representative's possession prior to applying the income to estate obligations.

b. Decedent's final individual income tax return.

(1) The executor, administrator, or other personal representative of the decedent's estate must file an individual income tax return for the decedent for the year of the decedent's death if the gross income attributable to the decedent for the part of the taxable year ending with death equals or exceeds the minimum filing requirements. 701—subrules 301.1(1) through 301.1(3) and 301.1(5) provide more information on the minimum filing requirements for individual income tax.

(2) If the surviving spouse of a decedent has not remarried during the balance of the taxable year and has the same taxable year as the decedent, the personal representative of the decedent's estate may file a joint return with the surviving spouse for the taxable year of death. In the event of such an election,

the joint return must include the surviving spouse's income for the entire taxable year and the decedent's income for the portion of the taxable year ending with death.

(3) Income attributable to property owned by the decedent and the decedent's rights to income received after the day of the decedent's death are income of the decedent's estate or the persons succeeding to the property or rights to income. Iowa Code sections 633.350 through 633.353 provide more information on the circumstances under which the estate is charged with the income from the decedent's property or the decedent's rights to income.

(4) Income from property held by the decedent and others in joint tenancy received after the decedent's death is charged to the surviving joint tenants, not to the decedent's estate.

(5) The final income tax return of the decedent, if the minimum filing requirements are met, must be filed prior to the time an income tax certificate of acquittance is requested.

c. Decedent's prior year returns. The personal representative has the duty to file any required returns that were not previously filed. This includes any additional tax owed that becomes due by reason of an audit. The personal representative's duty to pay the tax, or additional tax, is limited to the probate property subject to the jurisdiction of the court. The probate property must be applied to the payment of the decedent's tax liability according to the order specified in Iowa Code section 633.425.

d. Composite return requirement. The personal representative of a decedent's estate and the trustee of a trust are subject to the composite return filing and tax payment obligations under Iowa Code section 422.16B and 701—Chapter 405 if the estate or trust has nonresident beneficiaries.

e. Beneficiary's share of income, deductions and credits. After the final distribution of income for the taxable year, the personal representative of an estate and the trustee of a trust shall furnish each beneficiary receiving a distribution from an estate or trust a written statement specifying the amount and types of income subject to Iowa tax and the kinds and amounts of the deductions and credits against the tax. For estates and trusts, other than grantor trusts, the written statement shall be an IA 1041, Schedule K-1.

f. Liability of a personal representative and trustee. A personal representative of a decedent's estate and the trustee of a trust shall be personally liable for the amount of Iowa composite tax required to be paid under Iowa Code section 422.16B and 701—Chapter 405 as well as any penalty and interest due if the composite tax liability attributable to a nonresident beneficiary is not paid within the time prescribed by law.

This rule is intended to implement Iowa Code sections 422.6, 422.8, 422.16, 422.21, 422.23, 422.25, 422.27, 633.352, and 633.425.

701—700.5(422) Extension of time to file.

700.5(1) Automatic extension of time to file.

a. Qualification. No application for extension is required from the taxpayer if the taxpayer has paid at least 90 percent of the tax required to be shown due by the due date and has not filed a return by the due date. In such circumstances, the director will consider that the taxpayer has requested an extension of time to file the return and will automatically grant an extension of up to six months to file the return. However, if the taxpayer wants to make a tax payment to ensure that at least 90 percent of the tax has been paid on or before the due date, the payment can be made by:

- (1) Making a payment through Modernized eFile (MeF).
- (2) Contacting taxpayer services and requesting an Iowa Fiduciary Income Tax Payment Voucher.
- (3) Accessing GovConnectIowa to either make a payment or print a voucher and make a payment.

b. Determination. To determine whether or not at least 90 percent of the tax was paid on or before the due date, the aggregate amount of tax credits applicable on the return plus the tax payments made on or before the due date are divided by the tax required to be shown due on the return. The tax required to be shown on the return is the sum of the income tax, lump-sum tax, and the trust portion of the ESBT tax. The tax credits applicable are the credits set out in Iowa Code chapter 422, subchapter II, and Iowa Code section 422.111. Tax payments to be considered for purposes of determining whether 90 percent of the tax was paid include withholding tax payments, estimated payments, composite tax payments, and payments made with the Iowa Fiduciary Income Tax Payment Voucher Form.

c. Penalty and interest. If the aggregate of the tax credits and the tax payments is equal to or greater than 90 percent of the tax required to be shown due, the taxpayer will have met the “90 percent” test and no penalty will be assessed. However, the taxpayer will still be subject to statutory interest on any tax due when the return is filed.

700.5(2) *Extension of time to file due to illness, death, absence, or other legitimate reason.* The taxpayer is required to file the taxpayer’s fiduciary income tax return on or before the due date of the return with payment in full of the amount required to be shown due with the return. However, in any instance where the taxpayer is unable to file the return by the due date because of illness or death in the taxpayer’s immediate family, unavoidable absence of the taxpayer, or other legitimate reason within 30 days of the due date, the director may grant a six-month extension of time to file the return.

700.5(3) *Extension of time for the decedent’s final tax return.* 701—subrule 301.2(4), which provides for extensions of time to file individual income tax returns, applies to the decedent’s final tax return.

This rule is intended to implement Iowa Code section 422.21.

701—700.6(422) Reportable income and deductions.

700.6(1) *Reportable income in general—Iowa estates and trusts.* Estates of Iowa resident decedents and trusts with a situs in Iowa must report all income received from sources within and without Iowa, regardless of whether the income is from real, personal, tangible, or intangible property.

700.6(2) *Reportable income in general—foreign situs estates and trusts.* Estates and trusts with a situs outside Iowa must report all income received from sources within and without Iowa, regardless of whether the income is from real, personal, tangible, or intangible property. Foreign situs estates and trusts must also report that portion of the income which is from Iowa sources. Examples of Iowa source income include but are not limited to income from real and tangible personal property with a situs in Iowa, such as a farm and from a business located in Iowa; the capital gain portion of an installment sale contract of Iowa situs property; and wages, salaries and other compensation for services performed in Iowa but received after the death of the decedent. Iowa source income would not include income from intangible personal property, such as annuities, interest on bank deposits, and dividends, unless the income was derived from a business, trade, profession, or occupation carried on in Iowa.

700.6(3) *Income from property subject to the jurisdiction of the probate court.*

a. Probate property subject to possession by the personal representative. Income received on probate property after the decedent’s death is chargeable to the estate or to the person succeeding to the decedent’s property depending on whether the personal representative has the right to, or has taken possession of, the probate property producing the income. If the personal representative has taken possession of or has the right to possession of a specific item of probate property, the income from this property is estate income. The personal representative is charged with the income from this property for each taxable year until the property is distributed or otherwise disposed of. Iowa Code section 633.351 prescribes the personal representative’s responsibilities for taking possession of and handling the decedent’s property. In addition, Iowa Code section 633.386 (probate code) gives the personal representative authority to lease real estate, and therefore to take possession, in order to pay the debts and charges of the estate.

b. Income charged to the heir or beneficiary. Under Iowa law, title to probate property, both real and personal, passes instantaneously on death to the heir or beneficiary. If property is not subject to the personal representative’s right of possession under Iowa Code section 633.351 and the personal representative has not exercised the right to sell, lease, mortgage, or pledge real and personal property to pay debts and charges under Iowa Code section 633.386, the income from this probate property is not estate income. It is income to the person succeeding to the property.

700.6(4) *Income from nonprobate property.* Income from property not subject to the jurisdiction of the probate court is charged to the beneficiary or other person succeeding to the property. Examples of income from nonprobate property include but are not limited to property held in joint tenancy, annuity payments, pension and retirement plans not payable to the estate, and income from certain trusts created by the grantor-decedent.

700.6(5) *Gross income of an estate.*

a. In general. 26 U.S.C. Section 641(b) provides that the taxable income of an estate or trust shall be computed in the same manner as the taxable income of an individual, except as modified in Subchapter J of the Internal Revenue Code. Paragraphs 700.6(5)“d” through “q” provide a nonexhaustive list of common types of taxable income to an estate or trust.

b. Definition of the period of administration. The income charged to the decedent’s estate is reportable by the personal representative for each taxable year during the period of the administration of the decedent’s estate if the minimum filing requirements are met. The period of administration for Iowa income tax purposes is determined by applying federal tax law to Iowa estates because Iowa taxable income is the same as federal taxable income, subject to the adjustments provided in Iowa Code sections 422.7 and 422.9. It is the period actually required by the personal representative to perform the ordinary duties of administration, such as the collection of assets and the payment of debts, taxes, legacies, and bequests, whether the period required is longer or shorter than the period specified under the probate code. An estate will be considered terminated for income tax purposes when all of the assets have been distributed, except for a reasonable amount set aside in good faith for the payment of unascertained or contingent liabilities and expenses. If the period of administration is terminated for income tax purposes, the heir or beneficiary is charged with the income.

c. The estate’s first return—special considerations.

(1) Death terminates the decedent’s taxable year. Income received the day of the decedent’s death is to be reported on the decedent’s final individual return.

(2) The taxable year of a decedent’s estate begins the day after the decedent’s death. Income received after the decedent’s death is chargeable either to the decedent’s estate or to the person succeeding to the property producing the income.

(3) Income the decedent had a right to receive prior to death, but did not receive before death, is not the decedent’s income but is income in respect of a decedent and is chargeable either to the decedent’s estate when received or to the person succeeding to the right to income. 26 U.S.C. Section 691(a) and applicable federal regulations provide more information on what constitutes income in respect of a decedent.

(4) Trade or business expenses, interest, taxes and expenses for the production of income owing by the decedent at death but unpaid, and the allowance for depletion on income not received at death are not deductible on the decedent’s final return. These are deductible by the estate or the person succeeding to the property when paid.

(5) Medical expenses incurred by the decedent, but unpaid at death, are not deductible by the estate. These are deductible on the decedent’s individual return for the year the expenses were incurred if paid within one year after the decedent’s death and if the medical expense is not claimed as a deduction for federal estate tax purposes under 26 U.S.C. Section 2053. 26 U.S.C. Section 213(d) and federal regulations thereunder provide more information relating to deductible medical expenses of a decedent.

(6) Funeral expense is not a deductible item for income tax purposes.

(7) Unused ordinary and capital losses remaining after the decedent’s income tax liability for the year of death has been determined are not carried forward to the decedent’s estate. The unused losses terminate with death, except to the extent they may be used by the decedent’s surviving spouse.

d. Dividends. All income classified as dividends under 26 U.S.C. Section 61 and 26 CFR Section 1.61-9, received or constructively received, during the taxable year constitutes gross income to the estate or trust. However, some income labeled as dividends is for tax purposes classified as interest. For example, income from cooperative banks, credit unions, domestic building and loan associations, domestic savings and loan associations, federal savings and loan associations, and mutual savings banks are considered interest and not dividends.

e. Interest. All interest received or constructively received during the taxable year, with the exception of interest but not capital gain, from federal securities and from certain bonds issued by the state of Iowa and its political subdivisions listed in rule 701—302.3(422) is income to the estate or trust. Interest from securities issued by a state and its political subdivisions or from foreign securities is

included in gross income for Iowa tax purposes, even though the interest may be exempt from federal income tax, except for those bonds listed in rule 701—302.3(422).

f. Partnerships and other estates and trusts.

(1) If a partnership in which the decedent had an interest is not terminated at death, the deceased partner's share of the partnership income is considered to be all received at the end of the partnership taxable year. As a result, none of the partnership income is chargeable to the deceased partner unless the day of the partner's death coincides with the day the partnership year ends. Partnership income is chargeable to the deceased partner's estate or the person succeeding to the partner's interest, notwithstanding the fact the deceased partner may have withdrawn most or all of the deceased partner's share of the partnership income prior to death.

(2) In general, if an estate or trust and its beneficiaries have different taxable years, the beneficiary is required to report the income from the estate or trust as if it were all paid on the last day of the taxable year of the estate or trust. However, if the beneficiary dies during the taxable year of an estate or trust, the taxable income of the beneficiary's estate includes only the portion of the income of the other estate or trust that was required to be distributed to the beneficiary but was not in fact distributed to the beneficiary before death. The income that was in fact distributed by the other estate or trust prior to the beneficiary's death is properly included in the beneficiary's final income tax return.

g. Rents and royalties.

(1) Income received after death for the use or occupancy of the decedent's real and personal property is the income of the decedent's estate or the income of the person succeeding to the property. If the rental income was accrued, but unpaid at death, the accrued rent is income in respect of a decedent and is to be included as income, either by the estate or the person succeeding to the right to the income, in the taxable year when payment is received.

(2) Rent is not limited to payments in cash. It includes but is not limited to crop share rental payments when the decedent was a nonparticipating landlord.

(3) Income from the sale of grain and livestock in the estate of a participating landlord that was on hand at death is classified as income from a farm or business and not rental income.

(4) Income from royalties includes but is not limited to payment for rights in books, plays, copyrights, trademarks, formulas, and patents and from the exploitation of natural resources.

h. Farm and business income—in general. The death of the decedent does not alter the rules under which business and farm income is computed for income tax purposes. However, the decedent's estate as a new taxpayer may adopt a taxable year or accounting method that is different from the decedent's. The rules for determining a gain or loss from the sale or exchange of assets in the decedent's estate are the same as those for an individual. However, paragraphs 700.6(5) "i" and "j" contain more information on the basis for gain or loss from the sale or exchange of property acquired from a decedent and 700.6(5) "l" for depreciation rules for property acquired from a decedent.

i. Basis for gain or loss—the stepped-up basis. Property acquired from a decedent receives a new basis for determining gain or loss when the property is sold or exchanged. This rule does not apply to property classified as income in respect of a decedent and certain other property designated in 26 U.S.C. Section 1014(b) and (c) and the federal regulations thereunder. The basis of property acquired from a decedent is either (1) its fair market value at the time of death or the alternative value when it has been elected for federal estate tax purposes under 26 U.S.C. Section 2032 or (2) its special use value when the property has been valued for federal estate tax purposes under 26 U.S.C. Section 2032A. The decedent's basis in the property is not relevant.

If an estate files a federal estate tax return, the basis is governed by the federal estate tax value determination.

EXAMPLE: Decedent A died July 1, 2025, owning a 160-acre Iowa farm that the decedent purchased in 1985 for \$1,000 per acre, or \$160,000. At the time of A's death, the farm had a fair market value of \$12,000 per acre, or \$1,920,000. In 1995, A and surviving spouse B purchased a residence for \$80,000 in joint tenancy. Surviving spouse B, a school teacher, contributed one-half of the purchase price of the residence; therefore, one-half of the residence is excluded from A's gross estate. At the time of A's death,

the residence had a fair market value of \$250,000. Surviving spouse B received the entire estate and did not elect the alternative or special use valuation.

B's basis for gain or loss in the farm and residence is computed as follows:

<u>Asset</u>	<u>Fair Market Value at Death</u>	<u>New Basis for Gain or Loss</u>	
160-acre farm	\$1,920,000	\$1,920,000	\$320,000
Residence	250,000	165,000	½ new basis 50,000
			½ old basis 17,500
			\$ 67,500

Since the entire farm was acquired from A, its basis is 100 percent of the fair market value at death. Only one-half of the residence was acquired from A; therefore, only one-half of the residence receives a new basis on A's death. The new basis in the residence for B is \$165,000, calculated as follows: ½ of the fair market value on the date of death ($\$250,000 \times \frac{1}{2}$) = \$125,000, plus ½ of the original purchase price ($\$80,000 \times \frac{1}{2}$) = \$40,000.

j. No new basis—income in respect of a decedent.

(1) Property or rights to income, classified as income in respect of a decedent under 26 U.S.C. Section 691, do not receive a new basis upon the decedent's death. It is a special exception to the stepped-up basis rule. 26 U.S.C. Section 1014(c) and 26 CFR Section 1.1014-1(c) provide more information.

(2) Examples of income with respect to a decedent include but are not limited to the following:

1. Wages, salary, or other compensation for personal services earned that are unpaid at death.
2. Interest accrued on obligations, such as bank accounts, certificates of deposit, bonds, and promissory notes.
3. Accrued interest and unpaid capital gain on real and personal property installment contracts.
4. Federal income tax refunds if claimed as a deduction on an Iowa income tax return.
5. Accounts receivable if the decedent was on a cash accounting basis.
6. Crop share rent if the decedent was a nonparticipating landlord on a cash basis. This also includes growing crops, which are to be valued at the time of the decedent's death or alternate valuation date.

(3) The basis for gain or loss for property classified as income with respect to a decedent is the decedent's basis in the property at the time of death.

k. Gain or loss—holding period. For the purpose of determining whether the sale or exchange of property is a long- or short-term gain or loss, the holding period of property acquired from a decedent begins the day after the decedent's death, regardless of how long the property was held by the decedent. 26 U.S.C. Section 1.1223 and 26 CFR Section 1.1223-1(j) provide more information. If the property acquired from a decedent is sold or otherwise disposed of within one year of the decedent's death, it will be considered to have been held over one year. In general, this is a sufficiently long holding period to qualify the sale or exchange as a long-term gain or loss transaction.

l. Depreciation—property acquired from a decedent. Property acquired from a decedent that is subject to the allowance for depreciation receives the same value for depreciation purposes as its basis for gain or loss in a sale or exchange, regardless of its basis or remaining useful life in the hands of the decedent. 26 U.S.C. Sections 167(g) and 1011 and 26 CFR Section 1.167(g)-1 provide more information. For the purpose of determining the life of an asset subject to the allowance for depreciation, the property is treated as if it were acquired the day after the decedent's death. More information can be found in 26 CFR Section 1.167(a)-10. The decedent's estate or other person acquiring depreciable property from the decedent may adopt a depreciation method different from that used by the decedent for the depreciable asset. Additional information can be found in 26 CFR Section 1.167(a)-7.

m. Recognition of gain—installment sale contracts.

(1) Death of the holder. If, as a result of the death of the holder of an installment sale obligation (usually the seller), the installment sale obligation is transferred to the debtor (usually the purchaser), or it is cancelled by the personal representative, the remaining gain from the installment sale contract

not previously reported is recognized by the holder's estate as if the remaining balance due had been immediately paid in full. The merger of the asset with the debt is treated as a taxable transfer by the estate of the holder (seller) of the obligation and is income in respect of a decedent realized by the holder's estate.

(2) Held by trust. If the obligation was held by a person other than the seller, such as a trust, the cancellation of the obligation will be treated by that person as a taxable transfer immediately after the seller's death. In the absence of some act of canceling the obligation, such as by distribution or notation that results in cancellation under Iowa Code chapter 554 (Uniform Commercial Code), the disposition is considered to occur no later than the time the period of administration of the estate is ended.

(3) Related parties. For gain recognition purposes, if the seller and the debtor were related parties, the value of the installment contract is considered to be not less than full face value, regardless of its value for Iowa inheritance tax (for decedents dying before January 1, 2025) or federal estate tax purposes. A related party includes but is not limited to the spouse, child (including an adopted child), grandchild, or parent of the seller; an estate in which the seller is a beneficiary; a partnership in which the seller is a partner; a corporation in which the seller owns 50 percent or more of the stock; and a trust where the seller is a beneficiary or is treated as the owner.

(4) Additional shares. If the debtor inherits the obligation to pay or another share of the estate and the debtor's share of estate equals or exceeds the face value of the contract, the personal representative of the holder's estate must set off the contract of sale to the debtor when satisfying the debtor's share of the estate. In this case, the entire contract is canceled and all of the unreported gain is income in respect of a decedent to the estate. If the debtor's share of the estate is less than the face value of the contract of sale, the contract of sale is canceled only to the extent of the debtor's share of the estate and only a like percentage of the unreported gain is considered income in respect of a decedent received immediately by the estate. Iowa Code section 633.471 provides information on the right of retainer and setoff.

n. Nonresident aliens—sales of Iowa real estate. Nonresident aliens and estates and trusts with a situs outside the United States must include the gain from the sale or exchange of Iowa real estate as taxable income, even though the real estate was not effectively connected with a trade or business carried on in the United States. Any gain paid or distributed to a nonresident alien or an estate or trust with a situs outside the United States is subject to Iowa income composite tax unless the gain has been previously accumulated and any tax due paid. Paragraph 700.4(7)“d” and 701—Chapter 405 contain more information on the requirement to pay Iowa composite tax on distributions to nonresident beneficiaries and individuals.

o. Miscellaneous income. Miscellaneous income includes those items of income that are subject to Iowa income tax under Iowa Code section 422.6 that are not classified as dividends, interest, rent and royalties, income from partnerships and other fiduciaries, business or farm income, and gain or loss from the sale or exchange of assets. Miscellaneous income also includes but is not limited to wages and salaries earned by the decedent that are unpaid at death and distributions to the estate from an employee's pension or retirement plan if subject to Iowa income tax.

p. Grantor trusts. If the income of a trust is subject to the grantor trust rules under 26 U.S.C. Sections 671 through 679, the grantor of the trust or other person specified in the trust instrument, and not the trust, is considered the owner of the income. Therefore, the income is properly reportable on the Iowa individual income tax return of the grantor or other individual treated as the owner. The fiduciary income tax return of a grantor trust is an informational return only. Items of income, deductions, and credits of a grantor trust should be reported on a separate statement attached to the fiduciary return of income. The taxable year of a grantor trust must be the same as the taxable year of either the grantor or the other individual considered the owner of the income for tax purposes.

q. “Equity trusts”—assignment of future wages and salaries. The assignment of future wages, salaries, or other compensation for future services by a grantor to a trust (commonly called “equity” or “family estate” trust) does not shift the tax burden on this income from the grantor to the trust. The trust is subject to the grantor trust rules under 26 U.S.C. Sections 671 through 679. The income of the trust is to be reported by the grantor on an Iowa individual income tax return.

r. Adjustments to federal taxable income. Iowa Code section 422.4(15) provides that the Iowa taxable income of estates and trusts is federal taxable income, without the deduction for the personal exemption, subject to the specific adjustments set forth in Iowa Code section 422.7 and the modifications relating to federal and state income tax specified in Iowa Code section 422.9. The modifications have these results:

(1) The federal exemption allowed to estates and trusts under 26 U.S.C. Section 642(b) (i.e., \$600 for an estate, \$300 for simple trust, and \$100 for a complex trust) is not deductible for Iowa income tax purposes.

(2) Interest and dividends from federal securities, but not capital gain or loss, are exempt from Iowa income tax and, therefore, are not part of the Iowa taxable income of estates and trusts.

(3) Interest and dividends from securities of a state and its political subdivisions and from foreign securities are included in Iowa taxable income in the year received, regardless of whether such interest and dividends are exempt from federal income tax. However, rule 701—302.3(422) and paragraph 700.6(5)“e” contain more information on the exemption for certain bonds issued by the state of Iowa and its political subdivisions that are not included in Iowa taxable income.

700.6(6) Deductions from gross income.

a. In general. The deductions allowable in computing taxable income of estates and trusts are generally those relating to a trade or business and the expenses attributable to investment income.

(1) The important distinction between the deductions allowable in computing federal adjusted gross income and itemized deductions for individual income tax has only limited application in determining the taxable income of estates and trusts.

(2) Many deductions in computing the taxable income of an individual have no application to the deductions allowable in computing the taxable income of an estate or trust, due to the nature of estates and trusts and the sources of their income. For example, medical expense and moving expense deductions are applicable only to individuals, but taxes and interest expenses can be incurred by both individuals and estates and trusts.

b. Interest expense. Interest paid on obligations secured by property subject to the personal representative or trustee’s right of possession is a deduction from gross income in the year paid. Interest on debts or charges that the personal representative or trustee is obligated to pay is also a deduction against gross income in the year paid. Interest on obligations secured by property, not subject to the personal representative’s right of possession, is not deductible from the gross income of the estate but is a deduction for the person succeeding to the encumbered property. No distinction is made between business and nonbusiness interest. Iowa Code section 633.278 contains more information on circumstances when the personal representative of the decedent’s estate is required to pay the debt and interest on encumbered property, even though the property is not subject to the personal representative’s right of possession.

c. Taxes. The taxes deductible against the gross income of an estate or trust are limited to the taxes deductible for individual income tax purposes under 26 U.S.C. Section 164, meaning, for tax years beginning on or after January 1, 2023, state taxes deductible for federal purposes are also allowed for Iowa purposes. Also, federal income tax is not allowed as a deduction for Iowa purposes. Real estate and personal property taxes, including the taxes due but unpaid at death, are only deductible by the estate on the decedent’s property that is subject to the personal representative’s right of possession.

d. Depreciation and depletion—allocation. If the personal representative of a decedent’s estate has the right to the possession of property eligible for the depreciation allowance, the depreciation is a deduction from the estate’s gross income when the income for the taxable year is accumulated by the estate. If all or part of the income for the year is distributed to the beneficiaries, the deduction for depreciation is apportioned between the estate and the beneficiaries on the basis of the income allocated to each. In the case of an estate, the deduction for depreciation follows the income.

(1) The same depreciation rules apply to simple and complex trusts, with the exception that if the trustee has the right to maintain a reserve for depreciation, and in fact does so, the deduction for depreciation is allocated to the trust to the extent of the reserve maintained, regardless of whether the income is accumulated or distributed.

(2) The rules governing the allowance for depreciation are also the rules to be applied to the allowance for depletion under 26 U.S.C. Section 611.

e. The charitable deduction. The charitable deduction allowed estates and trusts under 26 U.S.C. Section 642(c) is not subject to the percentage of income limitation applicable to individual taxpayers under 26 U.S.C. Section 170(b). The allowable deduction is governed by the terms of the will or trust instrument, which can provide for unlimited payments for charitable purposes. However, an unused charitable contribution carryover of the decedent remaining after the decedent's individual income tax liability for the year of death is determined is not available to the estate. The unused carryover terminates at death, except to the extent it may be used by the surviving spouse. More information can be found in Federal Regulation Section 1.170A-10(d)(4)(iii). The deduction is limited to payments of gross income or amounts permanently set aside for charitable uses. A simple pecuniary bequest to charity in the decedent's will does not qualify for the charitable deduction from the estate's income. It is a payment from the corpus of the estate.

f. Other deductions. The category of other deductions includes those deductions allowable in computing taxable income not receiving special itemized treatment on the Iowa fiduciary return of income. Expenses of administration include but are not limited to a reasonable fee and the necessary expenses of the attorney employed by the personal representative of an estate or the trustee of a trust, a reasonable fee and the necessary expenses of the personal representative of an estate or the trustee of a trust, accounting fees, court costs, and interest paid on federal estate tax during an extension of time to pay.

g. The no double deduction rule. Expenses of administration, certain debts of the decedent like medical expenses incurred prior to death, and losses during the period of administration are proper deductions in computing both the taxable income of an estate or trust (or on the decedent's individual return in case of medical expenses) and the taxable estate for federal estate tax purposes under 26 U.S.C. Sections 2053 and 2054.

(1) The no double deduction rule only applies to trusts when the trust assets are included for federal estate tax purposes. 26 U.S.C. Section 642(g) prohibits the double deduction of those items that qualify as deductions for both taxes.

(2) To prevent the double deduction, the fiduciary return needs to be accompanied with a statement waiving the right to claim all or a portion of the item as a deduction on the federal estate tax return. This waiver is irrevocable. However, unless the waiver has been filed, the decision to claim the deduction or portion of the deduction on the federal estate tax return can be changed anytime prior to the time the item or portion of the item is finally allowed for federal estate tax purposes.

(3) The waiver requirement has no application to estates and trusts not required to file a federal estate tax return.

(4) The no double deduction rule has no application to deductions in respect of a decedent, such as deductions relating to trade or business expenses, interest, taxes, expenses for the production of income, and the allowance for depletion, which are deductible both for income tax purposes and federal estate tax purposes.

h. The net operating loss deduction.

(1) Generally, Iowa Code section 422.9 provides for carryovers of Iowa net operating losses.

(2) However, estates and trusts with a situs outside Iowa are allowed a deduction only for a carryover net operating loss that was incurred prior to January 1, 2023, and attributable to a trade or business activity carried on in the state of Iowa.

i. Capital loss deduction. The capital loss deduction of an estate or trust is computed in the same manner as the capital loss deduction for individual taxpayers. However, it is a deduction only for the estate or trust and is not distributable to a beneficiary, except in the year the estate or trust terminates. Capital losses do not enter into the computation of the deduction for income required to be distributed currently to beneficiaries. During the period of administration of the estate or trust, capital losses can be used only to offset capital gain for simple trusts required to distribute income currently. However, beneficiaries may derive immediate benefit from capital losses when capital gain is required or permitted

to be distributed to beneficiaries prior to closure of the estate or trust since the losses can be used to offset gain before distribution.

j. The distribution deduction. Estates and trusts are allowed to deduct the amounts of income required to be distributed currently and also other amounts properly paid, credited, or required to be distributed to the extent of the distributable net income for the year. For income tax purposes, an estate of a decedent is treated as a complex trust because normally, the personal representative of an estate has the discretion of whether to distribute current income. Therefore, most distributions of income from a decedent's estate fall under the category of "other amounts properly paid, credited, or required to be distributed."

(1) For purposes of a distribution deduction under this chapter, an estate or trust shall receive a distribution deduction only for income taxable to Iowa. For example, municipal interest will be included in the distribution deduction because it is taxable to Iowa. U.S. government interest would not be included because it is not taxable to Iowa. IA 1041, Schedule B, is used to calculate the Iowa income distribution deduction.

(2) The distribution deduction allowed is limited to the distributable net income of the estate or trust for the taxable year. If amounts in excess of distributable net income are distributed to a beneficiary of a decedent's estate, the excess does not constitute taxable income to the beneficiary. Income distributed to a beneficiary of an estate or trust retains the same character in the hands of the beneficiary as it had in the estate or trust, with the exception of unused capital loss distributed on closure to a corporation, in which case the loss is treated as a short-term loss, regardless of its character in the estate or trust. In addition, unless the will or trust instrument specifically provides otherwise, a distribution to beneficiaries is considered to be a proportionate distribution of the different kinds of income composing the distributable net income of the estate or trust. The same character and proportionate distribution rule is illustrated by the following example.

EXAMPLE: Decedent A, a resident of Iowa, died February 15, 2024. Under the terms of the will, all the decedent's property was devised in equal shares to beneficiary B, a resident of Phoenix, Arizona, and beneficiary C, a resident of Cedar Rapids, Iowa. The estate adopted a calendar year as its taxable year. For calendar year 2024, the estate had distributable net income of \$50,000, which is composed of:

Interest income	\$10,000
Dividend income	5,000
Net Iowa farm income	<u>35,000</u>
Total	\$50,000

On December 20, 2024, the estate distributed \$12,500 to beneficiary B, and \$12,500 to beneficiary C. Beneficiaries B and C have received a distribution for 2024 as follows:

<u>Beneficiary B</u>		<u>Beneficiary C</u>	
Interest income	\$2,500	Interest income	\$2,500
Dividends	1,250	Dividends	1,250
Farm income	<u>8,750</u>	Farm income	<u>8,750</u>
Total	\$12,500	Total	\$12,500

The estate is entitled to a deduction of \$25,000 against gross income in 2024 for the distribution to beneficiaries B and C and owes Iowa income tax on the \$25,000 income retained in the estate. Since the interest income of the estate is 20 percent of the distributable net income, 20 percent of the distribution to beneficiaries B and C is considered interest income. Likewise, 10 percent of the estate's distributable net income is dividends and 70 percent farm income. The distribution to B and C consists of a corresponding percentage of dividends and farm income. Beneficiary C, a resident of Iowa, must report the entire distribution of \$12,500 on a 2024 Iowa individual income tax return. Beneficiary B, a resident of Arizona, is only required to report the farm income portion of the distribution (\$8,750) on a 2024 nonresident individual income tax return because dividends and interest are income from intangible

personal property and were not derived from a business, trade, profession or occupation carried on within Iowa by the nonresident. 701—subrule 302.16(5) provides more information.

700.6(7) *The final return—special considerations.*

a. General rule.

(1) In the year of closure, all income received by the estate or trust is considered “other amounts properly paid or credited or required to be distributed” and must be distributed to the beneficiaries according to the terms of the governing instrument. 26 U.S.C. Section 642(h) provides for an exception to the general rule that net operating and capital losses are only available to the taxpayer incurring the loss. Therefore, in the year of closure, any capital loss and net operating loss carryover that remains unused by the estate or trust is passed through the estate or trust and is allowed as a deduction to the beneficiaries succeeding to the property.

(2) If the estate or trust in the year of termination has incurred deductions in excess of gross income that do not qualify for treatment as a net operating or capital loss, such as administration expenses, the excess deductions are passed through the estate or trust and are available to the beneficiaries. They are available only for the year the estate or trust terminates and only as an itemized deduction in the case of an individual beneficiary.

b. Exception to the general rule. If in the year of termination an Iowa ancillary estate makes the required distribution of its income to the primary estate that is not being terminated, instead of to the beneficiaries of the estate, it is proper in the year of closure to treat the income as if it were accumulated by the Iowa ancillary estate. This exception to the general rule relieves the primary estate from the obligation of filing a second fiduciary return, which it would be required to do except for this special rule.

700.6(8) *Computation of the tax due.* The tax due on the taxable income of an estate or trust is computed by using the same tax rate used for computing the individual income tax liability. The provisions of the Iowa Code relating to the maximum net income of an individual before a tax liability is incurred have no application to the tax liability of an estate or trust. The taxable income of a short taxable year is not required to be annualized for the purpose of computing the tax liability. The tax due is to be paid in full within the time prescribed by law, not in installments.

700.6(9) *Credits against the tax.*

a. The personal exemption credit. The estate of a decedent and a trust, whether simple or complex, is allowed the same \$40 credit against the tax as allowed for individual taxpayers. The personal exemption credit is not prorated for short taxable years.

b. Credit for tax paid to another state or foreign country. Iowa Code section 422.8 grants Iowa situs trusts and estates of Iowa resident decedents, which have income derived from sources in another state or foreign country, a credit against the Iowa tax for the income tax paid to the state or foreign country where the income was derived. The credit is computed in the same manner as a full-year resident under rules 701—304.6(422) and 701—304.7(422). Foreign situs trusts and estates of foreign decedents are not allowed a credit against the Iowa tax for the income tax paid another state or foreign country on Iowa source income. Rule 701—304.6(422) as applied to an Iowa situs trust or estate is illustrated by the following example.

EXAMPLE: Decedent A died a resident of Webster City, Iowa, on February 15. Decedent A at the time of death owned income-producing property in both Iowa and Missouri. For the short taxable year ending December 31, A’s estate had the following income and expenses:

Interest	\$ 5,000.00
Dividends	7,500.00
Iowa farm income	20,000.00
Missouri farm income	<u>10,000.00</u>
Iowa gross income	\$ 42,500.00
Less allowable deductions	<u>8,000.00</u>
Iowa taxable income	\$ 34,500.00
Iowa computed tax	\$ 1,311.00

Less personal credit	40.00
Tax subject to credit for foreign taxes paid	\$ 1,271.00
Tentative credit for tax paid to Missouri	\$ 413.00
Maximum credit	\$ 299.06
Lesser of tentative credit or maximum credit	<u>299.06</u>
Iowa tax due	\$971.94

A's estate paid \$413 of income tax to the state of Missouri on the \$10,000 Missouri farm income. This is A's tentative credit.

The maximum credit on the foreign source income is \$604.20, computed as follows:

$$\frac{\text{Foreign income included in gross income } \$10,000}{\text{Total Iowa gross income } \$42,500} \times \$1,271.00^* = \$299.06$$

*\$1,311 is the Iowa computed tax less the \$40 personal credit.

The allowable out-of-state tax credit is \$299.06 because the \$413 of income tax paid to Missouri (tentative credit) is more than the maximum credit of \$299.06. If the Missouri tax paid had been less than the maximum credit, the allowable credit would have been the amount of income tax paid to the state of Missouri.

c. Motor vehicle fuel tax credit.

(1) An estate or trust incurring Iowa motor vehicle fuel tax expense attributable to nonhighway uses may, in lieu of obtaining an Iowa motor vehicle fuel refund, claim as a credit against its Iowa income tax liability the Iowa motor vehicle fuel taxes paid during the taxable year.

(2) A copy of the Iowa motor vehicle fuel tax credit form IA 4136 must be submitted with the fiduciary return of income to substantiate the claim for credit. Any credit in excess of the income tax due shall be refunded to the estate or trust, subject to the right of offset against other state taxes owing.

d. Nonresident/part-year resident credit. The nonresident/part-year resident credit is available for part-year trusts described in subrule 700.3(3) and trusts whose situs is outside Iowa. Rule 701—304.5(422) provides more information on the computation of the nonresident/part-year resident credit allowed for individuals who are either part-year residents of Iowa or nonresidents of Iowa.

e. Other tax credits. All other tax credits set forth in Iowa Code chapter 422, division II, are also available for any estate or trust that meets the criteria for claiming these tax credits. Estates and trusts with a situs in Iowa that are shareholders in S corporations that carry on business within and without Iowa may use the apportionment provisions for S corporation income set forth in 701—Chapter 403. The criteria to determine whether an S corporation is carrying on business within and without Iowa is set forth in 701—subrule 503.1(4).

This rule is intended to implement Iowa Code sections 422.3 through 422.12, 422.14, 422.23, and 633.471 and chapter 452A.

701—700.7(422) Audits, assessments and refunds. Rules 701—305.1(422) through 701—305.3(422) governing the audit of individual income tax returns, the assessment for tax or additional tax due, and the refund of excessive tax paid also govern the audit of the fiduciary income tax return and the assessment and refund of fiduciary income tax.

This rule is intended to implement Iowa Code sections 422.16, 422.25, 422.30, 422.70, and 422.73.

701—700.8(422) The income tax certificate of acquittance.

700.8(1) *In general.* Iowa Code section 422.27 requires the income tax obligation of an estate or trust to be paid prior to approval of the final report by the court. Iowa Code section 422.27 refers only to the report of the executor, administrator or trustee. In addition, the statute makes reference only to a trustee's final report that is approved by a court. A trust that does not report to and is not subject to the supervision of a court will not be issued a certificate of acquittance. However, the statute's reference to a trustee who must report to the court would also include but not be limited to a referee in partition and

the trustee of the estate of an individual bankrupt under Chapter 7 or 11 of Title 11 of the United States Code. What constitutes a trust is a matter of the trust law of the state of situs.

700.8(2) *The application for certificate of acquittance.* The final fiduciary return of income serves as an application for an income tax certificate of acquittance. For a certificate of acquittance to be received, the appropriate box on the final fiduciary return must be checked to request the certificate.

700.8(3) *Requirements for a certificate of acquittance.* The issuance of an income tax certificate of acquittance is dependent upon full payment of the income tax liability of the estate or trust for the period of administration. This includes the obligation to pay composite return tax on distributions of nonresident beneficiaries' Iowa-source income from the estate or trust. In the case of an estate, the income tax liability of the decedent both for prior years and the year of death must be paid to the extent of the probate property subject to the jurisdiction of the court. The probate property must be applied to the payment of the decedent's income tax liability according to the order of payment of an estate's debts and charges specified in Iowa Code section 633.425. If the probate property of the estate is insufficient to pay the decedent's income tax obligation in full, the department, in lieu of a certificate of acquittance, shall issue a certificate stating that the probate property is insufficient to pay the decedent's income tax liability and that the department does not object to the closure of the estate. In the event the decedent's income tax obligation is not paid in full, the closure of the decedent's estate does not release any other person who is liable to pay the decedent's income tax obligation.

700.8(4) *The extent of the certificate.* An income tax certificate of acquittance is a statement from the department certifying that all income taxes due from the estate or trust have been paid in full to the extent of the income and deductions reported to the department. The certificate fulfills the statutory requirements of Iowa Code section 422.27 and the Iowa income tax portion of the requirements of Iowa Code sections 633.477 and 633.479. Providing all other closure requirements are met, the certificate permits the closure of the estate or trust by the court. However, the certificate of acquittance is not a release of liability for any income tax or additional tax that may become due, such as the result of an audit by the Internal Revenue Service or because of additional income not reported. 701—subrule 300.2(1) provides more information on limitations on the period of time to conduct income tax audits.

700.8(5) *Appeals to the director.* A denial of a request for an income tax certificate of acquittance may be appealed. An appeal to the director must be in writing and must be made within 60 days of the denial. 701—Chapter 7 provides more information and governs these appeals to the director.

This rule is intended to implement Iowa Code chapter 17A and sections 421.60, 422.27, 422.28, 633.425, 633.477, and 633.479.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/24/26.

ARC 0404D

UTILITIES COMMISSION[199]

Adopted and Filed

Rulemaking related to electric transmission line franchise process

The Utilities Commission hereby amends Chapter 11, "Electric Lines," and Chapter 25, "Iowa Electrical Safety Code," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 478.19.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 478.

Purpose and Summary

In December 2024, the Midcontinent Independent System Operator (MISO) approved long-range transmission planning projects referred to as Tranche 2.1. To serve as the backbone to the project and to better address anticipated generation and electric demand, MISO selected 765 kV transmission lines. The Iowa Utilities Commission (Commission) anticipates additional buildout of other high voltage transmission lines in the years to come due to growing demand for electricity.

In anticipation of the new projects, the Commission has evaluated potential impacts of this scale of transmission and seeks to minimize impacts to agricultural producers, landowners, and communities. The Commission is adopting rules governing the electric transmission line franchise process (Chapter 11) and the Iowa Electrical Safety Code (Chapter 25), which will establish new requirements for the electric franchise process and set safety standards.

The Commission issued an order adopting amendments on May 19, 2026. The order is available on the Commission's electronic filing system under Docket No. RMU-2025-1125.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on April 1, 2026, as **ARC 0172D**. A public hearing was held on the following date(s):

- April 27, 2026

On April 27, 2026, the Commission held a public hearing, which was attended by Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice; Iowa Farm Bureau Federation (Farm Bureau); ITC Midwest LLC (ITC Midwest); MidAmerican Energy Company (MidAmerican); and Midcontinent Grid Solutions. Stakeholders choosing to speak stood by the content of their written comments.

The Commission received written comments from OCA, the Iowa Association of Electric Cooperatives (IAEC), Farm Bureau, ITC Midwest, and MidAmerican. OCA expressed support for the amendments published in the Notice. IAEC expressed appreciation for the changes the Commission included within amendments contained in the Notice. Farm Bureau requested the addition of language in the guy restriction contained in subrule 25.6(3)—a change the Commission made in the Adopted and Filed. Finally, both ITC Midwest and MidAmerican proposed changes to limit the electric field strength restriction to row crop land increase of land included in the broader definition of crop and pasture land—changes that Farm Bureau opposed and that were not included in the adopted amendments.

At Farm Bureau's request, the Commission added language to the guy restriction contained in subrule 25.6(3). Specifically, if a landowner chooses to consent to the placement of a guyed structure on agricultural land, the additional language requires the agreement "to specifically allow the use of such structures."

Adoption of Rulemaking

This rulemaking was adopted by the Commission on May 19, 2026.

Fiscal Impact

The agency does not anticipate that the rulemaking will have a fiscal impact to the agency or to the State. The agency's obligation to conduct electric transmission line franchise proceedings is imposed by Iowa Code chapter 478 and not these amendments. Further, the agency does not anticipate the amendments will result in a meaningful increase of agency costs to conduct electric transmission line franchise proceedings. However, the amendments are expected to result in an increase of electric transmission line construction costs (i.e., guyed towers are generally less expensive than non-guy-wired towers, costs associated with compliance with noise and field strength restrictions),

although the extent of the cost increase is dependent on numerous factors that would be unique to specific transmission projects (e.g., proposed operating voltage of proposed transmission line, length of proposed line, whether landowners consent to guyed towers). Further, the portions of the amendments that may increase construction costs only apply to electric transmission lines with a maximum operating voltage of 170,000 volts or more, which represents only a portion of transmission projects that come before the Commission. Conversely, certain amendments are anticipated to lessen the impacts that transmission infrastructure will have on agricultural production. Therefore, the agency anticipates that the amendments will mitigate against the decline in revenue due to the loss of agricultural production that would likely occur without the amendments. For these reasons, the agency is unable to determine the fiscal impact of the amendments.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

No waiver provision is included in the proposed amendments because the Commission has a general waiver provision in rule 199—1.3(17A,474,476) that provides procedures for requesting a waiver.

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 July 29, 2026.

The following rulemaking action is adopted:

ITEM 1. Reletter paragraph **11.5(1)“i”** as **11.5(1)“k”**.

ITEM 2. Adopt the following **new** paragraph **11.5(1)“i”**:

i. Exhibit I. This exhibit is required only for electric transmission lines with a maximum operating voltage of 170,000 volts or more. This exhibit shall contain an explanation for the electric company's plan to comply with the noise limit set by 199—subrule 25.6(1). The explanation shall include the assessment at the minimum conductor height and the maximum rms voltage.

ITEM 3. Adopt the following **new** paragraph **11.5(1)“j”**:

j. Exhibit J. This exhibit is required only for electric transmission lines with a maximum operating voltage of 170,000 volts or more. This exhibit shall contain an explanation for the electric company's plan to comply with the maximum electric field strength limit set by 199—subrule 25.6(2). The explanation shall include the assessment at the minimum conductor height and the maximum rms voltage.

ITEM 4. Adopt the following **new** subrule 25.1(4):

25.1(4) Definition of crop and pasture land. For the purpose of this chapter, “crop and pasture land” means any land devoted to agricultural use, including but not limited to land used for crop production, cleared land capable of being cultivated, hay land, pasture land, truck gardens, farmsteads, commercial agricultural-related facilities, feedlots, rangeland, livestock confinement systems, land on which farm buildings are located, and land used to implement management practices and structures for the improvement or conservation of soil, water, air, and related plant and animal resources.

ITEM 5. Adopt the following **new** paragraph **25.2(5)“c”**:

c. “ANSI S12.9-2013/Part 1” as published February 27, 2013; “ANSI S12.9-2013/Part 3” as published February 13, 2015; “ANSI S1.4-2014/Part 1” as published July 21, 2014; and “Institute of Electrical and Electronics Engineers Standard 656-2018” as published February 15, 2018, are adopted as standards for determining noise from electric transmission lines.

ITEM 6. Adopt the following new paragraph **25.2(5)“d”**:

d. The “Institute of Electrical and Electronics Engineers Standard 644-2019” as published November 7, 2019, is adopted as the standard for measuring the electric field strength from electric transmission lines.

ITEM 7. Adopt the following new rule 199—25.6(476,478):

199—25.6(476,478) Additional requirements for higher voltage transmission lines. This rule applies to overhead electric transmission lines with a maximum operation voltage of 170,000 volts or greater for which petitions have been filed pursuant to rule 199—11.5(478) or 199—11.6(478) after January 1, 2027.

25.6(1) Noise restriction. The audible noise from an overhead electric transmission line during a measurement period shall not exceed 55 dBA for more than 50 percent of the measured time. The measurement shall be one hour in length, adjusted for ambient noise, A-weighted, fast-time averaged, and be taken at the edge of the total combined transmission line right-of-way.

25.6(2) Electric field strength restriction. The electric field strength from an overhead electric transmission line shall not be greater than 6,000 volts per meter when measured one meter above the ground anywhere within the transmission line right-of-way.

25.6(3) Guy restriction. Overhead electric transmission line structures primarily reliant on guys for support shall not be constructed on crop and pasture land except by agreement with the landowner to specifically allow the use of such structures.

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